Council meeting agenda

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

Thursday, December 4, 2025 **10:30 AM** **Metro Regional Center, Council chamber; https://zoom.us/j/615079992 (Webinar ID: 615079992) or 253-205-0468 (toll free),**

This Council meeting will adjourn into a work session.

This meeting will be held electronically and in person at the Metro Regional Center Council Chamber. You can join the meeting on your computer or other device by using this link: https://zoom.us/j/615079992 (Webinar ID: 615 079 992)

1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-813-7591 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those wishing to testify in person should fill out a blue card found in the back of the Council Chamber. Those requesting to comment virtually during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

3. Consent Agenda

3.1 Resolution No. 25-5527 For The Purpose of Renewing GSS Transfer, LLC's Solid Waste Facility Franchise to Operate a Transfer Station — RES 25-5527

Attachments: Resolution No. 25-5527
Exhibit A
Exhibit B
Staff Report
Attachment 1 - Public Comment Report

3.2 Resolution No. 25-5529 For the Purpose of Renewing Pride Recycling Company's Solid Waste Facility Franchise — RES 25-5529

to Operate a Transfer Station

Attachments: Resolution No. 25-5529
Exhibit A
Exhibit B
Staff Report

3.3 Resolution No. 25-5526 For the Purpose of Renewing Waste Management of Oregon, Inc.'s Solid Waste Facility Franchise to Operate Forest Grove Transfer Station — RES 25-5526

Attachments: Resolution No. 25-5526
Exhibit A
Exhibit B
Staff Report
Attachment 1 - Public Comment Report

3.4 Resolution No. 25-5524 For the Purpose of Renewing Willamette Resources, Inc.'s Solid Waste Facility Franchise to Operate a Transfer Station — RES 25-5524

Attachments: Resolution No. 25-5524
Exhibit A
Exhibit B
Staff Report

3.5 Resolution No. 25-5528 For the Purpose of Renewing Waste Management of Oregon, Inc.'s Solid Waste Facility Franchise to Operate Troutdale Transfer Station — RES 25-5528

Attachments: Resolution No. 25-5528
Exhibit A
Exhibit B
Staff Report

4. Ordinances (Public Hearing)

4.1 Public Hearing for Proposed Amendments to the 2023 Regional Transportation Plan to Include Locally Preferred Alternatives for the 82nd Avenue Transit Project, the Tualatin Valley Highway Transit and Safety Project, and the Montgomery Park Streetcar Extension — 25-6348

Presenter(s): Ally Holmqvist (she/her), Senior Transportation Planner, Regional Transit Planner

Attachments: Staff Report
Attachment 1: Amendments Process Schedule
Attachment 2: 82nd Ave RTP Amendment Request Memo
Attachment 3: Exhibit A 82nd Ave Redline Amendments
Attachment 4: TV Hwy RTP Amendment Request Memo
Attachment 5: Exhibit A TV Hwy Redline Amendments
Attachment 6: Montgomery Park RTP Amendment Request Memo
Attachment 7: Exhibit A MPSC Redline Amendments
Attachment 8: HCT Project Lifecycle

5. Ordinances (First Reading and Public Hearing)

5.1 Ordinance No. 25-1535 For the Purpose of Amending Metro Code Chapters 3.07 and 3.09 to Make Housekeeping Updates, Modernize Public Notice Methods, Incorporate Plain Language Best Practices, and Implement New Statutory Metro District Annexation Requirements — ORD 25-1535

Presenter(s): Glen Hamburg (he/him), Senior Regional Planner

Attachments: Ordinance No. 25-1535
Exhibit A
Exhibit B
Staff Report
Attachment 1 - Summaries of Amendments
Attachment 2 - House Bill 2356 of the 2024 Legislative Session

5.2 Ordinance No. 25-1539 For the Purpose of Consolidating the Supportive Housing Services Regional Oversight Committee and Tri-County Planning Body Into a New "SHS Regional Policy and Oversight Committee" and Establishing the Committee's Duties and Membership — ORD 25-1539

Presenter(s): Liam Frost (he/him), Interim Housing Director
Yesenia Delgado (she/her), Supportive Housing Services Division Manager
Kristin Dennis (she/her), Metro Chief of Staff

Attachments: Ordinance No. 25-1539
Exhibit A to Ordinance No. 25-1539
Staff Report
Attachment 1 - Draft SHS Reform Actions Memo

8. Adjourn to Work Session

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលពាក្យបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។
បើលោកអ្នកត្រូវការអ្នកបកប្រែកាសនៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

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January 2021

Agenda #: 3.1

File #: RES 25-5527 **Agenda Date:**10/30/2025

Resolution No. 25-5527 For The Purpose of Renewing GSS Transfer, LLC's Solid Waste Facility Franchise to Operate a Transfer Station

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING GSS TRANSFER, LLC'S SOLID WASTE FACILITY FRANCHISE TO OPERATE A TRANSFER STATION	)))))	RESOLUTION NO. 25-5527 Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, GSS Transfer, LLC holds Metro Solid Waste Facility Franchise Number F-019-20H to operate a transfer station, which expires on December 31, 2025.

WHEREAS, GSS Transfer, LLC filed a complete application in August 2025 seeking a renewed Metro Solid Waste Facility Franchise pursuant to Metro Code Section 5.01.210(a); and

WHEREAS, GSS Transfer, LLC does not propose to alter any activities that already occur at its transfer station site; and

WHEREAS, by January 1 of each year Metro may allocate putrescible waste tonnage to a private transfer station that is franchised under Metro Code Chapter 5.01 in accordance with the allocation framework provided in Metro Code and methodology provided in the applicable administrative rules; and

WHEREAS, Metro Council adopted the Regional Systems Facility Plan in March 2025 (Resolution No. 25-5459), which may require future amendments to the Metro Solid Waste Facility Franchise to implement the Plan; and

WHEREAS, the Metro Council finds that the proposed Metro Solid Waste Facility Franchise renewal is in the public interest and meets the criteria set forth in Metro Code Section 5.01.180; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under Metro Code Section 5.01.180 regarding issuing a franchise; and

WHEREAS, the Chief Operating Officer recommends that Metro issue renewed Solid Waste Facility Franchise No. F-019-26 to GSS Transfer, LLC as provided in Exhibit A to the Resolution; now therefore.

BE IT RESOLVED that the Metro Council

1. Incorporates the Chief Operating Officer's analysis as set forth in Exhibit B to this Resolution regarding the relevant factors required for a franchise.
2. Approves the Metro Solid Waste Facility Franchise application for GSS Transfer, LLC to operate a transfer station subject to the terms, conditions and limitations contained in Exhibit A.
3. Authorizes the Chief Operating Officer to issue GSS Transfer, LLC a renewed Metro Solid Waste Facility Franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 4th day of December 2025.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

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

METRO SOLID WASTE FACILITY FRANCHISE

No. F-019-26

FRANCHISEE:	**FACILITY NAME AND LOCATION:**
GSS Transfer, LLC 2131 NW Birdsdale Avenue Gresham, Oregon 97030 Phone: 503-665-2424	GSS Transfer, LLC 2003 NW Birdsdale Avenue Gresham, Oregon 97030 Phone: 503-665-2424
OPERATOR:	**PROPERTY OWNER:**
GSS Transfer, LLC 2131 NW Birdsdale Avenue Gresham, Oregon 97030 Phone: 503-665-2424	Michael & Deborah Miller PO Box 1560 Gresham, Oregon 97030 Phone: 503-665-2424

ISSUED BY METRO:

Warren Johnson, Policy and Compliance Program Director

Date

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1.0	ISSUANCE	
1.1	**Corporate affiliation**	Gresham Sanitary Service, Inc. 2131 NW Birdsdale Avenue Gresham, Oregon 97030
1.2	**Contact**	Matt Miller Phone: 503-665-2424 E-mail: matt@gss-nw.com
1.3	**Term**	January 1, 2026 to December 31, 2030, unless amended, suspended or revoked as provided in this franchise.
1.4	**Renewal**	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.5	**Facility name and mailing address**	GSS Transfer, LLC. PO Box 1560 Gresham, Oregon 97030
1.6	**Facility premises description**	Tax Lot Identification Nos. 1S3E05AD 01500, 01600, 01700, 00400, and 1S3E05DA 00100, City of Gresham, Multnomah County, State of Oregon. Metro may inspect the facility site and any areas directly related to the transfer station operations as per Section 13.3.
1.7	**Permission to operate**	The property owner consents to the use of the property as a transfer station by the franchisee.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	**Guarantees**	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	**Non-exclusive franchise**	This franchise does not limit Metro from granting other solid waste franchises within Metro's jurisdictional boundary.
2.3	**Property rights**	This franchise does not convey any property rights in either real or personal property.
2.4	**Amendment**	Except as provided in Section 12.0, no amendment is effective unless approved by the Metro Council.
2.5	**No recourse**	The franchisee will have no recourse against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement

		of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
2.6	**Indemnification**	The franchisee must indemnify Metro, the Council, the Chief Operating Officer and any of Metro's employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.7	**Waivers**	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by Metro.
2.8	**Effect of waiver**	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	**Enforceability**	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.10	**Franchise not a waiver**	This franchise does not relieve any owner, operator or the franchisee from the obligation to obtain all required permits, franchises or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.11	**Franchise not limiting**	This franchise does not limit the power of a federal, state or local agency to enforce any provision of law relating to the facility.
2.12	**Definitions**	1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes cleanup material, source-separated recyclable material, special waste, land clearing debris and yard debris. 2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

3.0	**AUTHORIZATIONS**	
3.1	**General conditions on solid waste**	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.

3.2	**General conditions on activities**	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0.
3.3	**Acceptance and management of putrescible solid waste**	1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery**.** 2. The franchisee must receive, manage, store, reload and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers. 3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste. 4. The franchisee must transfer all putrescible waste off-site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.4	**Acceptance and management of mixed non-putrescible solid waste**	1. The franchisee is authorized to accept loads of mixed non-putrescible solid waste from all customers including public self-haul for reload and transfer to a facility authorized by Metro to perform material recovery. 2. Except as provided below in subsections (a) and (b), the franchisee must receive, sort, store, reload and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides. (a) Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt, or by the end of the business day, whichever is earlier. (b) Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered within 12 hours of receipt, or by the end of the business day, whichever is earlier. 3. The franchisee must transfer all mixed non-putrescible waste off-site within 48 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.5	**Acceptance of source-separated recyclable materials**	1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises. 2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to

		preparing these materials for reuse or recycling. 3. The franchisee must transfer all source-separated recyclable materials off-site within 180 days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.6	**Acceptance of yard debris**	1. The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce odors detectable beyond the boundaries of the facility. 2. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. 3. The franchisee must transfer all yard debris off-site within seven days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.7	**Acceptance of source-separated food waste**	1. The franchisee is authorized to accept source-separated food waste for reloading to an authorized facility for composting, anaerobic digestion or other resource recovery process as described in an operating plan and approved in writing by Metro. 2. Notwithstanding subsection 3.9.1 above, the Chief Operating Officer may amend this franchise as described in section 12.0 to require the franchisee to accept source-separated food waste. 3. If the franchisee accepts source-separated food waste, then the franchisee must: (a) Reload and transfer all source-separated food waste, including residential yard debris mixed with food waste, from the site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro; (b) Protect the quality of source-separated food waste such that it is suitable for composting, anaerobic digestion or other resource recovery process that is approved in writing by Metro; and (c) Transport all source-separated food waste to a Metro-authorized facility for recovery.
3.8	**Acceptance of untreated wood**	The franchisee is authorized to accept, for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro.
3.9	**Acceptance of painted and treated wood**	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in

		writing by Metro. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock or any other product unless otherwise described in an operating plan and approved in writing by Metro.
3.10	**Acceptance of electronics devices**	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer, and other similar functions related to preparing these materials for reuse, recycling or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.11	**Acceptance of inert material**	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer and other similar functions related to preparing these materials for useful purposes.
3.12	**Facility Capacity**	The franchisee must not exceed its designed operational capacity. If the transfer station reaches operational capacity, the franchisee must not accept additional material for processing or transfer.
3.13	**Production of hogged fuel**	1. The franchisee is authorized to accept and process only untreated wood, painted wood and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in Section 3.12.1 for the production of hogged fuel.

4.0	**LIMITATIONS AND PROHIBITIONS**	
4.1	**Tonnage allocation**	1. The franchisee is authorized to accept putrescible waste generated inside the Metro region as provided in this franchise. 2. By January 1 of each year, Metro will amend this franchise to establish an annual tonnage allocation amount for the franchisee. 3. Metro will determine the tonnage allocation amount in accordance with allocation methodology provided in Metro Code Chapter 5.01 and applicable administrative rules. 4. For calendar year 2026, beginning on January 1 and ending December 31, 2026, the franchisee is authorized to accept up to XX,XXX tons of putrescible waste generated inside the Metro region.
4.2	**Waste hauler access**	It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers. Therefore: 1. The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting

		any putrescible or non-putrescible waste generated inside the Metro region; 2. The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay or risk of exceeding the franchise tonnage allocation; and 3. Metro may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.
4.3	**Prohibited waste**	The franchisee must not knowingly receive, process, reload or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; explosives; or any waste prohibited by DEQ.
4.4	**Prohibition on mixing**	The franchisee must not mix different waste types unless such mixing is described in an operating plan and approved in writing by Metro.
4.5	**Prohibition of size reduction on non-putrescible waste**	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved in writing by Metro.
4.6	**No disposal of recyclable materials**	The franchisee must not transfer source-separated recyclable materials to a disposal site including, without limitation, landfills and incineration facilities, without written permission from Metro and DEQ.
4.7	**Composting prohibited**	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.8	**Limits not exclusive**	This franchise will not be construed to limit, restrict, curtail or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	**REGIONAL WASTE PLAN**	
5.1	**Regional Waste Plan**	1. Metro plans, manages and oversees the region's solid waste system to achieve the goals and actions outlined in the 2030 Regional Waste Plan.

		2. Metro may amend this franchise and establish new requirements for the franchisee to achieve the goals and actions of the 2030 Regional Waste Plan.

6.0	OPERATING CONDITIONS	
6.1	**General performance standards**	The franchisee must operate in a manner that meets the following general performance standards: 1. Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. 2. Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. 3. Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.
6.2	**Qualified operator**	1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and that is qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan. 3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
6.3	**Fire prevention**	The franchisee must provide fire prevention, protection and control measures including, but not limited to: 1. Adequate water supply for fire suppression; 2. Procedures in place to isolate potential heat sources and/or flammables from processing and storage areas; and 3. Comply with all applicable Oregon Fire Code and pile size requirements.
6.4	**Adequate vehicle accommodation**	The franchisee must: 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must

		maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. 2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. 3. Post signs to inform customers not to queue on public roadways. 4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site covering and uncovering of loads.
6.5	**Managing prohibited wastes**	1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received. 2. The franchisee must implement a load-check program to prevent the acceptance of prohibited waste. This program must include at a minimum: (a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise. (b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination. (c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling and disposition of prohibited waste and make those records available for review by Metro. 3. Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by DEQ or local government.
6.6	**Storage and exterior stockpiles**	The franchisee must: 1. Manage, contain and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards; 2. Maintain storage areas in an orderly manner and keep the areas free of litter;

		3. Position exterior stockpiles within footprints and allowed dimensions (length, width, and height) in accordance with Oregon fire Code and as identified on the facility site plan or operating plan; and 4. Not stockpile recovered or source-separated materials for longer than 180 days.
6.7	**Dust, airborne debris and litter**	The franchisee must operate the facility in a manner that controls and minimizes the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must: 1. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit; 2. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit; 3. Maintain and operate all access roads and receiving, processing, storage and reload areas in such a manner as to control and minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site; 4. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation; 5. Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and 6. Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.
6.8	**Odor**	1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site. 2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.
6.9	**Vectors (e.g. birds, rodents, insects)**	1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.

6.10	**Noise**	The franchisee must operate the facility in a manner that controls and minimizes any noise sufficient to cause adverse off-site impacts and meets applicable regulatory standards and land-use regulations.
6.11	**Water contaminated by solid waste and solid waste leachate**	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: 1. Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and 2. Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state and federal laws and regulations.
6.12	**Access control**	1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
6.13	**Signage**	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible and legible from off-site during all hours and must contain at least the following information: 1. Name of the facility; 2. Address of the facility; 3. Emergency telephone number for the facility; 4. Operating hours during which the facility is open for the receipt of authorized waste; 5. Rates and charges; 6. Metro's name and telephone number (503) 234-3000; 7. A list of authorized and prohibited wastes; 8. Vehicle / traffic flow information or diagram; 9. Covered load requirements; and 10. Directions not to queue on public roadways.
6.14	**Complaints**	1. The franchisee must respond to all complaints in timely manner including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic and vectors, and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the franchisee must: (a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts, whether successful or unsuccessful; and

		(b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.
6.15	**Access to franchise document**	The franchisee must maintain a copy of this franchise on the facility's premises in a location where facility personnel and Metro representatives have ready access to it.
6.16	**Employment standard**	The franchisee must comply with Oregon's "ban the box" law (ORS 659A.360) which makes it unlawful for an employer to inquire about criminal convictions before the interview stage of hiring.

7.0	**OPERATING PLAN**	
7.1	**Plan compliance**	The franchisee must operate the facility in accordance with an operating plan approved in writing by Metro. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by Metro.
7.2	**Plan maintenance**	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures and requirements. The franchisee must submit amendments and revisions of the operating plan to Metro for written approval prior to implementation.
7.3	**Access to operating plan**	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	**Procedures for inspecting loads**	The operating plan must include: 1. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; 2. Procedures for identifying incoming and outgoing loads for waste classifications; 3. A set of objective criteria for accepting and rejecting loads; and 4. An asbestos testing protocol for all materials that appear to contain asbestos.
7.5	**Procedures for Mixing Waste Types**	The operating plan must include: 1. Circumstances under which waste types will be mixed; and 2. Procedures for record keeping and reporting for mixed outbound loads.

7.6	**Procedures for processing and storage of loads**	The operating plan must include procedures for: 1. Processing authorized solid wastes; 2. Reloading and transfer of authorized solid wastes; 3. Managing stockpiles to ensure that they remain within the footprint and pile sizes (mass, length, width and height) identified on the site plan and in compliance with Oregon Fire Code and all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits; 4. Storing authorized solid wastes; and 5. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	**Procedures for managing prohibited wastes**	The operating plan must include procedures for managing, reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must include procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.8	**Procedures for odor prevention**	The operating plan must include procedures for controlling and minimizing odors generated at the facility from being detected off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage odors of any derivation including odorous loads delivered to the facility; and 2. Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions and remedying promptly all odor problems at the facility.
7.9	**Procedures for dust prevention**	The operating plan must include procedures for controlling and minimizing dust from blowing off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage dust of any derivation; and 2. Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions and remedying promptly all dust problems at the facility.
7.10	**Procedures for emergencies**	The operating plan must include procedures that the franchisee will follow in case of fire or other emergency.
7.11	**Procedures for complaints**	The operating plan must include procedures for managing complaints. 1. For every complaint received (for example odor, dust, vibrations and litter), the franchisee must record:

		(a) The nature of the complaint; (b) The date the complaint was received; (c) The name, address and telephone number of the person or persons making the complaint; and (d) Any actions taken by the operator in response to the complaint, whether successful or unsuccessful. 2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
7.12	**Closure protocol**	1. The franchisee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01. 2. The plan must include protocol for: (a) Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and (b) Long-term closure (duration of time that is 120 consecutive days or more in length). 3. The franchisee must give at least 24-hour notice to Metro prior to the short-term closure of the facility. 4. The franchisee must give at least 90 days written notice to Metro prior to the long-term closure of the facility.

8.0	**FEES AND RATES**	
8.1	**Annual fee**	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
8.2	**Rates**	1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority. 2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13. 3. The franchisee must notify Metro in writing at least 30 days before making any changes to the posted rates charged at the facility for accepting solid waste (including disposal rates, transaction fees, and other charges). 4. The franchisee must provide Metro with a copy of any rate notification that it sends to its commercial customers within five business days of the notification.

8.3	**Regional system fee and excise tax**	1. The franchisee is liable for payment of the Metro regional system fee, as provided in Metro Code Chapter 5.02, and the Metro excise tax, as provided in Metro Code Chapter 7.01, on all solid waste transported to a disposal site. 2. The franchisee must pay the regional system fee and excise tax to: (a) Metro as required by a non-system license issued to the franchisee; or (b) A designated facility that is authorized by Metro to collect and remit fees and taxes on behalf of the franchisee. 3. Notwithstanding Subsection 2, the franchisee may pay to Metro the regional system fee and excise tax for waste transported to a designated facility if approved in writing by Metro. In such instance, the franchisee must perform the following by the last day of each month: (a) Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; and (b) Remit to Metro the requisite regional system fee and excise tax in accordance with this franchise and Metro Code provisions applicable to the collection, payment, and accounting of those fees and taxes. 4. The franchisee must pay to Metro a finance charge for any delinquent regional system fee and excise tax payment as set forth under Metro Code Chapters 5.02 and 7.01. 5. The franchisee must make available to Metro for inspection all records from which Sections 8.0 and 9.0 are derived.
8.4	**Metro community enhancement fee imposed on waste received**	The franchisee must: 1. Collect a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to $1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste. 2. Remit to Metro the community enhancement fees described in this section by the last day of each month for waste received in the preceding month.

9.0	**RECORD KEEPING AND REPORTING**	
9.1	**Record keeping requirements**	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads and disposes. These records must include the information specified in the Metro document titled, *Reporting*

		Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements.
9.2	**Reporting requirements**	1. The franchisee must transmit to Metro records required under Sections 8.0 and 9.0 no later than fifteen days following the end of each month in a format prescribed by Metro. 2. Notwithstanding Subsection 1, Metro may require the franchisee to report the records required by Sections 8.0 and 9.0 on a weekly or daily basis in the event of a significant disruption to the solid waste system.
9.3	**Account number listing**	Within five business days of Metro's request, the franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.4	**Transactions based on scale weights**	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales.
9.5	**DEQ submittals**	The franchisee must provide Metro with copies of all correspondence, exhibits or documents submitted to DEQ relating to the terms or conditions of DEQ solid waste permit or this franchise within five business days of providing such information to DEQ.
9.6	**Copies of enforcement actions provided to Metro**	The franchisee must provide Metro with copies of any notice of violation or noncompliance, citation or any other similar enforcement actions issued to the franchisee by any federal, state or local government (other than Metro) related to the operation of the facility within five days of receipt.
9.7	**Unusual occurrences**	1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise, with Metro Code or which will create off-site impacts. 3. The franchisee must report any facility fires, accidents, emergencies and other significant incidents to Metro within 12 hours of the discovery of their occurrence. 4. The franchisee must report any long term or short term closures as provided in Section 7.12.
9.8	**Changes in ownership**	1. Any change in control of the franchisee or the transfer of a controlling interest of the franchisee requires prior written notice to

		Metro. "Transfer of a controlling interest of the franchisee" includes without limitation the transfer of 10% or more of the ownership of the franchisee to or from a single entity. Metro may amend this franchise under Section 12.2 to require the new ownership of the franchisee to assume all the rights and obligations of this franchise. 2. The franchisee may not lease, assign, mortgage, sell or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Chapter 5.01.

10.0	**INSURANCE REQUIREMENTS**	
10.1	**General liability**	The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than $1,000,000 per occurrence. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. The franchisee's coverage will be primary as respects Metro.
10.2	**Automobile**	The franchisee must carry automobile insurance with coverage for bodily injury and property damage, and with limits not less than minimum of $1,000,000 per accident or combined single limit.
10.3	**Additional insureds**	Metro, its elected officials, departments, employees, volunteers and agents must be named as ADDITIONAL INSUREDS on the Commercial General Liability policy. The franchisee must include the additional insured endorsement along with the certificate of insurance.
10.4	**Workers' compensation insurance**	1. The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law, and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. 2. The Workers' Compensation Insurance must meet Oregon statutory requirements including Employer's Liability with limits not less than $1,000,000 per accident or disease. 3. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.5	**Certificate of insurance**	1. The franchisee must provide Metro with a Certificate of Insurance complying with this Section 10. 2. The franchisee must list Metro as the certificate holder.

		3. Upon insurance renewal, the franchisee must submit an updated certificate of insurance and the additional insured endorsement to Metro via email (SWICC@oregonmetro.gov).
10.6	**Notification**	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

11.0	**ENFORCEMENT**	
11.1	**Authority vested in Metro**	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against the franchisee.
11.2	**No enforcement limitations**	This franchise may not be construed to and does not limit, restrict, curtail or abrogate any enforcement provision contained in Metro Code or administrative rules adopted pursuant to Metro Code, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety or welfare of any person or persons within the Metro jurisdictional boundary, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
11.3	**Penalties**	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

12.0	**AMENDMENT, SUSPENSION AND REVOCATION**	
12.1	**Amendment by Metro Council**	Except as provided in Section 12.2, the provisions of this franchise will remain in effect unless the Metro Council: 1. Amends the Metro Code, amends the 2030 Regional Waste Plan or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; or 2. Adopts an ordinance or resolution amending this franchise to implement policy, code or other requirements such as the 2030 Regional Waste Plan.
12.2	**Amendment, suspension or revocation by Metro**	The Chief Operating Officer may, at any time before the expiration date, amend, suspend or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: 1. Violation of the terms or conditions of this franchise, Metro Code or any applicable statute, rule, or standard;

		2. Changes in local, regional, state or federal laws or regulations that should be specifically incorporated into this franchise, such as Metro actions to implement new requirements from the 2030 Regional Waste Plan; 3. Failure to disclose fully all relevant facts; 4. A significant release into the environment from the facility; 5. Significant change in the character of solid waste received or in the operation of the facility; 6. Any change in ownership or control; 7. A request from the local government stemming from impacts resulting from facility operations; 8. A change of authorization request received from the franchisee; 9. Compliance history of the franchisee; and 10. Changes in the tonnage allocation based on new information, or changes in methodology, administrative rule or Metro Code.

13.0	**GENERAL OBLIGATIONS**	
13.1	**Compliance with law**	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.01, whether or not those provisions have been specifically mentioned or cited in this franchise. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth in this franchise. These conditions and permits include those cited within or attached as exhibits to the franchise document, any existing at the time the franchise is issued but not cited or attached, and any issued or amended during the term of the franchise.
13.2	**Transport waste to appropriate destinations**	The franchisee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
13.3	**Right of inspection and audit**	1. The franchisee must allow Metro's authorized representatives to access the facility and premises at any time during business hours, with or without advanced notice. For non-business hours, the franchise must allow access to Metro's authorized representatives upon receiving advanced notice of not less than 24 hours. 2. Metro's authorized representatives may take photographs, collect samples of materials and perform any inspection or audits as Metro

		considers appropriate. 3. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the applicable confidentiality provisions in Section 13.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the facility's operation and its rates. 4. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, to perform research at all times during business hours, with or without notice. The franchisee must provide: (a) Access to all areas where it generates, manages, stores, and reloads waste, including without limitation to transfer vehicles; (b) Access to facility personnel and equipment to collect, sort, store and weigh waste; and (c) Access to a safe, covered location away from working areas and vehicle traffic on site where authorized representatives of Metro analyze waste and record data.
13.4	**Confidential information**	1. The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. 2. If Metro receives a public records request seeking disclosure of information identified as confidential by the franchisee, Metro will provide the franchisee with a courtesy notice of that request within five days of receipt of the request. 3. This Section 13.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. 4. Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.

13.5	**Compliance by agents**	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

LC

Legal Antecedents
Pursuant to Metro Code 5.01.180, the Council will consider the following factors when determining whether to issue a franchise:

(1) *Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Waste Plan;*

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the 2030 Regional Waste Plan and specifically aligns with many of the goals of the plan, including goals 12, 13 and 16:

- **Goal 12**: Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
- **Goal 13**: Invest in communities that receive garbage and recyclables from the Metro region so that those communities regard solid waste facilities as assets.
- **Goal 16**: Maintain a system of facilities, from small recycling drop-off depots to larger full-service stations, to ensure equitable distribution of and access to services.

The proposed renewal is also in alignment with the Regional System Facilities plan adopted by Metro Council in March 2025, which envisions continued operations of the six privately owned transfer stations operating within the Metro region.

(2) *The effect that granting a franchise will have on the cost of solid waste disposal and recycling services for the residents of the region;*

GSS Transfer, LLC has not requested any significant change in authorization or operational activities at this facility. Renewing the franchise would help ensure continuity of transfer service and minimize potential disruptions to the solid waste system. This is an existing transfer station that is part of the region's solid waste system. As such, the proposed renewal is not expected to have any significant impact on the cost of solid waste disposal and recycling services for the residents of the region.

(3) *Whether granting a franchise is likely to adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner;*

Metro staff is not aware of any facility incidents or operating procedures that adversely affected the health, safety and welfare of Metro's residents in an unreasonable manner during the term of the current franchise. Staff finds it unlikely that the franchised operation will adversely affect the health, safety and welfare of Metro's residents due to the type of activity performed and the good compliance record of the operator. The facility is also regulated and monitored by the Oregon Department of Environmental Quality (DEQ).

(4) *Whether granting a franchise is likely to adversely affect nearby residents, property owners, or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;*

GSS Transfer, LLC is an existing transfer station and began operations as an exempt solid waste reload facility in 1992. GSS became a Metro-franchised transfer station in 2016. Based on the operator's demonstrated experience and good compliance history, staff finds it unlikely that GSS' operations would cause unreasonable adverse impacts on the surrounding neighborhood.

(5) *Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement and standards of this chapter, the administrative rules and performance standards adopted pursuant to Chapter 5.08 and other applicable local, state, and federal laws, rules, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.*

Metro has a long history with this facility and staff finds that the applicant is likely to comply with regulations and standards if the franchise is renewed.

IN CONSIDERATION OF RESOLUTION NO. 25-5527, FOR THE PURPOSE OF RENEWING GSS TRANSFER, LLC'S SOLID WASTE FACILITY FRANCHISE TO OPERATE A TRANSFER STATION

Date: November 17, 2025
Department: Waste Prevention and Environmental Services
Meeting Date: December 4, 2025

Prepared by: Lisa Clark, 971-806-7459, lisa.clark@oregonmetro.gov
Presenter if requested: Hila Ritter
Length: Consent agenda

ISSUE STATEMENT
GSS Transfer, LLC (GSS), a Metro-authorized transfer station located at 2003 NW Birdsdale Avenue in Gresham, seeks to renew its Metro solid waste facility franchise. Metro Code Section 5.01.210 states that Metro Council will approve or deny a solid waste facility franchise renewal.

ACTION REQUESTED
Approve Resolution No. 25-5527 which will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to GSS for a term of five years.

IDENTIFIED POLICY OUTCOMES
Approval of this resolution will support the goals of the Regional Waste Plan and Regional System Facilities Plan. This staff report further describes this expected policy outcome.

POLICY QUESTION(S)
Should Metro Council approve the applicant's franchise application and authorize the Chief Operating Officer to renew the solid waste facility franchise for GSS in accordance with Metro Code Section 5.01.210 and as described in this resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER
1. Adopt Resolution No. 25-5527 to renew the solid waste facility franchise for GSS.

2. Amend Resolution No. 25-5527 to issue a renewed franchise to GSS with different conditions other than those recommended by staff.

3. Do not approve Resolution No. 25-5527. If Council does not adopt this resolution, GSS will not be authorized to accept, process, or transfer solid waste.

STAFF RECOMMENDATIONS
Staff recommends that Council adopt Resolution No. 25-5527 to approve the renewal of the solid waste facility franchise for GSS. If Council approves this resolution, the renewed franchise (F-019-26) will go into effect on January 1, 2026.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION
The current franchise for GSS became effective on January 1, 2020, and expires on December 31, 2025. GSS applied to renew its franchise without any changes to its current authorization.

The proposed franchise includes several housekeeping changes and minor updates to clarify regulatory requirements and standardize terminology with other authorizations for increased

consistency. The proposed housekeeping updates are listed below and will be included as standard regulatory provisions in all authorizations for similarly situated facilities going forward.

- Section 3.14 - Facility capacity; adds the requirement from Administrative Rule No. 5.01-3120.8 that the franchisee must not exceed the designed operational capacity of the transfer station. This is a standard requirement applicable to all Metro-authorized transfer stations.

- Section 4.1 - Tonnage allocation; this section will be updated with the calendar year 2026 allocation before the renewed franchise is issued.

- Sections 6.3 - Fire prevention, 6.6.3 - Storage and exterior stockpiles, and 7.6 – Procedures for processing and storage of loads; these sections were updated to clarify that the franchisee must manage materials stockpiles in accordance with Oregon Fire Code requirements and as described in the facility site plan and operating plan.

- Section 6.16 - Employment standard; this section was updated to clarify that the facility must comply with Oregon's "ban the box" law (ORS 659A.360).

- Section 8.3.4 – Regional system fee and excise tax; this is a standard requirement applicable to all Metro-authorized transfer stations.

Legal Antecedents
Pursuant to Metro Code 5.01.210(b), the Council must approve renewal of a solid waste facility franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria outlined in Metro Code 5.01.180. The staff analysis considering the factors described in Metro Code Section 5.01.180(f) when determining whether to issue a franchise are included as Exhibit B to Resolution No. 25-5527.

Financial Implications
The proposed franchise renewal is not expected to have any financial implications for Metro at this time. This is an existing transfer station that is part of the region's solid waste system. Metro currently allocates up to 60 percent of the region's putrescible waste to private transfer stations using a tonnage allocation methodology.

The current tonnage allocation program has been in place since January 1, 2020, and Metro is planning to evaluate the program to assess potential future changes. To allow time for the evaluation, there will be no changes to the tonnage allocation process for 2026. The proposed franchise renewal is expected to have minimal impact on Metro's Solid Waste Fund operating costs and revenues under the current allocation methodology.

Known Opposition
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 156 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 254 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025, and closed on September 15, 2025. Metro received two comments about the proposed franchise renewal.

Metro shared these comments with the facility operator and provided an opportunity to respond. Full comments and responses from Metro are included in this staff report as Attachment 1: Public comment report.

BACKGROUND

The applicant, GSS is a local, family-owned company. GSS is a partner company of Gresham Sanitary Service, Inc., a waste collection business established in 1948. GSS began operations as an exempt solid waste reload facility in 1992 at its base of operations located at 2131 NW Birdsdale Avenue in Gresham (Metro Council District 1). In 2016, the Metro Council authorized GSS to expand its operations from processing and reloading waste to other transfer stations, to becoming a franchised transfer station that transports waste directly to a landfill.

In May 2022, GSS Transfer, LLC began construction of a new transfer station building on its property directly south of the old building. Construction was completed in November 2023, and the City of Gresham assigned a new address of 2003 NW Birdsdale Avenue in Gresham and added tax lot 1S3E05DA 00400. The former transfer building located at 2131 NW Birdsdale Avenue was demolished in July 2025. Operations and support staff for Gresham Sanitary Service remain at 2131 NW Birdsdale Avenue, in Gresham.

The facility currently holds a Metro-issued franchise (F-019-20H) to operate a transfer station authorized to receive solid waste. Under the terms of the existing franchise, GSS is authorized to accept up to 73,558 tons of putrescible waste generated from within the Metro region in calendar year 2025. GSS also holds a solid waste disposal site permit for a transfer station facility (Permit No. 1392) and a 1200-C stormwater permit (Permit No. 12382) both issued by the Oregon Department of Environmental Quality (DEQ).

During the current franchise term (January 1, 2020 to December 31, 2025), Metro staff conducted nine site inspections at GSS as of the date of this report. Staff find the facility to be a generally well-run operation with good compliance record.

DEQ and city of Gresham reported there are no current enforcement or compliance issues associated with this site. The applicant is well known to Metro and has extensive experience as a participant in Metro's solid waste system. Staff finds that the applicant is qualified to operate a transfer station and is likely to comply with regulations and standards if the franchise is renewed.

On August 8, 2025, the applicant submitted a complete solid waste facility franchise application accompanied by payment of the requisite application fee of $500. The applicant has not requested any changes to its current authorization.

ATTACHMENTS

- Attachment 1 to Resolution No. 25-5527 Public comment report

Public comment report

Attachment 1 to Staff Report for Resolution No. 25-5527

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

November 17, 2025

Prepared by: Lisa Clark
971-806-7459

Background
Adoption of Resolution No. 25-5527 will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to GSS Transfer, LLC (GSS) to operate a transfer station for a term of five years.

On July 16, 2025, the applicant submitted to Metro a complete solid waste facility franchise application accompanied by payment of the requisite application fee of $500. The applicant did not request any changes to its current authorization.

Public notice and opportunity to comment
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 156 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 254 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025, and closed on September 15, 2025. Metro received two comments about the proposed franchise renewal and shared them with GSS. Metro redacted all personal identifying information prior to providing the comments to the applicant. GSS declined to provide a response to public comments.

Summary of written public comments on application
Metro received two public comments on the franchise renewal application for GSS:

Comment #1: Gresham Sanitary has always been a good neighbor, acting very responsibly. Keeping their facility clean and nice. Super convenient for recycling electronics.

Metro response # 1 - Convenience and cleanliness:
Public comments, including this submission, are appreciated and considered as part of staff's analysis and recommendations.

Comment #2: Wish to move to a remote areas where it is far from residential area because the trash smell is more heavy now.

Metro response # 2 – Facility location and odors

Metro is responsible for planning, managing and overseeing the region's solid waste system. It has an obligation to the public to ensure that the waste intended for reuse, recycling and other purposes is handled properly and sent to appropriate markets, and that all other waste is safely managed and disposed.

Metro and Oregon Department of Environmental Quality (DEQ) regulate GSS and closely monitor the facility to ensure it meets applicable regulatory requirements. Metro routinely performs inspections at the facility to monitor compliance and coordinate with other regulatory agencies including DEQ and the City of Gresham to address and resolve compliance issues.

The proposed solid waste franchise includes requirements for the facility to control and minimize off-site impacts. In particular, the proposed franchise requires the operator to meet performance standards in three areas:

1. **Environment:** The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes.
2. **Health and safety:** The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.
3. **Nuisances**: The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.

Additionally, the proposed franchise carries forward a requirement that the facility operate in a manner that controls and minimizes the generation of odors that are detectable off-site including sweeping and washing of the tipping floors, managing materials inside of buildings and containers, and removing putrescible waste from the site within 24 hours.

The facility is zoned as heavy industrial (IH) by the City of Gresham and the use of the property to conduct activities defined in the proposed franchise are permitted outright. According to the City of Gresham, GSS is located in a "Heavy Industrial Zone" and holds the necessary land use approval for a transfer station operation. Metro relies on local governments, like the City of Gresham, to determine land use compatibility within their respective jurisdictions. Metro also relies on local governments to evaluate and address traffic concerns.

Gresham Sanitary began operations as an exempt solid waste reload facility in 1992 at its base of operations located at 2131 NW Birdsdale Avenue in Gresham. In 2016, the Metro Council authorized Gresham Sanitary to expand its operations from reloading waste to other transfer stations, to becoming a franchised transfer station that transports waste directly to a landfill.

The facility plays an important role in the region's solid waste system. The solid waste system is currently comprised of two publicly owned transfer stations and six privately owned transfer stations within the region.

During the current franchise term (January 1, 2020 to December 31, 2025), the City of Gresham reported it has not received any complaints, taken any enforcement action and expressed no concerns about the facility or the facility operator.

In addition to performing routine site inspections, Metro investigates facility complaints and works with facility operators to address issues and concerns that arise. The public can share feedback, including complaints to Metro using its Solid waste facility complaint form. The public may also report concerns to DEQ, the City, or directly to the facility operator. City of Gresham and DEQ have reported to Metro that there are no current enforcement or compliance issues associated with this site. The applicant is well known to Metro as an operator of a Metro-franchised solid waste facility and staff concludes that the applicant is qualified to operate and manage this facility in a competent and efficient manner.

Agenda #: 3.2

File #: RES 25-5529 **Agenda Date:**10/30/2025

Resolution No. 25-5529 For the Purpose of Renewing Pride Recycling Company's Solid Waste Facility Franchise to Operate a Transfer Station

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING PRIDE RECYCLING COMPANY'S SOLID WASTE FACILITY FRANCHISE TO OPERATE A TRANSFER STATION	)))))	RESOLUTION NO. 25-5529 Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, Pride Recycling Company holds Metro Solid Waste Facility Franchise Number F-002-20I to operate a transfer station, which expires December 31, 2025.

WHEREAS, Pride Recycling Company filed a complete application in August 2025 seeking a renewed Metro Solid Waste Facility Franchise pursuant to Metro Code Section 5.01.210(a); and

WHEREAS, Pride Recycling Company does not propose to alter any activities that already occur at its transfer station site; and

WHEREAS, by January 1 of each year Metro may allocate putrescible waste tonnage to a private transfer station that is franchised under Metro Code Chapter 5.01 in accordance with the allocation framework provided in Metro Code and methodology provided in the applicable administrative rules; and

WHEREAS, Metro Council adopted the Regional Systems Facility Plan in March 2025 (Resolution No. 25-5459), which may require future amendments to the Metro Solid Waste Facility Franchise to implement the Plan; and

WHEREAS, the Metro Council finds that the proposed Metro Solid Waste Facility Franchise renewal is in the public interest and meets the criteria set forth in Metro Code Section 5.01.180; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under Metro Code Section 5.01.180 regarding issuing a franchise; and

WHEREAS, the Chief Operating Officer recommends that Metro issue renewed Solid Waste Facility Franchise No. F-002-26 to Pride Recycling Company as provided in Exhibit A to the Resolution; now therefore.

BE IT RESOLVED that the Metro Council

1. Incorporates the Chief Operating Officer's analysis as set forth in Exhibit B to this Resolution regarding the relevant factors required for a franchise.
2. Approves the Metro Solid Waste Facility Franchise application for Pride Recycling Company to operate a transfer station subject to the terms, conditions and limitations contained in Exhibit A.
3. Authorizes the Chief Operating Officer to issue Pride Recycling Company a renewed Metro Solid Waste Facility Franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 4th day of December 2025.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

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

METRO SOLID WASTE FACILITY FRANCHISE

No. F-002-26

FRANCHISEE:	**FACILITY NAME AND LOCATION:**
Pride Recycling Company PO Box 1150 Sherwood, Oregon 97140 Phone: 503-625-0725	Pride Recycling Company 13910 SW Tualatin-Sherwood Road Sherwood, Oregon 97140 Phone: 503-625-0725
OPERATOR:	**PROPERTY OWNER:**
Pride Recycling Company 13910 SW Tualatin-Sherwood Road Sherwood, Oregon 97140 Phone: 503-625-0725	Michael Leichner, Sr. and Cynthia Leichner, Trustees, or their successor Trustee(s), of the Michael Leichner, Sr. and Cynthia Leichner RLT PO Box 1150 Sherwood, Oregon 97140 Phone: 503-625-0725

ISSUED BY METRO:

Warren Johnson, Policy and Compliance Program Director

Date

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1.0	ISSUANCE	
1.1	**Corporate affiliation**	Pride Recycling Company 13910 SW Tualatin-Sherwood Road Sherwood, Oregon 97140
1.2	**Contact**	Kristin Leichner Phone: 503-625-0725 E-mail: Kristinl@priderecycling.com
1.3	**Term**	January 1, 2026 to December 31, 2030, unless amended, suspended, or revoked as provided in this franchise.
1.4	**Renewal**	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.5	**Facility name and mailing address**	Pride Recycling Company PO Box 1150 Sherwood, Oregon 97140
1.6	**Facility premises description**	Tax Lot Identification No. 2S128C001000, 2S128C00900, 2S128C000105 and 2S128C000100, City of Sherwood, Washington County, State of Oregon. Metro may inspect the facility site and any areas directly related to the transfer station operations as per Section 13.3.
1.7	**Permission to operate**	The property owner consents to use of the property as a transfer station by the franchisee.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	**Guarantees**	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	**Non-exclusive franchise**	This franchise does not limit Metro from granting other solid waste franchises within Metro's jurisdictional boundary.
2.3	**Property rights**	This franchise does not convey any property rights in either real or personal property.
2.4	**Amendment**	Except as provided in Section 12.0, no amendment is effective unless approved by the Metro Council.
2.5	**No recourse**	The franchisee will have no recourse against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement

		of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
2.6	**Indemnification**	The franchisee must indemnify Metro, the Council, the Chief Operating Officer, and any of Metro's employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.7	**Waivers**	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by Metro.
2.8	**Effect of waiver**	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	**Enforceability**	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.10	**Franchise not a waiver**	This franchise does not relieve any owner, operator or the franchisee from the obligation to obtain all required permits, franchises or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.11	**Franchise not limiting**	This franchise does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
2.12	**Definitions**	1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes cleanup material, source-separated recyclable material, special waste, land clearing debris and yard debris. 2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

3.0	**AUTHORIZATIONS**	
3.1	**General conditions on solid waste**	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.

3.2	**General conditions on activities**	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0.
3.3	**Acceptance and management of putrescible solid waste**	1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery**.** 2. The franchisee must receive, manage, store, reload and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers. 3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste. 4. The franchisee must transfer all putrescible waste off-site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.4	**Acceptance and management of mixed non-putrescible solid waste**	1. The franchisee is authorized to accept mixed non-putrescible solid waste from all customers including public self-haul for material recovery. 2. Except as provided below in subsections (a) and (b), the franchisee must receive, sort, store, reload and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides. (a) Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt, or by the end of the business day, whichever is earlier. (b) Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered within 12 hours of receipt, or by the end of the business day, whichever is earlier. 3. The franchisee must transfer all mixed non-putrescible waste off-site within 48 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.5	**Material recovery required**	1. The franchisee must perform material recovery on mixed non-putrescible wastes at no less than the minimum level stipulated in Metro Code Chapter 5.01 or must reload and transfer such waste to a facility authorized by Metro to perform material recovery. 2. The franchisee must ensure that the facility is designed and operated so that materials are recovered in a timely manner and that the

		reloading and transfer of non-putrescible waste to a Metro-authorized material recovery facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery. 3. The franchisee must take quarterly samples of processing residual, when generated at the facility, that are statistically valid and representative of the facility's residual. Each sample required by this section must weigh at least 300 pounds.
3.6	**Management of processing residual from material recovery**	The franchisee must store, reload and transfer all non-putrescible waste processing residual on an impervious surface and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers.
3.7	**Acceptance of source-separated recyclable materials**	1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises. 2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling. 3. The franchisee must transfer all source-separated recyclable materials off-site within 180 days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.8	**Acceptance of yard debris**	1. The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce odors detectable beyond the boundaries of the facility. 2. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. 3. The franchisee must transfer all yard debris off-site within seven days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.9	**Acceptance of source-separated food waste**	1. Effective April 1, the franchisee must accept source-separated food for reloading to an authorized facility for composting, anaerobic digestion or other resource recovery process as described in an operating plan and approved in writing by Metro. 2. The franchisee must not deny access to any waste hauler transporting source-separated food waste without due cause or written notice 30 days in advance, as outlined in Section 4.2. 3. The franchisee must maintain adequate capacity to accommodate commercial food waste generated within the region while meeting the requirements in subsection 3.9.4 and operating the facility in accordance with the operating plan approved in writing by Metro.

		4. The franchisee must: (a) Reload and transfer all source-separated food waste, including residential yard debris mixed with food waste, from the site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro; (b) Protect the quality of source-separated food waste such that it is suitable for composting, anaerobic digestion, or other resource recovery process that is approved in writing by Metro; and (c) Transport all source-separated food waste to a Metro-authorized facility for recovery.
3.10	**Acceptance of untreated wood**	The franchisee is authorized to accept, for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro.
3.11	**Acceptance of painted and treated wood**	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock or any other product unless otherwise described in an operating plan and approved in writing by Metro.
3.12	**Acceptance of electronics devices**	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse, recycling or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.13	**Acceptance of inert material**	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer and other similar functions related to preparing these materials for useful purposes.
3.14	**Facility Capacity**	The franchisee must not exceed its designed operational capacity. If the transfer station reaches operational capacity, the franchisee must not accept additional material for processing or transfer.
3.15	**Production of hogged fuel**	1. The franchisee is authorized to accept and process only untreated wood, painted wood and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in subsection 3.14.1 for the production of hogged fuel.

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	**Tonnage allocation**	1. The franchisee is authorized to accept putrescible waste generated inside the Metro region as provided in this franchise. 2. By January 1 of each year, Metro will amend this franchise to establish an annual tonnage allocation amount for the franchisee. 3. Metro will determine the tonnage allocation amount in accordance with allocation methodology provided in Metro Code Chapter 5.01 and applicable administrative rules. 4. For calendar year 2026, beginning on January 1 and ending December 31, 2026, the franchisee is authorized to accept up to XX,XXX tons of putrescible waste generated inside the Metro region.
4.2	**Waste hauler access**	It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers. Therefore: 1. The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region; 2. The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay or risk of exceeding the franchise tonnage allocation; and 3. Metro may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.
4.3	**Prohibited waste**	The franchisee must not knowingly receive, process, reload or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; explosives; or any waste prohibited by DEQ.
4.4	**Prohibition on mixing**	The franchisee must not mix different waste types unless such mixing is described in an operating plan and approved in writing by Metro.
4.5	**Prohibition of size reduction on non-putrescible waste**	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, processing residual consolidation or loading operations, and such size

		reduction is described in an operating plan and approved in writing by Metro.
4.6	**No disposal of recyclable materials**	The franchisee must not transfer source-separated recyclable materials to a disposal site including, without limitation, landfills and incineration facilities, without written permission from Metro and DEQ.
4.7	**Composting prohibited**	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.8	**Limits not exclusive**	This franchise will not be construed to limit, restrict, curtail or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	**REGIONAL WASTE PLAN**	
5.1	**Regional Waste Plan**	1. Metro plans, manages and oversees the region's solid waste system to achieve the goals and actions outlined in the 2030 Regional Waste Plan. 2. Metro may amend this franchise and establish new requirements for the franchisee to achieve the goals and actions of the 2030 Regional Waste Plan.

6.0	**OPERATING CONDITIONS**	
6.1	**General performance standards**	The franchisee must operate in a manner that meets the following general performance standards: 1. Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. 2. Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. 3. Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.
6.2	**Qualified operator**	1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility that is qualified and

		competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan. 3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
6.3	**Fire prevention**	The franchisee must provide fire prevention, protection and control measures including, but not limited to: 1. Adequate water supply for fire suppression; and 2. Procedures in place to isolate potential heat sources and/or flammables from processing and storage areas; and 3. Comply with all applicable Oregon Fire Code and pile size requirements.
6.4	**Adequate vehicle accommodation**	The franchisee must: 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. 2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. 3. Post signs to inform customers not to queue on public roadways. 4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site covering and uncovering of loads.
6.5	**Managing prohibited wastes**	1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received. 2. The franchisee must implement a load-check program to prevent the acceptance of prohibited waste. This program must include at a minimum: (a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise. (b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received.

		Containment areas must be covered and enclosed to prevent leaking and contamination. (c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling and disposition of prohibited waste and make those records available for review by Metro. 3. Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by DEQ or local government.
6.6	**Storage and exterior stockpiles**	The franchisee must: 1. Manage, contain and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards; 2. Maintain storage areas in an orderly manner and keep the areas free of litter; 3. Position exterior stockpiles within footprints and allowed dimensions (length, width, and height) in accordance with Oregon fire Code and as identified on the facility site plan or operating plan; and 4. Not stockpile recovered or source-separated materials for longer than 180 days.
6.7	**Dust, airborne debris and litter**	The franchisee must operate the facility in a manner that controls and minimizes the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must: 1. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit; 2. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit; 3. Maintain and operate all access roads and receiving, processing, storage and reload areas in such a manner as to control and minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site; 4. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation; 5. Maintain on-site facility access roads to prevent or control dust and

		to prevent or control the tracking of mud off-site; and 6. Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code.
6.8	**Odor**	1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site. 2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.
6.9	**Vectors (e.g. birds, rodents, insects)**	1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.
6.10	**Noise**	The franchisee must operate the facility in a manner that controls and minimizes any noise sufficient to cause adverse off-site impacts and meets applicable regulatory standards and land-use regulations.
6.11	**Water contaminated by solid waste and solid waste leachate**	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: 1. Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and 2. Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state and federal laws and regulations.
6.12	**Access control**	1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
6.13	**Signage**	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible and legible from off-site during all hours and must contain at least the following information: 1. Name of the facility; 2. Address of the facility;

		3. Emergency telephone number for the facility; 4. Operating hours during which the facility is open for the receipt of authorized waste; 5. Rates and charges; 6. Metro's name and telephone number (503) 234-3000; 7. A list of authorized and prohibited wastes; 8. Vehicle / traffic flow information or diagram; 9. Covered load requirements; and 10. Directions not to queue on public roadways.
6.14	**Complaints**	1. The franchisee must respond to all complaints in timely manner including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic and vectors, and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the franchisee must: (a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts, whether successful or unsuccessful; and (b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.
6.15	**Access to franchise document**	The franchisee must maintain a copy of this franchise on the facility's premises in a location where facility personnel and Metro representatives have ready access to it.
6.16	**Employment standard**	The franchisee must comply with Oregon's "ban the box" law (ORS 659A.360) which makes it unlawful for an employer to inquire about criminal convictions before the interview stage of hiring.

7.0	**OPERATING PLAN**	
7.1	**Plan compliance**	The franchisee must operate the facility in accordance with an operating plan approved in writing by Metro. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by Metro.
7.2	**Plan maintenance**	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures and requirements. The franchisee must submit amendments and revisions of the operating plan to Metro for written approval prior to implementation.

7.3	**Access to operating plan**	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	**Procedures for inspecting loads**	The operating plan must include: 1. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; 2. Procedures for identifying incoming and outgoing loads for waste classifications; 3. A set of objective criteria for accepting and rejecting loads; and 4. An asbestos testing protocol for all materials that appear to contain asbestos.
7.5	**Procedures for mixing waste types**	The operating plan must include: 1. Circumstances under which waste types will be mixed; and 2. Procedures for record keeping and reporting for mixed outbound loads.
7.6	**Procedures for processing and storage of loads**	The operating plan must include procedures for: 1. Processing authorized solid wastes; 2. Reloading and transfer of authorized solid wastes; 3. Managing stockpiles to ensure that they remain within the footprint and pile sizes (mass, length, width and height) identified on the site plan and in compliance with Oregon Fire Code and all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits; 4. Storing authorized solid wastes; and 5. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	**Procedures for managing prohibited wastes**	The operating plan must include procedures for managing, reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must include procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.8	**Procedures for odor prevention**	The operating plan must include procedures for controlling and minimizing odors generated at the facility from being detected off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage odors of any derivation including odorous loads delivered to the facility; and

		2. Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions and remedying promptly all odor problems at the facility.
7.9	**Procedures for dust prevention**	The operating plan must include procedures for controlling and minimizing dust from blowing off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage dust of any derivation; and 2. Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions and remedying promptly all dust problems at the facility.
7.10	**Procedures for emergencies**	The operating plan must include procedures that the franchisee will follow in case of fire or other emergency.
7.11	**Procedures for complaints**	The operating plan must include procedures for managing complaints. 1. For every complaint received (for example odor, dust, vibrations and litter), the franchisee must record: (a) The nature of the complaint; (b) The date the complaint was received; (c) The name, address and telephone number of the person or persons making the complaint; and (d) Any actions taken by the operator in response to the complaint, whether successful or unsuccessful. 2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
7.12	**Closure protocol**	1. The franchisee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01). 2. The plan must include protocol for: (a) Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and (b) Long-term closure (duration of time that is 120 consecutive days or more in length). 3. The franchisee must give at least 24-hour notice to Metro prior to the short-term closure of the facility. 4. The franchisee must give at least 90 days written notice to Metro prior to the long-term closure of the facility.

8.0	FEES AND RATES	
8.1	**Annual fee**	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
8.2	**Rates**	1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority. 2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13. 3. The franchisee must notify Metro in writing at least 30 days before making any changes to the posted rates charged at the facility for accepting solid waste (including disposal rates, transaction fees, and other charges). 4. The franchisee must provide Metro with a copy of any rate notification that it sends to its commercial customers within five business days of the notification.
8.3	**Regional system fee and excise tax**	1. The franchisee is liable for payment of the Metro regional system fee, as provided in Metro Code Chapter 5.02, and the Metro excise tax, as provided in Metro Code Chapter 7.01, on all solid waste transported to a disposal site. 2. The franchisee must pay the regional system fee and excise tax to: (a) Metro as required by a non-system license issued to the franchisee; or (b) A designated facility that is authorized by Metro to collect and remit fees and taxes on behalf of the franchisee. 3. Notwithstanding Subsection 2, the franchisee may pay to Metro the regional system fee and excise tax for waste transported to a designated facility if approved in writing by Metro. In such instance, the franchisee must perform the following by the last day of each month: (a) Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; and (b) Remit to Metro the requisite regional system fee and excise tax in accordance with this franchise and Metro Code provisions applicable to the collection, payment, and accounting of those fees and taxes. 4. The franchisee must pay to Metro a finance charge for any delinquent regional system fee and excise tax payment as set forth under Metro

		Code Chapters 5.02 and 7.01. 5. The franchisee must make available to Metro for inspection all records from which Sections 8.0 and 9.0 are derived.
8.4	**Metro community enhancement fee imposed on waste received**	The franchisee must: 1. Collect a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to $1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste; 2. Remit to Metro the community enhancement fees described in this section by the last day of each month for waste received in the preceding month.

9.0	**RECORD KEEPING AND REPORTING**	
9.1	**Record keeping requirements**	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads and disposes. These records must include the information specified in the Metro document titled, *Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees and Parties to Designated Facility Agreements*.
9.2	**Reporting requirements**	1. The franchisee must transmit to Metro records required under Sections 8.0 and 9.0 no later than fifteen days following the end of each month in a format prescribed by Metro. 2. Notwithstanding Subsection 1, Metro may require the franchisee to report the records required by Sections 8.0 and 9.0 on a weekly or daily basis in the event of a significant disruption to the solid waste system.
9.3	**Material recovery reporting**	The franchisee must provide the results of its quarterly sampling of processing residual, as provided in Section 3.5, to Metro as a component of its monthly report no later than fifteen days following the end of each quarter in a format prescribed by Metro.
9.4	**Account number listing**	Within five business days of Metro's request, the franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.5	**Transactions based on scale weights**	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales.

9.6	**DEQ submittals**	The franchisee must provide Metro with copies of all correspondence, exhibits or documents submitted to DEQ relating to the terms or conditions of DEQ solid waste permit or this franchise within five business days of providing such information to DEQ.
9.7	**Copies of enforcement actions provided to Metro**	The franchisee must provide Metro with copies of any notice of violation or noncompliance, citation or any other similar enforcement actions issued to the franchisee by any federal, state or local government (other than Metro) related to the operation of the facility within five days of receipt.
9.8	**Unusual occurrences**	1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise, with Metro Code, or which will create off-site impacts. 3. The franchisee must report any facility fires, accidents, emergencies and other significant incidents to Metro within 12 hours of the discovery of their occurrence. 4. The franchisee must report any long term or short term closures as provided in section 7.12.
9.9	**Changes in ownership**	1. Any change in control of the franchisee or the transfer of a controlling interest of the franchisee requires prior written notice to Metro. "Transfer of a controlling interest of the franchisee" includes without limitation the transfer of 10% or more of the ownership of the franchisee to or from a single entity. Metro may amend this franchise under Section 12.2 to require the new ownership of the franchisee to assume all the rights and obligations of this franchise. 2. The franchisee may not lease, assign, mortgage, sell or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Chapter 5.01.

10.0	**INSURANCE REQUIREMENTS**	
10.1	**General liability**	The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than $1,000,000 per occurrence. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and

		products/completed operations. The franchisee's coverage will be primary as respects Metro.
10.2	**Automobile**	The franchisee must carry automobile insurance with coverage for bodily injury and property damage, and with limits not less than minimum of $1,000,000 per accident or combined single limit.
10.3	**Additional insureds**	Metro, its elected officials, departments, employees, volunteers and agents must be named as ADDITIONAL INSUREDS on the Commercial General Liability policy. The franchisee must include the additional insured endorsement along with the certificate of insurance.
10.4	**Workers' compensation insurance**	1. The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law, and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. 2. The Workers' Compensation Insurance must meet Oregon statutory requirements including Employer's Liability with limits not less than $1,000,000 per accident or disease. 3. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.5	**Certificate of insurance**	1. The franchisee must provide Metro with a Certificate of Insurance complying with this Section 10. 2. The franchisee must list Metro as the certificate holder. 3. Upon insurance renewal, the franchisee must submit an updated certificate of insurance and the additional insured endorsement to Metro via email (SWICC@oregonmetro.gov).
10.6	**Notification**	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

11.0	**ENFORCEMENT**	
11.1	**Authority vested in Metro**	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against the franchisee.
11.2	**No enforcement limitations**	This franchise may not be construed to and does not limit, restrict, curtail or abrogate any enforcement provision contained in Metro Code or

		administrative rules adopted pursuant to Metro Code Chapter 5.01, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety or welfare of any person or persons within the Metro jurisdictional boundary, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
11.3	**Penalties**	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

12.0	**AMENDMENT, SUSPENSION AND REVOCATION**	
12.1	**Amendment by Metro Council**	Except as provided in Section 12.2, the provisions of this franchise will remain in effect unless the Metro Council: 1. Amends the Metro Code, amends the 2030 Regional Waste Plan or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; or 2. Adopts an ordinance or resolution amending this franchise to implement policy, code or other requirements such as the 2030 Regional Waste Plan.
12.2	**Amendment, suspension or revocation by Metro**	The Chief Operating Officer may, at any time before the expiration date, amend, suspend or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: 1. Violation of the terms or conditions of this franchise, Metro Code or any applicable statute, rule or standard; 2. Changes in local, regional, state or federal laws or regulations that should be specifically incorporated into this franchise, such as Metro actions to implement new requirements from the 2030 Regional Waste Plan; 3. Failure to disclose fully all relevant facts; 4. A significant release into the environment from the facility; 5. Significant change in the character of solid waste received or in the operation of the facility; 6. Any change in ownership or control; 7. A request from the local government stemming from impacts resulting from facility operations; 8. A change of authorization request received from the franchisee; 9. Compliance history of the franchisee; and 10. Changes in the tonnage allocation based on new information, or

		changes in methodology, administrative rule or Metro Code.

13.0	GENERAL OBLIGATIONS	
13.1	**Compliance with law**	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.01, whether or not those provisions have been specifically mentioned or cited in this franchise. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth in this franchise. These conditions and permits include those cited within or attached as exhibits to the franchise document, any existing at the time the franchise is issued but not cited or attached, and any issued or amended during the term of the franchise.
13.2	**Transport waste to appropriate destinations**	The franchisee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
13.3	**Right of inspection and audit**	1. The franchisee must allow Metro's authorized representatives to access the facility and premises at any time during business hours, with or without advanced notice. For non-business hours, the franchise must allow access to Metro's authorized representatives upon receiving advanced notice of not less than 24 hours. 2. Metro's authorized representatives may take photographs, collect samples of materials and perform any inspection or audits as Metro considers appropriate. 3. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the applicable confidentiality provisions in Section 13.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the facility's operation and its rates. 4. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, to perform research at all times during business hours, with or without notice. The franchisee must provide: (a) Access to all areas where it generates, manages, stores, and reloads waste, including without limitation to transfer vehicles;

		(b) Access to facility personnel and equipment to collect, sort, store and weigh waste; and (c) Access to a safe, covered location away from working areas and vehicle traffic on site where authorized representatives of Metro may analyze waste and record data.
13.4	**Confidential information**	1. The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. 2. If Metro receives a public records request seeking disclosure of information identified as confidential by the franchisee, Metro will provide the franchisee with a courtesy notice of that request within five days of receipt of the request. 3. This Section 13.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. 4. Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.
13.5	**Compliance by agents**	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

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Legal Antecedents
Pursuant to Metro Code 5.01.180, the Council will consider the following factors when determining whether to issue a franchise:

(1) *Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Waste Plan;*

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the 2030 Regional Waste Plan and specifically aligns with many of the goals of the plan, including goals 12, 13 and 16:

- **Goal 12**: Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
- **Goal 13**: Invest in communities that receive garbage and recyclables from the Metro region so that those communities regard solid waste facilities as assets.
- **Goal 16**: Maintain a system of facilities, from small recycling drop-off depots to larger full-service stations, to ensure equitable distribution of and access to services.

The proposed renewal is also in alignment with the Regional System Facilities plan adopted by Metro Council in March 2025, that envisions continued operations of the six privately owned transfer stations operating within the Metro region.

(2) *The effect that granting a franchise will have on the cost of solid waste disposal and recycling services for the residents of the region;*

Pride Recycling Company (Pride) has not requested any significant change in authorization or operational activities at this facility. Renewing the franchise would help ensure continuity of transfer service and minimize potential disruptions to the solid waste system. This is an existing transfer station that is part of the region's solid waste system. As such, the proposed renewal is not expected to have any significant impact on the cost of solid waste disposal and recycling services for the residents of the region.

(3) *Whether granting a franchise is likely to adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner;*

Metro staff is not aware of any facility incidents or operating procedures that adversely affect the health, safety, and welfare of Metro's residents in an unreasonable manner during the term of the current franchise. Staff finds it unlikely that the franchised operation will adversely affect the health, safety, and welfare of Metro's residents due to the type of activity performed and the good compliance record of the operator. The facility is also regulated and monitored by the Oregon Department of Environmental Quality (DEQ).

(4) *Whether granting a franchise is likely to adversely affect nearby residents, property owners, or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;*

Pride is an existing transfer station and has been in operation since 1991. In 1997, Pride became a Metro-franchised transfer station. Staff is not aware of any significant issues or impacts on the surrounding neighborhood during the term of the current franchise. Based on the operator's demonstrated experience and good compliance history, staff finds it unlikely that Pride Recycling Company's operations would cause unreasonable adverse impacts on the surrounding neighborhood.

(5) *Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.08 and other applicable local, state, and federal laws, rules, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.*

Metro has a long history with this facility and staff finds that the applicant is likely to comply with regulations and standards if the franchise is renewed.

IN CONSIDERATION OF RESOLUTION NO. 25-5529, FOR THE PURPOSE OF RENEWING PRIDE RECYCLING COMPANY'S SOLID WASTE FACILITY FRANCHISE TO OPERATE A TRANSFER STATION

Date: November 17, 2025
Department: Waste Prevention and Environmental Services
Meeting Date: December 4, 2025

Prepared by: Lisa Clark, 971-806-7459, lisa.clark@oregonmetro.gov
Presenter if requested: Hila Ritter
Length: Consent agenda

ISSUE STATEMENT
Pride Recycling Company (Pride) seeks to renew its Metro solid waste facility franchise to operate a Metro-authorized transfer station located at 13910 SW Tualatin Sherwood Road in Sherwood. Metro Code Section 5.01.210 states that Metro Council will approve or deny a solid waste facility franchise renewal.

ACTION REQUESTED
Approve Resolution No. 25-5529 which will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to Pride for a term of five years.

IDENTIFIED POLICY OUTCOMES
Approval of this resolution will support the goals of the Regional Waste Plan and Regional System Facilities Plan. This staff report further describes this expected policy outcome.

POLICY QUESTION(S)
Should Metro Council approve the applicant's franchise application and authorize the Chief Operating Officer to renew the solid waste facility franchise for Pride in accordance with Metro Code Section 5.01.210 and as described in this resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER
1. Adopt Resolution No. 25-5529 to renew the solid waste facility franchise for Pride.

2. Amend Resolution No. 25-5529 to issue a renewed franchise to Pride with different conditions other than those recommended by staff.

3. Do not approve Resolution No. 25-5529. If Council does not adopt this resolution, Pride Recycling Company will not be authorized to accept, process, or transfer solid waste.

STAFF RECOMMENDATIONS
Staff recommends that Council adopt Resolution No. 25-5529 to approve the renewal of the solid waste facility franchise for Pride. If Council approves this resolution, the renewed franchise (F-002-26) will go into effect on January 1, 2026.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION
The current franchise for Pride became effective on January 1, 2020, and expires on December 31, 2025. Pride applied to renew its franchise without any changes to its current authorization. The proposed franchise includes several housekeeping changes and minor updates to clarify regulatory requirements and standardize terminology with other authorizations for increased

consistency. The proposed housekeeping updates are listed below and will be included as standard regulatory provisions in all authorizations for similarly situated facilities going forward.

- Section 3.14 - Facility capacity; adds the requirement from Administrative Rule No. 5.01-3120.8 that the franchisee must not exceed the designed operational capacity of the transfer station. This is a standard requirement applicable to all Metro-authorized transfer stations.

- Section 4.1 - Tonnage allocation; this section will be updated with the calendar year 2026 allocation before the renewed franchise is issued.

- Sections 6.3 - Fire prevention, 6.6.3 - Storage and exterior stockpiles, and 7.6 – Procedures for processing and storage of loads; these sections were updated to clarify that the franchisee must manage materials stockpiles in accordance with Oregon Fire Code requirements and as described in the facility site plan and operating plan.

- Section 6.16 - Employment standard; this section was updated to clarify that the facility must comply with Oregon's "ban the box" law (ORS 659A.360).

Legal Antecedents
Pursuant to Metro Code 5.01.210(b), the Council must approve renewal of a solid waste facility franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria outlined in Metro Code 5.01.180. The staff analysis considering the factors described in Metro Code Section 5.01.180(f) when determining whether to issue a franchise are included as Exhibit B to Resolution No. 25-5529.

Financial Implications
The proposed franchise renewal is not expected to have any financial implications for Metro at this time. This is an existing transfer station that is part of the region's solid waste system. Metro currently allocates up to 60 percent of the region's putrescible waste to private transfer stations using a tonnage allocation methodology.

The current tonnage allocation program has been in place since January 1, 2020, and Metro is planning to evaluate the program to assess potential future changes. To allow time for the evaluation, there will be no changes to the tonnage allocation process for 2026. The proposed franchise renewal is expected to have minimal impact on Metro's Solid Waste Fund operating costs and revenues under the current allocation methodology.

Known Opposition
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 58 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 235 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025, and closed on September 15, 2025. Metro received one comment in support of the proposed franchise renewal. The public comment is included verbatim below.

Comment: "Yes on renewing Pride Recycling Company."

Metro Response:
Public comments including this submission are appreciated and considered as part of staff's analysis and recommendations.

BACKGROUND
The applicant, Pride, is a local, family-owned company. Pride Recycling Company is a partner company with Pride Disposal, a waste collection business established in 1986. Pride began operations as an exempt solid waste reload and material recovery facility in 1991 at its base of operations located at 13910 SW Tualatin-Sherwood Road in Sherwood (Metro Council District 3). In 1997, the Metro Council authorized Pride to expand its operations from processing and reloading waste to other transfer stations, to becoming a franchised transfer station that transports waste directly to a landfill.

In 2018, Pride was awarded a $500,000 Investment and Innovation Grant from Metro to expand the floor space in its transfer station enabling it to accept and transfer residential yard debris containing food waste, commercial food waste and an increased amount of non-putrescible waste (dry waste). Pride completed the expansion in 2020, resulting in the addition of a third-floor tip area for putrescible waste (wet waste) which increased capacity on the lower levels for accepting and managing residential yard debris containing food waste. Pride plans to add a commercial food waste bunker, once it establishes a consistent customer base.

The facility currently holds a Metro-issued franchise (F-002-20I) to operate a transfer station authorized to receive solid waste. Under the terms of the existing franchise, Pride is authorized to accept up to 73,558 tons of putrescible waste generated from within the Metro region in calendar year 2025. Pride also holds a solid waste disposal site permit for a transfer station and material recovery facility (Permit No. 422) and a 1200-Z stormwater permit (Permit No. 16983) both issued by the Oregon Department of Environmental Quality (DEQ).

During the current franchise term (January 1, 2020 to December 31, 2025), Metro staff conducted 12 site inspections as of the date of this report. Staff find the facility to be a generally well-run operation with a good compliance record.

DEQ reported one warning letter issued to Pride in 2020 for storing TVs and CRT monitors outside and uncovered. Pride addressed that issue with DEQ and there are no current enforcement or known compliance issues associated with this site. The city of Sherwood did not respond to WPES staff's request for complaints or concerns associated with the facility during the current franchise term.

The applicant is well known to Metro and has extensive experience as a participant in Metro's solid waste system. Staff finds that the applicant is qualified to operate a transfer station and is likely to comply with regulations and standards if the franchise is renewed.

On August 8, 2025, the applicant submitted a complete solid waste facility franchise application accompanied by payment of the requisite application fee of $500. The applicant has not requested any changes to its current authorization.

Agenda #: 3.3

File #: RES 25-5526 **Agenda Date:**10/30/2025

Resolution No. 25-5526 For the Purpose of Renewing Waste Management of Oregon, Inc.'s Solid Waste Facility Franchise to Operate Forest Grove Transfer Station

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING WASTE MANAGEMENT OF OREGON INC.'S SOLID WASTE FACILITY FRANCHISE TO OPERATE FOREST GROVE TRANSFER STATION	)))))	RESOLUTION NO. 25-5526 Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, Waste Management of Oregon, Inc. holds Metro Solid Waste Facility Franchise Number F-004-20H to operate a transfer station, which expires on December 31, 2025.

WHEREAS, Waste Management of Oregon, Inc. filed a complete application in August 2025 seeking a renewed Metro Solid Waste Facility Franchise pursuant to Metro Code Section 5.01.210(a); and

WHEREAS, Waste Management of Oregon, Inc. does not propose to alter any activities that already occur at its transfer station site; and

WHEREAS, by January 1 of each year Metro may allocate putrescible waste tonnage to a private transfer station that is franchised under Metro Code Chapter 5.01 in accordance with the allocation framework provided in Metro Code and methodology provided in the applicable administrative rules; and

WHEREAS, Metro Council adopted the Regional Systems Facility Plan in March 2025 (Resolution No. 25-5459), which may require future amendments to the Metro Solid Waste Facility Franchise to implement the Plan; and

WHEREAS, the Metro Council finds that the proposed Metro Solid Waste Facility Franchise renewal is in the public interest and meets the criteria set forth in Metro Code Section 5.01.180; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under Metro Code Section 5.01.180 regarding issuing a franchise; and

WHEREAS, the Chief Operating Officer recommends that Metro issue renewed Solid Waste Facility Franchise No. F-004-26 to Waste Management of Oregon, Inc as provided in Exhibit A to the Resolution; now therefore.

BE IT RESOLVED that the Metro Council

1. Incorporates the Chief Operating Officer's analysis as set forth in Exhibit B to this Resolution regarding the relevant factors required for a franchise.
2. Approves the Metro Solid Waste Facility Franchise application for Waste Management of Oregon, Inc. to operate a transfer station subject to the terms, conditions and limitations contained in Exhibit A.
3. Authorizes the Chief Operating Officer to issue Waste Management of Oregon, Inc. a renewed Metro Solid Waste Facility Franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 4th day of December 2025.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

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

METRO SOLID WASTE FACILITY FRANCHISE

No. F-004-26

FRANCHISEE:	**FACILITY NAME AND LOCATION:**
Waste Management of Oregon, Inc. 7227 NE 55th Avenue Portland, Oregon 97218 Phone: 503-992-3015	Forest Grove Transfer Station 1525 B Street Forest Grove, Oregon 97116 Phone: 503-992-3015
OPERATOR:	**PROPERTY OWNER:**
Waste Management of Oregon, Inc. 7227 NE 55th Avenue Portland, Oregon 97218 Phone: 503-992-3015	Waste Management of Oregon, Inc. 7227 NE 55th Avenue Portland, Oregon 97218 Phone: 503-992-3015

ISSUED BY METRO:

Warren Johnson, Policy and Compliance Program Director

Date

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1.0	ISSUANCE	
1.1	**Corporate affiliation**	Waste Management, Inc. 1001 Fannin, Suite 4000 Houston, Texas 77002
1.2	**Contact**	David Huber Phone: 503-992-3015 E-mail: dhuber@wm.com
1.3	**Term**	January 1, 2026 to December 31, 2030, unless amended, suspended or revoked as provided in this franchise.
1.4	**Renewal**	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.5	**Facility name and mailing address**	Forest Grove Transfer Station 1525 B Street Forest Grove, Oregon 97116
1.6	**Facility premises description**	Tax Lot Identification Nos. 1S306BC09501, 1S306CB00500, 1S306CB00600 and 1S306BC09700, City of Forest Grove, Washington County, State of Oregon. Metro may inspect the facility site and any areas directly related to the transfer station operations as per Section 13.3.
1.7	**Permission to operate**	The franchisee is the property owner.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	**Guarantees**	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	**Non-exclusive franchise**	This franchise does not limit Metro from granting other solid waste franchises within Metro's jurisdictional boundary.
2.3	**Property rights**	This franchise does not convey any property rights in either real or personal property.
2.4	**Amendment**	Except as provided in Section 12.0, no amendment is effective unless approved by the Metro Council.
2.5	**No recourse**	The franchisee will have no recourse against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement

		of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
2.6	**Indemnification**	The franchisee must indemnify Metro, the Council, the Chief Operating Officer and any of Metro's employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.7	**Waivers**	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by Metro.
2.8	**Effect of waiver**	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	**Enforceability**	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.10	**Franchise not a waiver**	This franchise does not relieve any owner, operator or the franchisee from the obligation to obtain all required permits, franchises or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.11	**Franchise not limiting**	This franchise does not limit the power of a federal, state or local agency to enforce any provision of law relating to the facility.
2.12	**Definitions**	1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes cleanup material, source-separated recyclable material, special waste, land clearing debris and yard debris. 2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

3.0	**AUTHORIZATIONS**	
3.1	**General conditions on solid waste**	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.

3.2	**General conditions on activities**	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0.
3.3	**Acceptance and management of putrescible solid waste**	1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery**.** 2. The franchisee must receive, manage, store, reload and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers. 3. Except as provided below in Section 3.3.4, franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste. 4. Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered within 12 hours of receipt, or by the end of the business day, whichever is earlier. 5. The franchisee must transfer all putrescible waste off-site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.4	**Acceptance and management of mixed non-putrescible solid waste**	1. The franchisee is authorized to accept loads of mixed non-putrescible solid waste from all customers including public self-haul for reload and transfer to a facility authorized by Metro to perform material recovery. 2. Except as provided below in subsections (a) and (b), the franchisee must receive, sort, store, reload and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides. (a) Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt or by the end of the business day, whichever is earlier. (b) Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered within 12 hours of receipt, or by the end of the business day, whichever is earlier. 3. The franchisee must transfer all mixed non-putrescible waste off-site within 48 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.

3.5	**Acceptance of source-separated recyclable materials**	1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises. 2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling. 3. The franchisee must transfer all source-separated recyclable materials off-site within 180 days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.6	**Acceptance of yard debris**	1. The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce odors detectable beyond the boundaries of the facility. 2. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. 3. The franchisee must transfer all yard debris off-site within seven days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.7	**Acceptance of source-separated food waste**	1. The franchisee is authorized to accept source-separated food waste for reloading to an authorized facility for composting, anaerobic digestion or other resource recovery process as described in an operating plan and approved in writing by Metro. 2. Notwithstanding subsection 3.9.1 above, the Chief Operating Officer may amend this franchise as described in section 12.0 to require the franchisee to accept source-separated food waste. 3. If the franchisee accepts source-separated food waste, then the franchisee must: (a) Reload and transfer all source-separated food waste, including residential yard debris mixed with food waste, from the site within of 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro; (b) Protect the quality of source-separated food waste such that it is suitable for composting, anaerobic digestion or other resource recovery process that is approved in writing by Metro; and (c) Transport all source-separated food waste to a Metro-authorized facility for recovery.
3.8	**Acceptance of untreated wood**	The franchisee is authorized to accept, for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel or other useful

		purposes as described in an operating plan and approved in writing by Metro.
3.9	**Acceptance of painted and treated wood**	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock or any other product unless otherwise described in an operating plan and approved in writing by Metro.
3.10	**Acceptance of electronics devices**	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse, recycling or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.11	**Acceptance of inert material**	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer and other similar functions related to preparing these materials for useful purposes.
3.12	**Facility Capacity**	The franchisee must not exceed its designed operational capacity. If the transfer station reaches operational capacity, the franchisee must not accept additional material for processing or transfer.
3.13	**Production of Hogged Fuel**	1. The franchisee is authorized to accept and process only untreated wood, painted wood and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in subsection 3.12.1 for the production of hogged fuel.

4.0	**LIMITATIONS AND PROHIBITIONS**	
4.1	**Tonnage allocation**	1. The franchisee is authorized to accept putrescible waste generated inside the Metro region as provided in this franchise. 2. By January 1 of each year, Metro will amend this franchise to establish an annual tonnage allocation amount for the franchisee. 3. Metro will determine the tonnage allocation amount in accordance with allocation methodology provided in Metro Code Chapter 5.01 and applicable administrative rules. 4. For calendar year 2026, beginning on January 1 and ending December 31, 2026, the franchisee is authorized to accept up to XX,XXX tons of putrescible waste generated inside the Metro region.

4.2	**Waste hauler access**	It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers. Therefore: 1. The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region; 2. The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay or risk of exceeding the franchise tonnage allocation; and 3. Metro may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.
4.3	**Prohibited waste**	The franchisee must not knowingly receive, process, reload or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; explosives; or any waste prohibited by the DEQ.
4.4	**Prohibition on mixing**	The franchisee must not mix different waste types unless such mixing is described in an operating plan and approved in writing by Metro.
4.5	**Prohibition of size reduction on non-putrescible waste**	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved in writing by Metro.
4.6	**No disposal of recyclable materials**	The franchisee must not transfer source-separated recyclable materials to a disposal site including, without limitation, landfills and incineration facilities, without written permission from Metro and DEQ.
4.7	**Composting prohibited**	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.8	**Limits not exclusive**	This franchise will not be construed to limit, restrict, curtail or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	REGIONAL WASTE PLAN	
5.1	**Regional Waste Plan**	1. Metro plans, manages and oversees the region's solid waste system to achieve the goals and actions outlined in the 2030 Regional Waste Plan. 2. Metro may amend this franchise and establish new requirements for the franchisee to achieve the goals and actions of the 2030 Regional Waste Plan.

6.0	OPERATING CONDITIONS	
6.1	**General performance standards**	The franchisee must operate in a manner that meets the following general performance standards: 1. Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. 2. Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. 3. Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.
6.2	**Qualified operator**	1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility that is qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan. 3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
6.3	**Fire prevention**	The franchisee must provide fire prevention, protection and control measures including, but not limited to: 1. Adequate water supply for fire suppression; and

		2. Procedures in place to isolate potential heat sources and/or flammables from processing and storage area; and 3. Comply with all applicable Oregon Fire code and pile size requirements.
6.4	**Adequate vehicle accommodation**	The franchisee must: 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. 2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. 3. Post signs to inform customers not to queue on public roadways. 4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site covering and uncovering of loads.
6.5	**Managing prohibited wastes**	1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received. 2. The franchisee must implement a load-check program to prevent the acceptance of prohibited waste. This program must include at a minimum: (a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise. (b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination. (c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling and disposition of prohibited waste and make those records available for review by Metro. 3. Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by DEQ or local government.

6.6	**Storage and exterior stockpiles**	The franchisee must: 1. Manage, contain and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage or safety hazards; 2. Maintain storage areas in an orderly manner and keep the areas free of litter; 3. Position exterior stockpiles within footprints and allowed dimensions (length, width and height) in accordance with Oregon Fire Code and as identified on the facility site plan or operating plan; and 4. Not stockpile recovered or source-separated materials for longer than 180 days.
6.7	**Dust, airborne debris and litter**	The franchisee must operate the facility in a manner that controls and minimizes the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must: 1. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit; 2. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit; 3. Maintain and operate all access roads and receiving, processing, storage and reload areas in such a manner as to control and minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site; 4. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation; 5. Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and 6. Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.
6.8	**Odor**	1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site. 2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.

6.9	**Vectors (e.g. birds, rodents, insects)**	1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.
6.10	**Noise**	The franchisee must operate the facility in a manner that controls and minimizes any noise sufficient to cause adverse off-site impacts and meets applicable regulatory standards and land-use regulations.
6.11	**Water contaminated by solid waste and solid waste leachate**	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: 1. Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and 2. Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state and federal laws and regulations.
6.12	**Access control**	1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
6.13	**Signage**	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible and legible from off-site during all hours and must contain at least the following information: 1. Name of the facility; 2. Address of the facility; 3. Emergency telephone number for the facility; 4. Operating hours during which the facility is open for the receipt of authorized waste; 5. Rates and charges; 6. Metro's name and telephone number (503) 234-3000; 7. A list of authorized and prohibited wastes; 8. Vehicle / traffic flow information or diagram; 9. Covered load requirements; and 10. Directions not to queue on public roadways.
6.14	**Complaints**	1. The franchisee must respond to all complaints in timely manner including, but not limited to, blowing debris, fugitive dust or odors,

		noise, traffic and vectors, and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the franchisee must: (a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts, whether successful or unsuccessful; and (b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.
6.15	**Access to franchise document**	The franchisee must maintain a copy of this franchise on the facility's premises in a location where facility personnel and Metro representatives have ready access to it.
6.16	**Employment standard**	The franchisee must comply with Oregon's "ban the box" law (ORS 659A.360) which makes it unlawful for an employer to inquire about criminal convictions before the interview stage of hiring.

7.0	**OPERATING PLAN**	
7.1	**Plan compliance**	The franchisee must operate the facility in accordance with an operating plan approved in writing by Metro. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by Metro.
7.2	**Plan maintenance**	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures and requirements. The franchisee must submit amendments and revisions of the operating plan to Metro for written approval prior to implementation.
7.3	**Access to operating plan**	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	**Procedures for inspecting loads**	The operating plan must include: 1. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; 2. Procedures for identifying incoming and outgoing loads for waste classifications; 3. A set of objective criteria for accepting and rejecting loads; and 4. An asbestos testing protocol for all materials that appear to contain asbestos.

7.5	**Procedures for mixing waste types**	The operating plan must include: 1. Circumstances under which waste types will be mixed; and 2. Procedures for record keeping and reporting for mixed outbound loads.
7.6	**Procedures for processing and storage of loads**	The operating plan must include procedures for: 1. Processing authorized solid wastes; 2. Reloading and transfer of authorized solid wastes; 3. Managing stockpiles to ensure that they remain within the footprint and pile sizes (mass, length, width and height) identified on the site plan and in accordance with Oregon Fire Code and all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits; 4. Storing authorized solid wastes; and 5. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	**Procedures for managing prohibited wastes**	The operating plan must include procedures for managing, reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must include procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.8	**Procedures for odor prevention**	The operating plan must include procedures for controlling and minimizing odors generated at the facility from being detected off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage odors of any derivation including odorous loads delivered to the facility; and 2. Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions and remedying promptly all odor problems at the facility.
7.9	**Procedures for dust prevention**	The operating plan must include procedures for controlling and minimizing dust from blowing off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage dust of any derivation; and 2. Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions and remedying promptly all dust problems at the facility.

7.10	**Procedures for emergencies**	The operating plan must include procedures that the franchisee will follow in case of fire or other emergency.
7.11	**Procedures for complaints**	The operating plan must include procedures for managing complaints. 1. For every complaint received (for example odor, dust, vibrations and litter), the franchisee must record: (a) The nature of the complaint; (b) The date the complaint was received; (c) The name, address and telephone number of the person or persons making the complaint; and (d) Any actions taken by the operator in response to the complaint, whether successful or unsuccessful. 2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
7.12	**Closure protocol**	1. The franchisee must establish protocol for closure and restoration of the site in the event of a cession of operations as provided in Metro Code Chapter 5.01. 2. The plan must include protocol for: (a) Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and (b) Long-term closure (duration of time that is 120 consecutive days or more in length). 3. The franchisee must give at least 24-hour notice to Metro prior to the short-term closure of the facility. 4. The franchisee must give at least 90 days written notice to Metro prior to the long-term closure of the facility.

8.0	**FEES AND RATES**	
8.1	**Annual fee**	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
8.2	**Rates**	1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority. 2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13.

		3. The franchisee must notify Metro in writing at least 30 days before making any changes to the posted rates charged at the facility for accepting solid waste (including disposal rates, transaction fees, and other charges). 4. The franchisee must provide Metro with a copy of any rate notification that it sends to its commercial customers within five business days of the notification.
8.3	**Regional system fee and excise tax**	1. The franchisee is liable for payment of the Metro regional system fee, as provided in Metro Code Chapter 5.02, and the Metro excise tax, as provided in Metro Code Chapter 7.01, on all solid waste transported to a disposal site. 2. The franchisee must pay the regional system fee and excise tax to: (a) Metro as required by a non-system license issued to the franchisee; or (b) A designated facility that is authorized by Metro to collect and remit fees and taxes on behalf of the franchisee. 3. Notwithstanding Subsection 2, the franchisee may pay to Metro the regional system fee and excise tax for waste transported to a designated facility if approved in writing by Metro. In such instance, the franchisee must perform the following by the last day of each month: (a) Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; and (b) Remit to Metro the requisite regional system fee and excise tax in accordance with this franchise and Metro Code provisions applicable to the collection, payment, and accounting of those fees and taxes. 4. The franchisee must pay to Metro a finance charge for any delinquent regional system fee and excise tax payment as set forth under Metro Code Chapters 5.02 and 7.01. 5. The franchisee must make available to Metro for inspection all records from which Sections 8.0 and 9.0 are derived.
8.4	**Metro community enhancement fee imposed on waste received**	The franchisee must: 1. Collect a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to $1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste. 2. Remit to Metro the community enhancement fees described in this section by the last day of each month for waste received in the preceding month.

9.0	RECORD KEEPING AND REPORTING	
9.1	**Record keeping requirements**	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads and disposes. These records must include the information specified in the Metro document titled, *Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees and Parties to Designated Facility Agreements*.
9.2	**Reporting requirements**	1. The franchisee must transmit to Metro records required under Sections 8.0 and 9.0 no later than fifteen days following the end of each month in a format prescribed by Metro. 2. Notwithstanding Subsection 1, Metro may require the franchisee to report the records required by Sections 8.0 and 9.0 on a weekly or daily basis in the event of a significant disruption to the solid waste system.
9.3	**Account number listing**	Within five business days of Metro's request, the franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.4	**Transactions based on scale weights**	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales.
9.5	**DEQ submittals**	The franchisee must provide Metro with copies of all correspondence, exhibits or documents submitted to DEQ relating to the terms or conditions of DEQ solid waste permit or this franchise within five business days of providing such information to DEQ.
9.6	**Copies of enforcement actions provided to Metro**	The franchisee must provide Metro with copies of any notice of violation or noncompliance, citation or any other similar enforcement actions issued to the franchisee by any federal, state or local government (other than Metro) related to the operation of the facility within five days of receipt.
9.7	**Unusual occurrences**	1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise, with Metro Code or which will create off-site impacts.

		3. The franchisee must report any facility fires, accidents, emergencies and other significant incidents to Metro within 12 hours of the discovery of their occurrence. 4. The franchisee must report any long term or short term closures as provided in Section 7.12.
9.8	**Changes in ownership**	1. Any change in control of the franchisee or the transfer of a controlling interest of the franchisee requires prior written notice to Metro. "Transfer of a controlling interest of the franchisee" includes without limitation the transfer of 10% or more of the ownership of the franchisee to or from a single entity. Metro may amend this franchise under Section 12.2 to require the new ownership of the franchisee to assume all the rights and obligations of this franchise. 2. The franchisee may not lease, assign, mortgage, sell or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Chapter 5.01.

10.0	**INSURANCE REQUIREMENTS**	
10.1	**General liability**	The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than $1,000,000 per occurrence. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. The franchisee's coverage will be primary as respects Metro.
10.2	**Automobile**	The franchisee must carry automobile insurance with coverage for bodily injury and property damage, and with limits not less than minimum of $1,000,000 per accident or combined single limit.
10.3	**Additional insureds**	Metro, its elected officials, departments, employees, volunteers and agents must be named as ADDITIONAL INSUREDS on the Commercial General Liability policy. The franchisee must include the additional insured endorsement along with the certificate of insurance.
10.4	**Workers' compensation insurance**	1. The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law, and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. 2. The Workers' Compensation Insurance must meet Oregon statutory requirements including Employer's Liability with limits not less than $1,000,000 per accident or disease. 3. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the

		franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.5	**Certificate of insurance**	1. The franchisee must provide Metro with a Certificate of Insurance complying with this Section 10. 2. The franchisee must list Metro as the certificate holder. 3. Upon insurance renewal, the franchisee must submit an updated certificate of insurance and the additional insured endorsement to Metro via email (SWICC@oregonmetro.gov).
10.6	**Notification**	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

11.0	**ENFORCEMENT**	
11.1	**Authority vested in Metro**	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against the franchisee.
11.2	**No enforcement limitations**	This franchise may not be construed to and does not limit, restrict, curtail or abrogate any enforcement provision contained in Metro Code or administrative rules adopted pursuant to Metro Code, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety or welfare of any person or persons within the Metro jurisdictional boundary, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
11.3	**Penalties**	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

12.0	**AMENDMENT, SUSPENSION AND REVOCATION**	
12.1	**Amendment by Metro Council**	Except as provided in Section 12.2, the provisions of this franchise will remain in effect unless the Metro Council: 1. Amends the Metro Code, amends the 2030 Regional Waste Plan or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; or 2. Adopts an ordinance or resolution amending this franchise to implement policy, code or other requirements such as the 2030 Regional Waste Plan.

12.2	**Amendment, suspension or revocation by Metro**	The Chief Operating Officer may, at any time before the expiration date, amend, suspend or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: 1. Violation of the terms or conditions of this franchise, Metro Code or any applicable statute, rule or standard; 2. Changes in local, regional, state or federal laws or regulations that should be specifically incorporated into this franchise, such as Metro actions to implement new requirements from the 2030 Regional Waste Plan; 3. Failure to disclose fully all relevant facts; 4. A significant release into the environment from the facility; 5. Significant change in the character of solid waste received or in the operation of the facility; 6. Any change in ownership or control; 7. A request from the local government stemming from impacts resulting from facility operations; 8. A change of authorization request received from the franchisee; 9. Compliance history of the franchisee; and 10. Changes in the tonnage allocation based on new information, or changes in methodology, administrative rule or Metro Code.

13.0	**GENERAL OBLIGATIONS**	
13.1	**Compliance with law**	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.01, whether or not those provisions have been specifically mentioned or cited in this franchise. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth in this franchise. These conditions and permits include those cited within or attached as exhibits to the franchise document, any existing at the time the franchise is issued but not cited or attached, and any issued or amended during the term of the franchise.
13.2	**Transport waste to appropriate destinations**	The franchisee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.

13.3	**Right of inspection and audit**	1. The franchisee must allow Metro's authorized representatives to access the facility and premises at any time during business hours, with or without advanced notice. For non-business hours, the franchise must allow access to Metro's authorized representatives upon receiving advanced notice of not less than 24 hours. 2. Metro's authorized representatives may take photographs, collect samples of materials and perform any inspection or audits as Metro considers appropriate. 3. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the applicable confidentiality provisions in Section 13.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the facility's operation and its rates. 4. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, to perform research at all times during business hours, with or without notice. The franchisee must provide: (a) Access to all areas where it generates, manages, stores and reloads waste, including without limitation to transfer vehicles; (b) Access to facility personnel and equipment to collect, sort, store and weigh waste; and (c) Access to a safe, covered location away from working areas and vehicle traffic on site where authorized representatives of Metro analyze waste and record data.
13.4	**Confidential information**	1. The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. 2. If Metro receives a public records request seeking disclosure of information identified as confidential by the franchisee, Metro will provide the franchisee with a courtesy notice of that request within five days of receipt of the request. 3. This Section 13.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any

		enforcement proceeding. 4. Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.
13.5	**Compliance by agents**	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

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Legal Antecedents
Pursuant to Metro Code 5.01.180, the Council will consider the following factors when determining whether to issue a franchise:

(1) *Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Waste Plan;*

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the 2030 Regional Waste Plan and specifically aligns with many of the goals of the plan, including goals 12, 13 and 16:

- **Goal 12**: Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
- **Goal 13**: Invest in communities that receive garbage and recyclables from the Metro region so that those communities regard solid waste facilities as assets.
- **Goal 16**: Maintain a system of facilities, from small recycling drop-off depots to larger full-service stations, to ensure equitable distribution of and access to services.

The proposed renewal is also in alignment with the Regional System Facilities plan adopted by Metro Council in March 2025, which envisions continued operations of the six privately owned transfer stations operating within the Metro region.

(2) *The effect that granting a franchise will have on the cost of solid waste disposal and recycling services for the residents of the region;*

Waste Management of Oregon, Inc. has not requested any significant change in authorization or operational activities at this facility. Renewing the franchise would help ensure continuity of transfer service and minimize potential disruptions to the solid waste system. This is an existing transfer station that is part of the region's solid waste system. As such, the proposed renewal is not expected to have any significant impact on the cost of solid waste disposal and recycling services for the residents of the region.

(3) *Whether granting a franchise is likely to adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner;*

Metro staff is not aware of any facility incidents or operating procedures that adversely affected the health, safety and welfare of Metro's residents in an unreasonable manner during the term of the current franchise. Staff finds it unlikely that the franchised operation will adversely affect the health, safety and welfare of Metro's residents due to the type of activity performed and the good compliance record of the operator. The facility is also regulated and monitored by the Oregon Department of Environmental Quality (DEQ).

(4) *Whether granting a franchise is likely to adversely affect nearby residents, property owners, or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;*

Forest Grove Transfer Station is an existing Metro-franchised transfer station and has been in operation since 1985 and owned by the current operator since 1998. Except for a few infrequent complaints, staff is not aware of any significant issues or impacts on the surrounding neighborhood during the term of the current franchise. Based on the operator's demonstrated experience and good compliance history, staff finds it unlikely that Forest Grove Transfer Station's operations would cause unreasonable adverse impacts on the surrounding neighborhood.

(5) *Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.08 and other applicable local, state, and federal laws, rules, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.*

In July 2022, Metro received one noise complaint from a local resident related to a natural gas compressor onsite. Waste Management of Oregon, Inc. staff were notified and provided a response to the complaint detailing operational changes and evaluation of the property lines to add landscape creating a buffer. In 2022, the City of Forest Grove received one noise complaint. Following the complaint, the city conducted an

investigation and determined that the facility was in compliance with applicable noise regulations. No other complaints have been received to date and staff find the facility to be a well-run operation with no observable reason to suspect impending problems or issues.

Metro has a long history with this facility and staff finds that the applicant is likely to comply with regulations and standards if the franchise is renewed.

IN CONSIDERATION OF RESOLUTION NO. 25-5526 FOR THE PURPOSE OF RENEWING WASTE MANAGEMENT OF OREGON, INC.'S SOLID WASTE FACILITY FRANCHISE TO OPERATE FOREST GROVE TRANSFER STATION

Date: November 17, 2025
Department: Waste Prevention and Environmental Services
Meeting Date: December 4, 2025

Prepared by: Lisa Clark, 971-806-7459, lisa.clark@oregonmetro.gov
Presenter if requested: Hila Ritter
Length: Consent agenda

ISSUE STATEMENT
Waste Management of Oregon Inc. (WM) seeks to renew its Metro solid waste facility franchise for Forest Grove Transfer Station (FGTS), a Metro-authorized transfer station located at 1525 B Street in Forest Grove. Metro Code Section 5.01.210 states that Metro Council will approve or deny a solid waste facility franchise renewal.

ACTION REQUESTED
Approve Resolution No. 25-5526 which will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to WM to operate FGTS for a term of five years.

IDENTIFIED POLICY OUTCOMES
Approval of this resolution will support the goals of the Regional Waste Plan and Regional System Facilities Plan. This staff report further describes this expected policy outcome.

POLICY QUESTION(S)
Should Metro Council approve the applicant's franchise application and authorize the Chief Operating Officer to renew the solid waste facility franchise for WM to operate FGTS in accordance with Metro Code Section 5.01.210 and as described in this resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER
1. Adopt Resolution No. 25-5526 to renew the solid waste facility franchise for WM to operate FGTS.

2. Amend Resolution No. 25-5526 to issue a renewed franchise to WM to operate FGTS with different conditions other than those recommended by staff.

3. Do not approve Resolution No. 25-5526. If Council does not adopt this resolution, FGTS will not be authorized to accept, process, or transfer solid waste.

STAFF RECOMMENDATIONS
Staff recommends that Council adopt Resolution No. 25-5526 to approve the renewal of the solid waste facility franchise for WM to operate FGTS. If Council approves this resolution, the renewed franchise (F-004-26) will go into effect on January 1, 2026.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION
The current franchise for WM to operate FGTS became effective on January 1, 2020, and expires on December 31, 2025. WM applied to renew its franchise without any changes to its current authorization.

The proposed franchise includes several housekeeping changes and minor updates to clarify regulatory requirements and standardize terminology with other authorizations for increased consistency. The proposed housekeeping updates are listed below and will be included as standard regulatory provisions in all authorizations for similarly situated facilities going forward.

- Section 3.14 - Facility capacity; adds the requirement from Administrative Rule No. 5.01-3120.8 that the franchisee must not exceed the designed operational capacity of the transfer station. This is a standard requirement applicable to all Metro-authorized transfer stations.

- Section 4.1 - Tonnage allocation; this section will be updated with the calendar year 2026 allocation before the renewed franchise is issued.

- Sections 6.3 - Fire prevention, 6.6.3 - Storage and exterior stockpiles, and 7.6 – Procedures for processing and storage of loads; these sections were updated to clarify that the franchisee must manage materials stockpiles in accordance with Oregon Fire Code requirements and as described in the facility site plan and operating plan.

- Section 6.16 - Employment standard; this section was updated to clarify that the facility must comply with Oregon's "ban the box" law (ORS 659A.360).

Legal Antecedents
Pursuant to Metro Code 5.01.210(b), the Council must approve renewal of a solid waste facility franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria outlined in Metro Code 5.01.180. The staff analysis considering the factors described in Metro Code Section 5.01.180(f) when determining whether to issue a franchise are included as Exhibit B to Resolution No. 25-5526.

Financial Implications
The proposed franchise renewal is not expected to have any financial implications for Metro at this time. This is an existing transfer station that is part of the region's solid waste system. Metro currently allocates up to 60 percent of the region's putrescible waste to private transfer stations using a tonnage allocation methodology.

The current tonnage allocation program has been in place since January 1, 2020, and Metro is planning to evaluate the program to assess potential future changes. To allow time for the evaluation, there will be no changes to the tonnage allocation process for 2026. The proposed franchise renewal is expected to have minimal impact on Metro's Solid Waste Fund operating costs and revenues under the current allocation methodology.

Known Opposition
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 132 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 253 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025, and closed on September 15, 2025. Metro received five comments about the proposed franchise renewal.

Metro shared comments with regulatory agencies and the facility operator and provided an opportunity to respond. Full comments and responses from Metro and findings from regulatory agencies are included in this staff report as Attachment 1: Public comment report.

BACKGROUND

The applicant, WM, is the owner and operator of FGTS, an existing solid waste facility located at 1525 B Street in Forest Grove (Metro Council District 4). The facility began operating as a transfer station and obtained its first Metro franchise in 1985. On December 31, 1997, Metro issued a Solid Waste Facility Franchise (No. FR-004) to USA Waste of Oregon, Inc. (USA Waste), dba Metropolitan Disposal and Recycling Corporation. In July 1998, USA Waste merged with WM, which has been the owner and operator of the facility since that time.

The facility currently holds a Metro-issued franchise (F-004-20H) to operate a transfer station authorized to receive solid waste. FGTS is the only privately owned transfer station open to the public for self-haul customers. Under the terms of the existing franchise, FGTS is authorized to accept up to 73,558 tons of solid waste generated from within the Metro region in calendar year 2025. FGTS also holds a solid waste disposal site permit for a transfer station issued by the Oregon Department of Environmental Quality (DEQ) (Permit No. 368) and a nondomestic waste discharge permit issued by CleanWater Services District (Permit No. 13570).

During the current franchise term (January 1, 2020 to December 31, 2025), Metro staff conducted nine site inspections at FGTS as of the date of this report. In July 2022, Metro received one noise complaint from a local resident related to a natural gas compressor onsite. Details related to this complaint are included in Exhibit B. No other complaints have been received to date and staff find the facility to be a generally well-run operation with a good compliance record.

DEQ and city of Forest Grove reported there are no current enforcement or compliance issues associated with this site. The applicant is well known to Metro and has extensive experience as a participant in Metro's solid waste system. Staff finds that the applicant is qualified to operate a transfer station and is likely to comply with regulations and standards if the franchise is renewed.

On August 8, 2025, the applicant submitted a complete solid waste facility franchise application accompanied by payment of the requisite application fee of $500. The applicant has not requested any changes to its current authorization.

ATTACHMENTS

- Attachment 1 to Resolution No. 25-5526 Public Comment Report

Public comment report

Attachment 1 to Staff Report for Resolution No. 25-5526

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

November 17, 2025

Prepared by: Lisa Clark
971-806-7459

Background
Adoption of Resolution No. 25-5526 will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to Waste Management of Oregon, Inc. to operate Forest Grove Transfer Station (FGTS) for a term of five years.

On August8, 2025, the applicant submitted to Metro a complete solid waste facility franchise application accompanied by payment of the appropriate application fee of $500. The applicant did not request any changes to its current authorization.

Public notice and opportunity to comment
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 132 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 253 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025, and closed on September 15, 2025. Metro received five comments about the proposed franchise renewal and shared them with FGTS. Metro redacted all personal identifying information prior to providing the comments to the applicant and relevant jurisdictions including the City of Forest Grove regarding noise and traffic concerns. FGTS declined to provide a response to public comments.

Summary of written public comments on application
The five public comments received are included below, starting on page #3. and are summarized into two categories:

1. **Convenience and Cleanliness**
   - Appreciation for bulky waste collection events and desire for increased frequency and household hazardous waste collection events.
   - Facility is orderly and clean
2. **Livability and offsite impacts**
   - Noise from trucks and equipment
   - Odors affecting nearby neighborhoods
   - Risks of pest activity
   - Incompatibility with historical residential neighborhood and proximity to recreation and natural areas
   - Public health and environmental concerns
   - Outgrowth of original scope

Metro's Responses:

1. **Convenience and cleanliness**
   - Appreciation for bulky waste collection events and desire for increased frequency and household hazardous waste collection events
   - Facility is orderly and clean

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

Metro response#1 – Convenience and cleanliness
Public comments including this submission are appreciated and considered as part of staff's analysis and recommendations.

2. Livability and offsite impacts

- Noise from trucks and equipment
- Odors affecting nearby neighborhoods
- Risks of pest activity
- Incompatibility with historical residential neighborhood and proximity to recreation and natural areas
- Public health and environmental concerns
- Outgrowth of original scope

Metro response#2 – Livability and offsite impacts
Metro is responsible for planning, managing and overseeing the region's solid waste system. It has an obligation to the public to ensure that the waste intended for reuse, recycling and other purposes is handled properly and sent to appropriate markets, and that all other waste is safely managed and disposed.

Metro and Oregon Department of Environmental Quality (DEQ) regulate FGTS and closely monitor the facility to ensure it meets applicable regulatory requirements. Metro routinely performs inspections at the facility to monitor compliance and coordinate with other regulatory agencies including DEQ and the City of Forest Grove to address and resolve compliance issues.

The proposed solid waste franchise includes requirements for the facility to control and minimize off-site impacts. In particular, the proposed franchise requires the operator to meet performance standards in three areas:

1. **Environment:** The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes.
2. **Health and safety:** The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.
3. **Nuisances**: The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.

Additionally, the proposed franchise carries forward a requirement that the facility operate in a manner that is not conducive to harboring rodents, birds, insects or other vectors and that controls and minimizes the generation of detectable odors. If vectors are present, the proposed franchise requires the facility to implement vector control measures. FGTS contracts with a licensed pest control company which currently services the facility every other week as part of its proactive prevention and control strategy.

The proposed franchise also includes a requirement that the facility operate in a manner that controls and minimizes the generation of odors that are detectable off-site as described in the

facility operating plan including routine site maintenance, e.g., sweeping, and moving putrescible waste offsite within 24 hours of receipt

The facility is zoned as general industrial (GI) by the City of Forest Gove and the use of the property to conduct activities defined in the proposed franchise are permitted outright. According to the City of Forest Grove, the FGTS is located in a "General Industrial Zone" and holds the necessary land use approval for a transfer station operation. Metro relies on local governments, like the City of Forest Grove, to determine land use compatibility within their respective jurisdictions. Metro also relies on local governments to evaluate and address traffic concerns.

FGTS obtained its first Metro solid waste facility franchise in 1985 and has been operating at the current location since that time. Since that time, the amount of waste that the facility receives each year has significantly declined.

The facility plays an important role in the region's solid waste system and provides transfer capacity on the west side of the region. The solid waste system is currently comprised of two publicly owned facilities and six privately owned transfer stations within the region. FGTS is the only privately owned transfer station that currently accepts public self-haul customers.

During the current franchise term (January 1, 2020 to December 31, 2025), the City of Forest Grove's Code Enforcement reported receiving one noise complaint in 2022 and no traffic related complaints. The noise complaint investigation found A-weighted decibels (dBA) levels were in compliance with local noise regulations at that time and no action was taken. In July 2022, Metro received one noise complaint from a local resident related to a natural gas compressor onsite. FGTS staff were notified of the complaint and responded to the complainant detailing operational changes and efforts to evaluate the facility property lines to add landscape to create a buffer.

In addition to performing routine site inspections, Metro investigates facility complaints and works with facility operators to address issues and concerns that arise. The public can share feedback, including complaints to Metro using its Solid waste facility complaint form. The public may also report concerns to DEQ, the City, or directly to the facility operator, DEQ and City of Forest Grove have reported to Metro that there are no current enforcement or compliance issues associated with this site. The applicant is well known to Metro as an operator of a Metro-franchised solid waste facility and staff concludes that the applicant is qualified to operate and manage this facility in a competent and efficient manner.

The following comments were received as part of the public comment period verbatim. Comments are listed in the order they were received:

Comment #1

"I live about a block away from the facility. When I moved here I worried that I might be able to smell the facility, especially in the summer. This has not been the case, so thank you. The facility operates special events for customers, which is great except lines of cars always form for hours down B Street. I suggest you have the events more often since they are popular. Thanks for all the good work you do handling our waste. It may not be glamorous but i appreciate having an important service just work well."

Comment #2

"We're grateful to have a transfer station nearby that is orderly and clean. We are always appreciative of bulky waste day twice a year and believe it keeps junk off roads. Would love to see a hazardous waste day quarterly."

Comment #3

"I considered a move to Old Town, but the long hours of constant beeping from the trucks caused me to stay in my current neighborhood. Are there any plans to consider moving the transfer station to a more industrial area?"

Comment #4

"To Whom It May Concern,

We, the undersigned residents of Forest Grove, respectfully request that the renewal of the Solid Waste Facility Franchise at its current location not be approved. Our community strongly opposes this renewal on the grounds of incompatibility with the surrounding land use, detrimental impacts on quality of life, and the long-term harm to our historic neighborhood, environment, and recreational resources.

1. Incompatibility with Historic Residential Neighborhood
The facility is located directly adjacent to Old Town Forest Grove, a neighborhood of historic homes that hold cultural, architectural, and community significance. No other regional transfer stations of this scale are located in such close proximity to historic residential areas. The visual intrusion of industrial operations into this historic district erodes the character of our neighborhood and contributes to property devaluation.

2. Outgrown Original Scope
When the facility was first permitted, it served only a handful of local trucks within the City of Forest Grove. Over the years, it has grown far beyond its original scope. Today, it appears to accommodate dozens—if not over one hundred—garbage trucks daily, many of which serve areas far outside Forest Grove, including routes toward Portland. This significant expansion has dramatically increased industrial traffic through our community streets and created impacts never intended or approved when the facility was first introduced.

3. Traffic, Noise, and Odor Impacts
Residents experience daily disturbances from heavy truck traffic, loud mechanical operations, and recurring odors. These nuisances diminish the health, safety, and peaceful enjoyment of our homes. Such conditions would be unacceptable in any residential setting, and especially in one with historic preservation at its core.

4. Proximity to Community Recreation and Natural Assets
The facility directly abuts the B Street Trailhead, the gateway to a beloved network of scenic community trails used for hiking, recreation, and outdoor enjoyment. This trailhead is a natural escape for residents and visitors alike, yet it is overshadowed by truck noise, odors, and the industrial presence of the transfer station. Allowing this industrial use to persist in such close proximity to a community recreational asset undermines both the value and the purpose of these public trails.

5. Public Health and Environmental Concerns
Transfer stations bring risks of litter, pest activity, odor emissions, and exhaust exposure. Locating such a use adjacent to residential homes and public trails places undue health burdens on families, children, and seniors who live, walk, and recreate nearby. These are risks that should be mitigated by proper siting in an industrial or non-residential zone—not in the heart of a neighborhood.

6. Precedent and Planning Principles
Other Metro-area transfer stations are carefully located in industrial zones, separated from historic neighborhoods and recreational corridors. The Forest Grove facility is the exception, not the rule. Continuing to allow this land-use incompatibility undermines established planning principles, damages the character of Forest Grove, and sets a troubling precedent for permitting industrial expansion into residential areas.

Conclusion: The Facility Has Outgrown Its Welcome
This transfer station may have been tolerable when it served only our city. However, as its operations have grown, its impacts have multiplied, and it has clearly outgrown its welcome. Our community urges decision-makers to deny the renewal of this franchise at its current location and require relocation of the facility to a more appropriate industrial site, away from historic homes and recreational assets.

Old Town Forest Grove is a cherished and historic neighborhood. The B Street Trailhead is a vital community resource. Both deserve protection from incompatible industrial encroachment. For the health, safety, and quality of life of our residents, we respectfully ask that you deny this renewal request and begin the process of relocation.

Respectfully submitted”

Comment #5

“I don't oppose the waste transfer station in its current location, however I would like to see a higher priority on smell mitigation. Sometimes the stench of rotting garbage wafts over to my house, which is a block away. It seems like this happens primarily on the weekends, in the summer, although this could be because that's when I'm more likely to be out in my yard. I would appreciate a more frequent hosing down of the storage containers, as that's where I assume the smell is originating.”

Agenda #: 3.4

File #: RES 25-5524 **Agenda Date:**10/30/2025

Resolution No. 25-5524 For the Purpose of Renewing Willamette Resources, Inc.'s Solid Waste Facility Franchise to Operate a Transfer Station

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING WILLAMETTE RESOURCES, INC.'S SOLID WASTE FACILITY FRANCHISE TO OPERATE A TRANSFER STATION	)))))	RESOLUTION NO. 25-5524 Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, Willamette Resources Inc. holds Metro Solid Waste Facility Franchise Number F-005-20H to operate a transfer station, which expires on December 31, 2025.

WHEREAS, Willamette Resources Inc. filed a complete application August 2025 seeking a renewed Metro Solid Waste Facility Franchise pursuant to Metro Code Section 5.01.210(a); and

WHEREAS, Willamette Resources Inc. does not propose to alter any activities that already occur at its transfer station site; and

WHEREAS, by January 1 of each year Metro may allocate putrescible waste tonnage to a private transfer station that is franchised under Metro Code Chapter 5.01 in accordance with the allocation framework provided in Metro Code and methodology provided in the applicable administrative rules; and

WHEREAS, Metro Council adopted the Regional System Facilities Plan in March 2025 (Resolution No. 25-5459), which may require future amendments to the Metro Solid Waste Facility Franchise to implement the Plan; and

WHEREAS, the Metro Council finds that the proposed Metro Solid Waste Facility Franchise renewal is in the public interest and meets the criteria set forth in Metro Code Section 5.01.180; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under Metro Code Section 5.01.180 regarding issuing a franchise; and

WHEREAS, the Chief Operating Officer recommends that Metro issue renewed Solid Waste Facility Franchise No. F-005-26 to Willamette Resources Inc as provided in Exhibit A to the Resolution; now therefore.

BE IT RESOLVED that the Metro Council

1. Incorporates the Chief Operating Officer's analysis as set forth in Exhibit B to this Resolution regarding the relevant factors required for a franchise.
2. Approves the Metro Solid Waste Facility Franchise application for Willamette Resources Inc. to operate a transfer station subject to the terms, conditions and limitations contained in Exhibit A.
3. Authorizes the Chief Operating Officer to issue Willamette Resources Inc. a renewed Metro Solid Waste Facility Franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 4th day of December 2025.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

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

METRO SOLID WASTE FACILITY FRANCHISE

No. F-005-26

FRANCHISEE:	FACILITY NAME AND LOCATION:
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Phone: 503-570-0626	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Phone: 503-570-0626
OPERATOR:	**PROPERTY OWNER:**
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Phone: 503-570-0626	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070 Phone: 503-570-0626

ISSUED BY METRO:

Warren Johnson, Policy and Compliance Program Director

Date

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1.0	ISSUANCE	
1.1	**Corporate affiliation**	Republic Services, Inc. 18500 North Allied Way Phoenix, Arizona 85054
1.2	**Contact**	Matt Ketchem, General Manager Phone: 503-404-4180 E-mail: mketchem@republicservices.com
1.3	**Term**	January 1, 2026 to December 31, 2030, unless amended, suspended or revoked as provided in this franchise.
1.4	**Renewal**	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.5	**Facility name and mailing address**	Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, Oregon 97070
1.6	**Facility premises description**	Tax Lot Identification No. 3S102C001400, City of Wilsonville, Washington County, State of Oregon. Metro may inspect the facility site and any areas directly related to the transfer station operations as per Section 13.3.
1.7	**Permission to operate**	The franchisee is the property owner.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	**Guarantees**	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	**Non-exclusive franchise**	This franchise does not limit Metro from granting other solid waste franchises within Metro's jurisdictional boundary.
2.3	**Property rights**	This franchise does not convey any property rights in either real or personal property.
2.4	**Amendment**	Except as provided in Section 12.0, no amendment is effective unless approved by the Metro Council.
2.5	**No recourse**	The franchisee will have no recourse against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.

2.6	**Indemnification**	The franchisee must indemnify Metro, the Council, the Chief Operating Officer and any of Metro's employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.7	**Waivers**	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by Metro.
2.8	**Effect of waiver**	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	**Enforceability**	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.10	**Franchise not a waiver**	This franchise does not relieve any owner, operator or the franchisee from the obligation to obtain all required permits, franchises or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.11	**Franchise not limiting**	This franchise does not limit the power of a federal, state or local agency to enforce any provision of law relating to the facility.
2.12	**Definitions**	1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes cleanup materials, source-separated recyclable material, special waste, land clearing debris and yard debris. 2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

3.0	**AUTHORIZATIONS**	
3.1	**General conditions on solid waste**	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.
3.2	**General conditions on activities**	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0.

3.3	**Acceptance and management of putrescible solid waste**	1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery. 2. The franchisee must receive, manage, store, reload and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers. 3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste. 4. The franchisee must transfer all putrescible waste off-site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.4	**Acceptance and management of mixed non-putrescible solid waste**	1. The franchisee is authorized to accept mixed non-putrescible solid waste from all customers including public self-haul for material recovery. 2. Except as provided below in subsections (a) and (b), the franchisee must receive, sort, store, reload and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides. (a) Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt, or by the end of the business day, whichever is earlier. (b) Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered within 12 hours of receipt, or by the end of the business day, whichever is earlier. 3. The franchisee must transfer all mixed non-putrescible waste off-site within 48 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.5	**Material recovery required**	1. The franchisee must perform material recovery on mixed non-putrescible wastes at no less than the minimum level stipulated in Metro Code Chapter 5.01 or must reload and transfer such waste to a facility authorized by Metro to perform material recovery. 2. The franchisee must ensure that the facility is designed and operated so that materials are recovered in a timely manner and that the reloading and transfer of non-putrescible waste to a Metro-authorized material recovery facility is conducted rapidly and

		efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery. 3. The franchisee must take quarterly samples of processing residual, when generated at the facility, that are statistically valid and representative of the facility's residual. Each sample required by this section must weigh at least 300 pounds.
3.6	**Management of processing residual from material recovery**	The franchisee must store, reload and transfer all non-putrescible waste processing residual on an impervious surface and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers.
3.7	**Acceptance of source-separated recyclable materials**	1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises. 2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling. 3. The franchisee must transfer all source-separated recyclable materials off-site within 180 days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.8	**Acceptance of yard debris**	1. The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce odors detectable beyond the boundaries of the facility. 2. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. 3. The franchisee must transfer all yard debris off-site within seven days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.9	**Acceptance of source-separated food waste**	1. The franchisee must accept source-separated food waste for reloading to an authorized facility for composting, anaerobic digestion or other resource recovery process as described in an operating plan and approved in writing by Metro. 2. The franchisee must not deny access to any waste hauler transporting source-separated food waste without due cause or written notice 30 days in advance, as outlined in Section 4.2. 3. The franchisee must maintain adequate capacity to accommodate commercial food waste generated within the region while meeting the requirements in subsection 3.9.4 and operating the facility in accordance with the operating plan approved in writing by Metro.

		4. The franchisee must: (a) Reload and transfer all source-separated food waste, including residential yard debris mixed with food waste, from the site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro; (b) Protect the quality of source-separated food waste such that it is suitable for composting, anaerobic digestion or other resource recovery process that is approved in writing by Metro; and (c) Transport all source-separated food waste to a Metro-authorized facility for recovery.
3.10	**Acceptance of untreated wood**	The franchisee is authorized to accept, for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro.
3.11	**Acceptance of painted and treated wood**	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock or any other product unless otherwise described in an operating plan and approved in writing by Metro.
3.12	**Acceptance of electronics devices**	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse, recycling or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.13	**Acceptance of inert material**	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer and other similar functions related to preparing these materials for useful purposes.
3.14	**Facility Capacity**	The franchisee must not exceed its designed operational capacity. If the transfer station reaches operational capacity, the franchisee must not accept additional material for processing or transfer.
3.15	**Production of hogged fuel**	1. The franchisee is authorized to accept and process only untreated wood, painted wood and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in subsection 3.14.1 for the production of hogged fuel.

3.16	**Acceptance of infectious waste**	The franchisee is authorized to accept infectious waste for short-term storage, up to 72 hours, pending transport to an appropriate disposal location.

4.0	**LIMITATIONS AND PROHIBITIONS**	
4.1	**Tonnage allocation**	1. The franchisee is authorized to accept putrescible waste generated inside the Metro region as provided in this franchise. 2. By January 1 of each year, Metro will amend this franchise to establish an annual tonnage allocation amount for the franchisee. 3. Metro will determine the tonnage allocation amount in accordance with allocation methodology provided in Metro Code Chapter 5.01 and applicable administrative rules. 4. For calendar year 2026, beginning on January 1 and ending December 31, 2026, the franchisee is authorized to accept up to XX,XXX tons of putrescible waste generated inside the Metro region.
4.2	**Waste hauler access**	It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers. Therefore: 1. The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region; 2. The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay or risk of exceeding the franchise tonnage allocation; and 3. Metro may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.
4.3	**Prohibited waste**	The franchisee must not knowingly receive, process, reload or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; radioactive waste; hazardous waste; explosives; or any waste prohibited by DEQ.
4.4	**Prohibition on mixing**	The franchisee must not mix different waste types unless such mixing is described in an operating plan and approved in writing by Metro.

4.5	**Prohibition of size reduction on non-putrescible waste**	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved in writing by Metro.
4.6	**No disposal of recyclable materials**	The franchisee must not transfer source-separated recyclable materials to a disposal site including, without limitation, landfills and incineration facilities, without written permission from Metro and DEQ.
4.7	**Composting prohibited**	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.8	**Limits not exclusive**	This franchise will not be construed to limit, restrict, curtail or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	**REGIONAL WASTE PLAN**	
5.1	**Regional Waste Plan**	1. Metro plans, manages and oversees the region's solid waste system to achieve the goals and actions outlined in the 2030 Regional Waste Plan. 2. Metro may amend this franchise and establish new requirements for the franchisee to achieve the goals and actions of the 2030 Regional Waste Plan.

6.0	**OPERATING CONDITIONS**	
6.1	**General performance standards**	The franchisee must operate in a manner that meets the following general performance standards: 1. Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. 2. Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. 3. Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust,

		odors and noise.
6.2	**Qualified operator**	1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and that is qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan. 3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
6.3	**Fire prevention**	The franchisee must provide fire prevention, protection and control measures including, but not limited to: 1. Adequate water supply for fire suppression; 2. Procedures in place to isolate potential heat sources and/or flammables from processing and storage areas; and 3. Comply with all applicable Oregon Fire Code and pile size requirements
6.4	**Adequate vehicle accommodation**	The franchisee must: 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. 2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. 3. Post signs to inform customers not to queue on public roadways. 4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site covering and uncovering of loads.
6.5	**Managing prohibited wastes**	1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received. 2. The franchisee must implement a load-check program to prevent the acceptance of prohibited waste. This program must include at a minimum:

		(a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise. (b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination. (c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling and disposition of prohibited waste and make those records available for review by Metro. 3. Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by DEQ or local government.
6.6	**Storage and exterior stockpiles**	The franchisee must: 1. Manage, contain and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards; 2. Maintain storage areas in an orderly manner and keep the areas free of litter; 3. Position exterior stockpiles within footprints and allowed dimensions (length, width and height) in accordance with Oregon Fire Code and as identified on the facility site plan or operating plan; and 4. Not stockpile recovered or source-separated materials for longer than 180 days.
6.7	**Dust, airborne debris and litter**	The franchisee must operate the facility in a manner that controls and minimizes the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must: 1. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit; 2. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit; 3. Maintain and operate all access roads and receiving, processing, storage and reload areas in such a manner as to control and minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site;

		4. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation; 5. Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; and 6. Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.
6.8	**Odor**	1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site. 2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.
6.9	**Vectors (e.g. birds, rodents, insects)**	1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.
6.10	**Noise**	The franchisee must operate the facility in a manner that controls and minimizes any noise sufficient to cause adverse off-site impacts and meets applicable regulatory standards and land-use regulations.
6.11	**Water contaminated by solid waste and solid waste leachate**	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: 1. Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and 2. Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state and federal laws and regulations.
6.12	**Access control**	1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
6.13	**Signage**	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs

		must be easily and readily visible and legible from off-site during all hours and must contain at least the following information: 1. Name of the facility; 2. Address of the facility; 3. Emergency telephone number for the facility; 4. Operating hours during which the facility is open for the receipt of authorized waste; 5. Rates and charges; 6. Metro's name and telephone number (503) 234-3000; 7. A list of authorized and prohibited wastes; 8. Vehicle / traffic flow information or diagram; 9. Covered load requirements; and 10. Directions not to queue on public roadways.
6.14	**Complaints**	1. The franchisee must respond to all complaints in timely manner including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic and vectors, and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the franchisee must: (a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts, whether successful or unsuccessful; and (b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.
6.15	**Access to franchise document**	The franchisee must maintain a copy of this franchise on the facility's premises in a location where facility personnel and Metro representatives have ready access to it.
6.16	**Employment standard**	The franchisee must comply with Oregon's "ban the box" law (ORS 659A.360) which makes it unlawful for an employer to inquire about criminal convictions before the interview stage of hiring.

7.0	**OPERATING PLAN**	
7.1	**Plan compliance**	The franchisee must operate the facility in accordance with an operating plan approved in writing by Metro. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by Metro.

7.2	**Plan maintenance**	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures and requirements. The franchisee must submit amendments and revisions of the operating plan to Metro for written approval prior to implementation.
7.3	**Access to operating plan**	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	**Procedures for inspecting loads**	The operating plan must include: 1. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; 2. Procedures for identifying incoming and outgoing loads for waste classifications; 3. A set of objective criteria for accepting and rejecting loads; and 4. An asbestos testing protocol for all materials that appear to contain asbestos.
7.5	**Procedures for mixing waste types**	The operating plan must include: 1. Circumstances under which waste types will be mixed; and 2. Procedures for record keeping and reporting for mixed outbound loads.
7.6	**Procedures for processing and storage of loads**	The operating plan must include procedures for: 1. Processing authorized solid wastes; 2. Reloading and transfer of authorized solid wastes including, but not limited to; 3. Managing stockpiles to ensure that they remain within the footprint and pile sizes (mass, length, width and height) identified on the site plan and in compliance with Oregon Fire Code and all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits; 4. Storing authorized solid wastes; and 5. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	**Procedures for managing prohibited wastes**	The operating plan must include procedures for managing, reloading and transferring to appropriate facilities or disposal sites any prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must include procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.

7.8	**Procedures for odor prevention**	The operating plan must include procedures for controlling and minimizing odors generated at the facility from being detected off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage odors of any derivation including odorous loads delivered to the facility; and 2. Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions and remedying promptly all odor problems at the facility.
7.9	**Procedures for dust prevention**	The operating plan must include procedures for controlling and minimizing dust from blowing off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage dust of any derivation; and 2. Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions and remedying promptly all dust problems at the facility.
7.10	**Procedures for emergencies**	The operating plan must include procedures that the franchisee will follow in case of fire or other emergency.
7.11	**Procedures for complaints**	The operating plan must include procedures for managing complaints. 1. For every complaint received (for example odor, dust, vibrations and litter), the franchisee must record: (a) The nature of the complaint; (b) The date the complaint was received; (c) The name, address and telephone number of the person or persons making the complaint; and (d) Any actions taken by the operator in response to the complaint, whether successful or unsuccessful. 2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
7.12	**Closure protocol**	1. The franchisee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01. 2. The plan must include protocol for: (a) Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and (b) Long-term closure (duration of time that is 120 consecutive days or more in length).

		3. The franchisee must give at least 24-hour notice to Metro prior to the short-term closure of the facility. 4. The franchisee must give at least 90 days written notice to Metro prior to the long-term closure of the facility.

8.0	**FEES AND RATES**	
8.1	**Annual fee**	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
8.2	**Rates**	1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority. 2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13. 3. The franchisee must notify Metro in writing at least 30 days before making any changes to the posted rates charged at the facility for accepting solid waste (including disposal rates, transaction fees, and other charges). 4. The franchisee must provide Metro with a copy of any rate notification that it sends to its commercial customers within five business days of the notification.
8.3	**Regional system fee and excise tax**	1. The franchisee is liable for payment of the Metro regional system fee, as provided in Metro Code Chapter 5.02, and the Metro excise tax, as provided in Metro Code Chapter 7.01, on all solid waste transported to a disposal site. 2. The franchisee must pay the regional system fee and excise tax to: (a) Metro as required by a non-system license issued to the franchisee; or (b) A designated facility that is authorized by Metro to collect and remit fees and taxes on behalf of the franchisee. 3. Notwithstanding Subsection 2, the franchisee may pay to Metro the regional system fee and excise tax for waste transported to a designated facility if approved in writing by Metro. In such instance, the franchisee must perform the following by the last day of each month: (a) Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; and (b) Remit to Metro the requisite regional system fee and excise tax in accordance with this franchise and Metro Code provisions

		applicable to the collection, payment, and accounting of those fees and taxes. 4. The franchisee must pay to Metro a finance charge for any delinquent regional system fee and excise tax payment as set forth under Metro Code Chapters 5.02 and 7.01. 5. The franchisee must make available to Metro for inspection all records from which Sections 8.0 and 9.0 are derived.
8.4	**Metro community enhancement fee imposed on waste received**	The franchisee must: 1. Collect a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to $1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste; and 2. Remit to Metro the community enhancement fees described in this section by the last day of each month for waste received in the preceding month.

9.0	**RECORD KEEPING AND REPORTING**	
9.1	**Record keeping requirements**	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads and disposes. These records must include the information specified in the Metro document titled, *Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees and Parties to Designated Facility Agreements*.
9.2	**Reporting requirements**	1. The franchisee must transmit to Metro records required under Sections 8.0 and 9.0 no later than fifteen days following the end of each month in a format prescribed by Metro. 2. Notwithstanding Subsection 1, Metro may require the franchisee to report the records required by Sections 8.0 and 9.0 on a weekly or daily basis in the event of a significant disruption to the solid waste system.
9.3	**Material recovery reporting**	The franchisee must provide the results of its quarterly sampling of processing residual, as provided in Section 3.5, to Metro as a component of its monthly report no later than fifteen days following the end of each quarter in a format prescribed by Metro.
9.4	**Account number listing**	Within five business days of Metro's request, the franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.5	**Transactions based on scale weights**	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction

		electronically based on actual and accurate scale weights using the franchisee's on-site scales.
9.6	**DEQ submittals**	The franchisee must provide Metro with copies of all correspondence, exhibits or documents submitted to DEQ relating to the terms or conditions of DEQ solid waste permit or this franchise within five business days of providing such information to DEQ.
9.7	**Copies of enforcement actions provided to Metro**	The franchisee must provide Metro with copies of any notice of violation or noncompliance, citation or any other similar enforcement actions issued to the franchisee by any federal, state or local government (other than Metro) related to the operation of the facility within five days of receipt.
9.8	**Unusual occurrences**	1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise, with Metro Code or which will create off-site impacts. 3. The franchisee must report any facility fires, accidents, emergencies and other significant incidents to Metro within 12 hours of the discovery of their occurrence. 4. The franchisee must report any long term or short term closures as provided in section 7.12.
9.9	**Changes in ownership**	1. Any change in control of the franchisee or the transfer of a controlling interest of the franchisee requires prior written notice to Metro. "Transfer of a controlling interest of the franchisee" includes without limitation the transfer of 10% or more of the ownership of the franchisee to or from a single entity. Metro may amend this franchise under Section 12.2 to require the new ownership of the franchisee to assume all the rights and obligations of this franchise. 2. The franchisee may not lease, assign, mortgage, sell or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Chapter 5.01.

10.0	**INSURANCE REQUIREMENTS**	
10.1	**General liability**	The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than $1,000,000 per occurrence. The policy will include coverage for bodily injury, property

		damage, personal injury, death, contractual liability, premises and products/completed operations. The franchisee's coverage will be primary as respects Metro.
10.2	**Automobile**	The franchisee must carry automobile insurance with coverage for bodily injury and property damage, and with limits not less than minimum of $1,000,000 per accident or combined single limit.
10.3	**Additional insureds**	Metro, its elected officials, departments, employees, volunteers and agents must be named as ADDITIONAL INSUREDS on the Commercial General Liability policy. The franchisee must include the additional insured endorsement along with the certificate of insurance.
10.4	**Workers' compensation insurance**	1. The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law, and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. 2. The Workers' Compensation Insurance must meet Oregon statutory requirements including Employer's Liability with limits not less than $1,000,000 per accident or disease. 3. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.5	**Certificate of insurance**	1. The franchisee must provide Metro with a Certificate of Insurance complying with this Section 10. 2. The franchisee must list Metro as the certificate holder. 3. Upon insurance renewal, the franchisee must submit an updated certificate of insurance and the additional insured endorsement to Metro via email (SWICC@oregonmetro.gov).
10.6	**Notification**	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

11.0	**ENFORCEMENT**	
11.1	**Authority vested in Metro**	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against the franchisee.
11.2	**No enforcement limitations**	This franchise may not be construed to and does not limit, restrict, curtail or abrogate any enforcement provision contained in Metro Code or

		administrative rules adopted pursuant to Metro Code Chapter 5.01, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety or welfare of any person or persons within the Metro jurisdictional boundary, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
11.3	**Penalties**	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

12.0	**AMENDMENT, SUSPENSION AND REVOCATION**	
12.1	**Amendment by Metro Council**	Except as provided in Section 12.2, the provisions of this franchise will remain in effect unless the Metro Council: 1. Amends the Metro Code, amends the 2030 Regional Waste Plan or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; or 2. Adopts an ordinance or resolution amending this franchise to implement policy, code or other requirements such as the 2030 Regional Waste Plan.
12.2	**Amendment, suspension or revocation by Metro**	The Chief Operating Officer may, at any time before the expiration date, amend, suspend or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: 1. Violation of the terms or conditions of this franchise, Metro Code or any applicable statute, rule or standard; 2. Changes in local, regional, state or federal laws or regulations that should be specifically incorporated into this franchise, such as Metro actions to implement new requirements from the 2030 Regional Waste Plan; 3. Failure to disclose fully all relevant facts; 4. A significant release into the environment from the facility; 5. Significant change in the character of solid waste received or in the operation of the facility; 6. Any change in ownership or control; 7. A request from the local government stemming from impacts resulting from facility operations; 8. A change of authorization request received from the franchisee; 9. Compliance history of the franchisee; and

		10. Changes in the tonnage allocation based on new information, or changes in methodology, administrative rule or Metro Code.

13.0	GENERAL OBLIGATIONS	
13.1	**Compliance with law**	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.01, whether or not those provisions have been specifically mentioned or cited in this franchise. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth in this franchise. These conditions and permits include those cited within or attached as exhibits to the franchise document, any existing at the time the franchise is issued but not cited or attached, and any issued or amended during the term of the franchise.
13.2	**Transport waste to appropriate destinations**	The franchisee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
13.3	**Right of inspection and audit**	1. The franchisee must allow Metro's authorized representatives to access the facility and premises at any time during business hours, with or without advanced notice. For non-business hours, the franchise must allow access to Metro's authorized representatives upon receiving advanced notice of not less than 24 hours. 2. Metro's authorized representatives may take photographs, collect samples of materials and perform any inspection or audits as Metro considers appropriate. 3. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the applicable confidentiality provisions in Section 13.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the facility's operation and its rates. 4. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, to perform research at all times during business hours, with or without notice. The franchisee must provide: (a) Access to all areas where it generates, manages, stores and reloads waste, including without limitation to transfer vehicles; (b) Access to facility personnel and equipment to collect, sort, store

		and weigh waste; and (c) Access to a safe, covered location away from working areas and vehicle traffic on site where authorized representatives of Metro analyze waste and record data.
13.4	**Confidential information**	1. The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. 2. If Metro receives a public records request seeking disclosure of information identified as confidential by the franchisee, Metro will provide the franchisee with a courtesy notice of that request within five days of receipt of the request. 3. This Section 13.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. 4. Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.
13.5	**Compliance by agents**	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

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Legal Antecedents
Pursuant to Metro Code 5.01.180, the Council will consider the following factors when determining whether to issue a franchise:

(1) *Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Waste Plan;*

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the 2030 Regional Waste Plan and specifically aligns with many of the goals of the plan, including goals 12, 13 and 16:

- **Goal 12**: Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
- **Goal 13**: Invest in communities that receive garbage and recyclables from the Metro region so that those communities regard solid waste facilities as assets.
- **Goal 16**: Maintain a system of facilities, from small recycling drop-off depots to larger full-service stations, to ensure equitable distribution of and access to services.

The proposed renewal is also in alignment with the Regional System Facilities plan adopted by Metro Council in March 2025, which envisions continued operations of the six privately owned transfer stations operating within the Metro region.

(2) *The effect that granting a franchise will have on the cost of solid waste disposal and recycling services for the residents of the region;*

Willamette Resources Inc. has not requested any significant change in authorization or operational activities at this facility. Renewing the franchise would help ensure continuity of transfer service and minimize potential disruptions to the solid waste system. This is an existing transfer station that is part of the region's solid waste system. As such, the proposed renewal is not expected to have any significant impact on the cost of solid waste disposal and recycling services for the residents of the region.

(3) *Whether granting a franchise is likely to adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner;*

Metro staff is not aware of any facility incidents or operating procedures that adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner during the term of the current franchise. Staff finds it unlikely that the franchised operation will adversely affect the health, safety and welfare of Metro's residents due to the type of activity performed and the good compliance record of the operator. The facility is also regulated and monitored by the Oregon Department of Environmental Quality (DEQ).

(4) *Whether granting a franchise is likely to adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;*

Willamette Resources, Inc. is an existing transfer station and began operations in 1994 as a material recovery facility and became a Metro-franchised transfer station in 1999. Staff is not aware of any significant issues or impacts on the surrounding neighborhood during the term of the current franchise. Based on the operator's demonstrated experience and good compliance history, staff finds it unlikely that Willamette Resources, Inc.'s operations would cause unreasonable adverse impacts on the surrounding neighborhood.

(5) *Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement and standards of this chapter, the administrative rules and performance standards adopted pursuant to Chapter 5.08 and other applicable local, state, and federal laws, rules, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.*

Metro has a long history with this facility and staff finds that the applicant is likely to comply with regulations and standards if the franchise is renewed.

IN CONSIDERATION OF RESOLUTION NO. 25-5524 FOR THE PURPOSE OF RENEWING WILLAMETTE RESOURCES INC.'S SOLID WASTE FACILITY FRANCHISE TO OPERATE A TRANSFER STATION.

Date: November 17, 2025
Department: Waste Prevention and Environmental Services
Meeting Date: December 4, 2025

Prepared by: Lisa Clark, 971-806-7459, lisa.clark@oregonmetro.gov
Presenter if requested: Hila Ritter
Length: Consent agenda

ISSUE STATEMENT
Willamette Resources Inc. (WRI), a Metro-authorized transfer station located at 10295 SW Ridder Rd. in Wilsonville, seeks to renew its Metro solid waste facility franchise. Metro Code Section 5.01.210 states Metro Council will approve or deny a solid waste facility franchise renewal.

ACTION REQUESTED
Approve Resolution No. 25-5524 which will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to WRI for a term of five years.

IDENTIFIED POLICY OUTCOMES
Approval of this resolution will support the goals of the Regional Waste Plan and Regional System Facilities Plan. This staff report further describes this expected policy outcome.

POLICY QUESTION(S)
Should Metro Council approve the applicant's franchise application and authorize the Chief Operating Officer to renew the solid waste facility franchise for WRI in accordance with Metro Code Section 5.01.210 and as described in this resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER
1. Adopt Resolution No. 25-5524 to renew the Metro solid waste facility franchise for WRI.

2. Amend the Resolution No. 25-5524 to issue a renewed franchise to WRI with different conditions other than those recommended by staff.

3. Do not approve Resolution No. 25-5524. If Council does not adopt this resolution, WRI will not be authorized to accept, process or transfer solid waste.

STAFF RECOMMENDATIONS
Staff recommends that Council adopt Resolution No. 25-2524 to approve the renewal of the solid waste facility franchise for WRI. If Council approves this resolution, the renewed franchise (F-005-26) will go into effect on January 1, 2026.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION
The current franchise for WRI became effective on January 1, 2020, and expires on December 31, 2025. WRI applied to renew its franchise without any changes to its current authorization.

The proposed franchise includes several housekeeping changes and minor updates to clarify regulatory requirements and standardize terminology with other authorizations for increased consistency. The proposed housekeeping updates are listed below and will be included as standard regulatory provisions in all authorizations for similarly situated facilities going forward.

- Section 3.14 - Facility capacity; adds the requirement from Administrative Rule No. 5.01-3120.8 that the franchisee must not exceed the designed operational capacity of the transfer station. This is a standard requirement applicable to all Metro-authorized transfer stations.

- Section 4.1 - Tonnage allocation; this section will be updated with the calendar year 2026 allocation before the renewed franchise is issued.

- Sections 6.3 - Fire prevention, 6.6.3 - Storage and exterior stockpiles, and 7.6 – Procedures for processing and storage of loads; these sections were updated to clarify that the franchisee must manage materials stockpiles in accordance with Oregon Fire Code requirements and as described in the facility site plan and operating plan.

- Section 6.16 - Employment standard; this section was updated to clarify that the facility must comply with Oregon's "ban the box" law (ORS 659A.360).

Legal Antecedents
Pursuant to Metro Code 5.01.210(b), the Council must approve renewal of a solid waste facility franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria outlined in Metro Code 5.01.180. The staff analysis considering the factors described in Metro Code Section 5.01.180(f) when determining whether to issue a franchise are included as Exhibit B to Resolution No. 25-5524.

Financial Implications
The proposed franchise renewal is not expected to have any financial implications for Metro at this time. This is an existing transfer station that is part of the region's solid waste system. Metro currently allocates up to 60 percent of the region's putrescible waste to private transfer stations using a tonnage allocation methodology.

The current tonnage allocation program has been in place since January 1, 2020, and Metro is planning to evaluate the program to assess potential future changes. To allow time for the evaluation, there will be no changes to the tonnage allocation process for 2026. The proposed franchise renewal is expected to have minimal impact to Metro's Solid Waste Fund operating costs and revenues under the current allocation methodology.

Known Opposition
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 39 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 233 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025, and closed on September 15, 2025. Metro received no comments about the proposed franchise renewal.

BACKGROUND

The applicant, WRI, is the owner and operator of an existing solid waste facility located at 10295 SW Ridder Road in Wilsonville (Metro Council District 3). WRI is a wholly owned subsidiary of Republic Services based in Phoenix, Arizona. WRI commenced operation in 1994 as a material recovery facility and became a Metro-franchised transfer station in 1999.

The facility currently holds a Metro-issued franchise (F-005-20H) to operate a transfer station authorized to receive solid waste. Under the terms of the existing franchise, WRI is authorized to accept up to 73,558 tons of solid waste generated from within the Metro region in calendar year 2025. WRI also holds a solid waste disposal site permit for a transfer station and material recovery facility issued (Permit No. 435) and a 1200-Z stormwater permit (Permit No. 14568) both issued by the Oregon Department of Environmental Quality (DEQ).

In addition to its franchise, WRI holds a non-system license (No. N-005-24(4), replaced with renewed NSL No. N-005-26A effective January 1, 2026) authorizing the transport of up to 25,000 tons per calendar year of commercial food waste and yard debris containing food waste to Pacific Region Compost in Corvallis, Oregon.

Metro issued one warning letter (No. NAL-428-20 – warning letters were formerly titled noncompliance advisory letters) on August 31, 2020, to WRI for transporting source-separated recyclable materials to a disposal site without requisite approval from Metro and DEQ. In that instance, WRI proactively self-reported to Metro that due to internal miscommunication, WRI inadvertently mixed 11.48 tons of source-separated corrugated cardboard with mixed non-putrescible waste. DEQ also issued a warning letter for this same issue in 2020. WRI addressed the issue and there are no current enforcement or known compliance issues associated with this site.

During the current franchise term (January 1, 2020 to December 31, 2025), Metro staff conducted seven site inspections at WRI as of the date of this report. Staff find the facility to be a generally well-run operation with a good compliance record.

DEQ and city of Wilsonville reported there are no current enforcement or compliance issues associated with this site. The applicant is well known to Metro and has extensive experience as a participant in Metro's solid waste system. Staff finds that the applicant is qualified to operate a transfer station and is likely to comply with regulations and standards if the franchise is renewed.

On August 8, 2025, the applicant submitted a complete solid waste facility franchise application accompanied by payment of the requisite application fee of $500. The applicant has not requested any changes to its current authorization.

Agenda #: 3.5

File #: RES 25-5528 **Agenda Date:**10/30/2025

Resolution No. 25-5528 For the Purpose of Renewing Waste Management of Oregon, Inc.'s Solid Waste Facility Franchise to Operate Troutdale Transfer Station

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING WASTE MANAGEMENT OF OREGON INC.'S SOLID WASTE FACILITY FRANCHISE TO OPERATE TROUTDALE TRANSFER STATION	)))))	RESOLUTION NO. 25-5528 Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, Waste Management of Oregon, Inc. holds Metro Solid Waste Facility Franchise Number F-001-20H to operate a transfer station, which expires on December 31, 2025.

WHEREAS, Waste Management of Oregon, Inc. filed a complete application in August 2025 seeking a renewed Metro Solid Waste Facility Franchise pursuant to Metro Code Section 5.01.210(a); and

WHEREAS, Waste Management of Oregon, Inc. does not propose to alter any activities that already occur at its transfer station site; and

WHEREAS, by January 1 of each year Metro may allocate putrescible waste tonnage to a private transfer station that is franchised under Metro Code Chapter 5.01 in accordance with the allocation framework provided in Metro Code and methodology provided in the applicable administrative rules; and

WHEREAS, Metro Council adopted the Regional Systems Facility Plan in March 2025 (Resolution No. 25-5459), which may require future amendments to the Metro Solid Waste Facility Franchise to implement the Plan; and

WHEREAS, the Metro Council finds that the proposed Metro Solid Waste Facility Franchise renewal is in the public interest and meets the criteria set forth in Metro Code Section 5.01.180; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under Metro Code Section 5.01.180 regarding issuing a franchise; and

WHEREAS, the Chief Operating Officer recommends that Metro issue renewed Solid Waste Facility Franchise No. F-001-26 to Waste Management of Oregon, Inc. as provided in Exhibit A to the Resolution; now therefore.

BE IT RESOLVED that the Metro Council

1. Incorporates the Chief Operating Officer's analysis as set forth in Exhibit B to this Resolution regarding the relevant factors required for a franchise.
2. Approves the Metro Solid Waste Facility Franchise application for Waste Management of Oregon, Inc. to operate a transfer station subject to the terms, conditions and limitations contained in Exhibit A.
3. Authorizes the Chief Operating Officer to issue Waste Management of Oregon, Inc. a renewed Metro Solid Waste Facility Franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 4th day of December 2025.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

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

METRO SOLID WASTE FACILITY FRANCHISE

No. F-001-26

FRANCHISEE:	**FACILITY NAME AND LOCATION:**
Waste Management of Oregon, Inc. 7227 NE 55th Avenue Portland, Oregon 97218 Phone: 503-667-5264	Troutdale Transfer Station 869 NW Eastwind Drive Troutdale, Oregon 97060 Phone: 503-667-5264
OPERATOR:	**PROPERTY OWNER:**
Waste Management of Oregon, Inc. 7227 NE 55th Avenue Portland, Oregon 97218 Phone: 503-667-5264	TDK Corp. 333 NE 3rd Gresham, Oregon 97030 Phone: 503-665-3860

ISSUED BY METRO:

Warren Johnson, Policy and Compliance Program Director

Date

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1.0	ISSUANCE	
1.1	**Corporate affiliation**	Waste Management, Inc. 1001 Fannin, Suite 4000 Houston, Texas 77002
1.2	**Contact**	Nicholas Godfrey Phone: 971-261-4008 E-mail: NGodfrey@wm.com
1.3	**Term**	January 1, 2026 to December 31, 2030, unless amended, suspended or revoked as provided in this franchise.
1.4	**Renewal**	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.5	**Facility name and mailing address**	Troutdale Transfer Station 869 NW Eastwind Drive Troutdale, Oregon 97060
1.6	**Facility premises description**	Tax Lot Identification No. 1N3E27A-00103, City of Troutdale, Multnomah County, State of Oregon. Metro may inspect the facility site and any areas directly related to the transfer station operations as per Section 13.3.
1.7	**Permission to operate**	The property owner consents to the use of the property as a transfer station by the franchisee.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	**Guarantees**	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	**Non-exclusive franchise**	This franchise does not limit Metro from granting other solid waste franchises within Metro's jurisdictional boundary.
2.3	**Property rights**	This franchise does not convey any property rights in either real or personal property.
2.4	**Amendment**	Except as provided in Section 12.0, no amendment is effective unless approved by the Metro Council.
2.5	**No recourse**	The franchisee will have no recourse against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement

		of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
2.6	**Indemnification**	The franchisee must indemnify Metro, the Council, the Chief Operating Officer and any of Metro's employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without limitation patent infringement and any claims or disputes involving subcontractors.
2.7	**Waivers**	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 12.0 and be in writing and signed by Metro.
2.8	**Effect of waiver**	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.9	**Enforceability**	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.10	**Franchise not a waiver**	This franchise does not relieve any owner, operator or the franchisee from the obligation to obtain all required permits, franchises or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.11	**Franchise not limiting**	This franchise does not limit the power of a federal, state or local agency to enforce any provision of law relating to the facility.
2.12	**Definitions**	1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes cleanup material, source-separated recyclable material, special waste, land clearing debris and yard debris. 2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.

3.0	**AUTHORIZATIONS**	
3.1	**General conditions on solid waste**	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.

3.2	**General conditions on activities**	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0.
3.3	**Acceptance and management of putrescible solid waste**	1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 13.2. The franchisee also is authorized to accept putrescible waste for material recovery**.** 2. The franchisee must receive, manage, store, reload and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers. 3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste. 4. The franchisee must transfer all putrescible waste off-site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.4	**Acceptance and management of mixed non-putrescible solid waste**	1. The franchisee is authorized to accept mixed non-putrescible solid waste from all customers including public self-haul for material recovery. 2. The franchisee must receive, sort, store, reload and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides. Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours of receipt or by the end of the business day, whichever is earlier. 3. The franchisee must transfer all mixed non-putrescible waste off-site within 48 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.5	**Material recovery required**	1. The franchisee must perform material recovery on mixed non-putrescible wastes at no less than the minimum level stipulated in Metro Code Chapter 5.01 or must reload and transfer such waste to a facility authorized by Metro to perform material recovery. 2. The franchisee must ensure that the facility is designed and operated so that materials are recovered in a timely manner and that the reloading and transfer of non-putrescible waste to a Metro-authorized material recovery facility is conducted rapidly and efficiently while protecting the quality of non-putrescible waste that has not yet undergone material recovery.

		3. The franchisee must take quarterly samples of processing residual, when generated at the facility, that are statistically valid and representative of the facility's residual. Each sample required by this section shall weigh at least 300 pounds.
3.6	**Management of processing residual from material recovery**	The franchisee must store, reload and transfer all non-putrescible waste processing residual on an impervious surface and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight, covered containers or within covered transport trailers.
3.7	**Acceptance of source-separated recyclable materials**	1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises. 2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling. 3. The franchisee must transfer all source-separated recyclable materials off-site within 180 days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.8	**Acceptance of yard debris**	1. The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce odors detectable beyond the boundaries of the facility. 2. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. 3. The franchisee must transfer all yard debris off-site within seven days of receipt unless otherwise described in an operating plan and approved in writing by Metro.
3.9	**Acceptance of source-separated food waste**	1. The franchisee is authorized to accept source-separated food waste for reloading to an authorized facility for composting, anaerobic digestion or other resource recovery process as described in an operating plan and approved in writing by Metro. 2. Notwithstanding subsection 3.9.1 above, the Chief Operating Officer may amend this franchise as described in section 12.0 to require the franchisee to accept source-separated food waste. 3. If the franchisee accepts source-separated food waste, then the franchisee must: (a) Reload and transfer all source-separated food waste, including residential yard debris mixed with food waste, from the site within 24 hours of receipt unless otherwise described in an operating plan and approved in writing by Metro;

		(b) Protect the quality of source-separated food waste such that it is suitable for composting, anaerobic digestion or other resource recovery process that is approved in writing by Metro; and (c) Transport all source-separated food waste to a Metro-authorized facility for recovery.
3.10	**Acceptance of untreated wood**	The franchisee is authorized to accept, for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro.
3.11	**Acceptance of painted and treated wood**	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by Metro. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock or any other product unless otherwise described in an operating plan and approved in writing by Metro.
3.12	**Acceptance of electronics devices**	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse, recycling or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.13	**Acceptance of inert material**	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer and other similar functions related to preparing these materials for useful purposes.
3.14	**Facility Capacity**	The franchisee must not exceed its designed operational capacity. If the transfer station reaches operational capacity, the franchisee must not accept additional material for processing or transfer.
3.15	**Production of hogged fuel**	1. The franchisee is authorized to accept and process only untreated wood, painted wood and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in subsection 3.14.1 for the production of hogged fuel.

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	**Tonnage allocation**	1. The franchisee is authorized to accept putrescible waste generated inside the Metro region as provided in this franchise. 2. By January 1 of each year, Metro will amend this franchise to establish an annual tonnage allocation amount for the franchisee. 3. Metro will determine the tonnage allocation amount in accordance with allocation methodology provided in Metro Code Chapter 5.01 and applicable administrative rules. 4. For calendar year 2025, beginning on January 1 and ending December 31, 2025, the franchisee is authorized to accept up to XX,XXX tons of putrescible waste generated inside the Metro region.
4.2	**Waste hauler access**	It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers. Therefore: 1. The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region; 2. The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay or risk of exceeding the franchise tonnage allocation; and 3. Metro may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.
4.3	**Prohibited waste**	The franchisee must not knowingly receive, process, reload or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; explosives; or any waste prohibited by DEQ.
4.4	**Prohibition on mixing**	The franchisee must not mix different waste types unless such mixing is described in an operating plan and approved in writing by Metro.
4.5	**Prohibition of size reduction on non-putrescible waste**	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, processing residual consolidation or loading operations, and such size

		reduction is described in an operating plan and approved in writing by Metro.
4.6	**No disposal of recyclable materials**	The franchisee must not transfer source-separated recyclable materials to a disposal site including, without limitation, landfills and incineration facilities, without written permission from Metro and DEQ.
4.7	**Composting prohibited**	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.8	**Limits not exclusive**	This franchise will not be construed to limit, restrict, curtail or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	**REGIONAL WASTE PLAN**	
5.1	**Regional Waste Plan**	1. Metro plans, manages and oversees the region's solid waste system to achieve the goals and actions outlined in the 2030 Regional Waste Plan. 2. Metro may amend this franchise and establish new requirements for the franchisee to achieve the goals and actions of the 2030 Regional Waste Plan.

6.0	**OPERATING CONDITIONS**	
6.1	**General performance standards**	The franchisee must operate in a manner that meets the following general performance standards: 1. Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. 2. Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris. 3. Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors and noise.
6.2	**Qualified operator**	1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and that is qualified and

		competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01. 2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan. 3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
6.3	**Fire prevention**	The franchisee must provide fire prevention, protection and control measures including, but not limited to: 1. Adequate water supply for fire suppression; and 2. Procedures in place to isolate potential heat sources and/or flammables from processing and storage areas; and 3. Comply with all applicable Oregon Fire Code and pile size requirements.
6.4	**Adequate vehicle accommodation**	The franchisee must: 1. Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather. 2. Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances. 3. Post signs to inform customers not to queue on public roadways. 4. Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site covering and uncovering of loads.
6.5	**Managing prohibited wastes**	1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received. 2. The franchisee must implement a load-check program to prevent the acceptance of prohibited waste. This program must include at a minimum: (a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise. (b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received.

		Containment areas must be covered and enclosed to prevent leaking and contamination. (c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling and disposition of prohibited waste and make those records available for review by Metro. 3. Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by DEQ or local government.
6.6	**Storage and exterior stockpiles**	The franchisee must: 1. Manage, contain and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards; 2. Maintain storage areas in an orderly manner and keep the areas free of litter; 3. Position exterior stockpiles within footprints and allowed dimensions (length, width, and height) in accordance with Oregon Fire Code and as identified on the facility site plan or operating plan; and 4. Not stockpile recovered or source-separated materials for longer than 180 days.
6.7	**Dust, airborne debris and litter**	The franchisee must operate the facility in a manner that controls and minimizes the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must: 1. Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit; 2. Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit; 3. Maintain and operate all access roads and receiving, processing, storage and reload areas in such a manner as to control and minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site; 4. Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation; 5. Maintain on-site facility access roads to prevent or control dust and

		to prevent or control the tracking of mud off-site; and 6. Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Metro Code Chapter 5.09.
6.8	**Odor**	1. The franchisee must operate the facility in a manner that controls and minimizes the generation of odors that are detectable off-site. 2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.
6.9	**Vectors (e.g. birds, rodents, insects)**	1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another. 2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.
6.10	**Noise**	The franchisee must operate the facility in a manner that avoids controls and minimizes any noise sufficient to cause adverse off-site impacts and meets applicable regulatory standards and land-use regulations.
6.11	**Water contaminated by solid waste and solid waste leachate**	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: 1. Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; and 2. Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state and federal laws and regulations.
6.12	**Access control**	1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping. 2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
6.13	**Signage**	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible and legible from off-site during all hours and must contain at least the following information: 1. Name of the facility; 2. Address of the facility;

		3. Emergency telephone number for the facility; 4. Operating hours during which the facility is open for the receipt of authorized waste; 5. Rates and charges; 6. Metro's name and telephone number (503) 234-3000; 7. A list of authorized and prohibited wastes; 8. Vehicle / traffic flow information or diagram; 9. Covered load requirements; and 10. Directions not to queue on public roadways.
6.14	**Complaints**	1. The franchisee must respond to all complaints in timely manner including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic and vectors, and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the franchisee must: (a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts, whether successful or unsuccessful; and (b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.
6.15	**Access to franchise document**	The franchisee must maintain a copy of this franchise on the facility's premises in a location where facility personnel and Metro representatives have ready access to it.
6.16	**Employment standard**	The franchisee must comply with Oregon's "ban the box" law (ORS 659A.360) which makes it unlawful for an employer to inquire about criminal convictions before the interview stage of hiring.

7.0	**OPERATING PLAN**	
7.1	**Plan compliance**	The franchisee must operate the facility in accordance with an operating plan approved in writing by Metro. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by Metro.
7.2	**Plan maintenance**	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures and requirements. The

		franchisee must submit amendments and revisions of the operating plan to Metro for written approval prior to implementation.
7.3	**Access to operating plan**	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
7.4	**Procedures for inspecting loads**	The operating plan must include: 1. Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes; 2. Procedures for identifying incoming and outgoing loads for waste classifications; 3. A set of objective criteria for accepting and rejecting loads; and 4. An asbestos testing protocol for all materials that appear to contain asbestos.
7.5	**Procedures for mixing waste types**	The operating plan must include: 1. Circumstances under which waste types will be mixed; and 2. Procedures for record keeping and reporting for mixed outbound loads.
7.6	**Procedures for processing and storage of loads**	The operating plan must include procedures for: 1. Processing authorized solid wastes; 2. Reloading and transfer of authorized solid wastes; 3. Managing stockpiles to ensure that they remain within the footprint and pile sizes (mass, length, width and height) identified on the site plan and in compliance with Oregon Fire Code and all applicable local, state and federal laws, rules, regulations, ordinances, orders and permits; 4. Storing authorized solid wastes; and 5. Minimizing storage times and avoiding delay in processing of authorized solid wastes.
7.7	**Procedures for managing prohibited wastes**	The operating plan must include procedures for managing, reloading and transporting to appropriate facilities or disposal sites any prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must include procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
7.8	**Procedures for odor prevention**	The operating plan must include procedures for controlling and minimizing odors generated at the facility from being detected off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and

		manage odors of any derivation including odorous loads delivered to the facility; and 2. Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions and remedying promptly all odor problems at the facility.
7.9	**Procedures for dust prevention**	The operating plan must include procedures for controlling and minimizing dust from blowing off the premises of the facility. The plan must include: 1. A management plan that the franchisee will use to monitor and manage dust of any derivation; and 2. Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions and remedying promptly all dust problems at the facility.
7.10	**Procedures for emergencies**	The operating plan must include procedures that the franchisee will follow in case of fire or other emergency.
7.11	**Procedures for complaints**	The operating plan must include procedures for managing complaints. 1. For every complaint received (for example odor, dust, vibrations and litter), the franchisee must record: (a) The nature of the complaint; (b) The date the complaint was received; (c) The name, address and telephone number of the person or persons making the complaint; and (d) Any actions taken by the operator in response to the complaint, whether successful or unsuccessful. 2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
7.12	**Closure protocol**	1. The franchisee must establish protocol for closure and restoration of the site in the event of a cessation of operations as provided in Metro Code Chapter 5.01. 2. The plan must include protocol for: (a) Short-term closure (duration of time that is more than two consecutive business days but less than 120 days in length); and (b) Long-term closure (duration of time that is 120 consecutive days or more in length). 3. The franchisee must give at least 24-hour notice to Metro prior to the short-term closure of the facility.

		4. The franchisee must give at least 90 days written notice to Metro prior to the long-term closure of the facility.

8.0	FEES AND RATES	
8.1	**Annual fee**	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
8.2	**Rates**	1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority. 2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 6.13. 3. The franchisee must notify Metro in writing at least 30 days before making any changes to the posted rates charged at the facility for accepting solid waste (including disposal rates, transaction fees, and other charges). 4. The franchisee must provide Metro with a copy of any rate notification that it sends to its commercial customers within five business days of the notification.
8.3	**Regional system fee and excise tax**	1. The franchisee is liable for payment of the Metro regional system fee, as provided in Metro Code Chapter 5.02, and the Metro excise tax, as provided in Metro Code Chapter 7.01, on all solid waste transported to a disposal site. 2. The franchisee must pay the regional system fee and excise tax to: (a) Metro as required by a non-system license issued to the franchisee; or (b) A designated facility that is authorized by Metro to collect and remit fees and taxes on behalf of the franchisee. 3. Notwithstanding Subsection 2, the franchisee may pay to Metro the regional system fee and excise tax for waste transported to a designated facility if approved in writing by Metro. In such instance, the franchisee must perform the following by the last day of each month: (a) Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; and (a) Remit to Metro the requisite regional system fee and excise tax in accordance with this franchise and Metro Code provisions applicable to the collection, payment, and accounting of those fees and taxes.

		4. The franchisee must pay to Metro a finance charge for any delinquent regional system fee and excise tax payment as set forth under Metro Code Chapters 5.02 and 7.01. 5. The franchisee must make available to Metro for inspection all records from which Sections 8.0 and 9.0 are derived.
8.4	**Metro community enhancement fee imposed on waste received**	The franchisee must: 1. Collect a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to $1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste; 2. Remit to Metro the community enhancement fees described in this section by the last day of each month for waste received in the preceding month.

9.0	**RECORD KEEPING AND REPORTING**	
9.1	**Record keeping requirements**	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads and disposes. These records must include the information specified in the Metro document titled, *Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees and Parties to Designated Facility Agreements*.
9.2	**Reporting requirements**	1. The franchisee must transmit to Metro records required under Sections 8.0 and 9.0 no later than fifteen days following the end of each month in a format prescribed by Metro. 2. Notwithstanding Subsection 1, Metro may require the franchisee to report the records required by Sections 8.0 and 9.0 on a weekly or daily basis in the event of a significant disruption to the solid waste system.
9.3	**Material recovery reporting**	The franchisee must provide the results of its quarterly sampling of processing residual, as provided in Section 3.5, to Metro as a component of its monthly report no later than fifteen days following the end of each quarter in a format prescribed by Metro.
9.4	**Account number listing**	Within five business days of Metro's request, the franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
9.5	**Transactions based on scale weights**	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction

		electronically based on actual and accurate scale weights using the franchisee's on-site scales.
9.6	**DEQ submittals**	The franchisee must provide Metro with copies of all correspondence, exhibits or documents submitted to DEQ relating to the terms or conditions of DEQ solid waste permit or this franchise within five business days of providing such information to DEQ.
9.7	**Copies of enforcement actions provided to Metro**	The franchisee must provide Metro with copies of any notice of violation or noncompliance, citation or any other similar enforcement actions issued to the franchisee by any federal, state or local government (other than Metro) related to the operation of the facility within five days of receipt
9.8	**Unusual occurrences**	1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. 2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise, with Metro Code or which will create off-site impacts. 3. The franchisee must report any facility fires, accidents, emergencies and other significant incidents to Metro within 12 hours of the discovery of their occurrence. 4. The franchisee must report any long term or short term closures as provided in Section 7.12.
9.9	**Changes in ownership**	1. Any change in control of the franchisee or the transfer of a controlling interest of the franchisee requires prior written notice to Metro. "Transfer of a controlling interest of the franchisee" includes without limitation the transfer of 10% or more of the ownership of the franchisee to or from a single entity. Metro may amend this franchise under Section 12.2 to require the new ownership of the franchisee to assume all the rights and obligations of this franchise. 2. The franchisee may not lease, assign, mortgage, sell or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Chapter 5.01.

10.0	**INSURANCE REQUIREMENTS**	
10.1	**General liability**	The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than $1,000,000 per occurrence. The policy will include coverage for bodily injury, property

		damage, personal injury, death, contractual liability, premises and products/completed operations. The franchisee's coverage will be primary as respects Metro.
10.2	**Automobile**	The franchisee must carry automobile insurance with coverage for bodily injury and property damage, and with limits not less than minimum of $1,000,000 per accident or combined single limit.
10.3	**Additional insureds**	Metro, its elected officials, departments, employees, volunteers and agents must be named as ADDITIONAL INSUREDS on the Commercial General Liability policy. Franchisee must include the additional insured endorsement along with the certificate of insurance.
10.4	**Workers' compensation insurance**	1. The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law, and must comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. 2. The Workers' Compensation Insurance must meet Oregon statutory requirements including Employer's Liability with limits not less than $1,000,000 per accident or disease. 3. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
10.5	**Certificate of insurance**	1. The franchisee must provide Metro with a Certificate of Insurance complying with this Section 10. 2. The franchisee must list Metro as the certificate holder. 3. Upon insurance renewal, the franchisee must submit an updated certificate of insurance and the additional insured endorsement to Metro via email (SWICC@oregonmetro.gov).
10.6	**Notification**	The franchisee must give at least 30 days written notice to Metro of any lapse or proposed cancellation of insurance coverage.

11.0	**ENFORCEMENT**	
11.1	**Authority vested in Metro**	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against the franchisee.

11.2	**No enforcement limitations**	This franchise may not be construed to and does not limit, restrict, curtail or abrogate any enforcement provision contained in Metro Code or administrative rules adopted pursuant to Metro Code, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety or welfare of any person or persons within the Metro jurisdictional boundary, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
11.3	**Penalties**	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

12.0	**AMENDMENT, SUSPENSION AND REVOCATION**	
12.1	**Amendment by Metro Council**	Except as provided in Section 12.2, the provisions of this franchise will remain in effect unless the Metro Council: 1. Amends the Metro Code, amends the 2030 Regional Waste Plan or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; or 2. Adopts an ordinance or resolution amending this franchise to implement policy, code or other requirements such as the 2030 Regional Waste Plan.
12.2	**Amendment, suspension or revocation by Metro**	The Chief Operating Officer may, at any time before the expiration date, amend, suspend or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to: 1. Violation of the terms or conditions of this franchise, Metro Code or any applicable statute, rule or standard; 2. Changes in local, regional, state or federal laws or regulations that should be specifically incorporated into this franchise, such as Metro actions to implement new requirements from the 2030 Regional Waste Plan; 3. Failure to disclose fully all relevant facts; 4. A significant release into the environment from the facility; 5. Significant change in the character of solid waste received or in the operation of the facility; 6. Any change in ownership or control; 7. A request from the local government stemming from impacts resulting from facility operations; 8. A change of authorization request received from the franchisee;

		9. Compliance history of the franchisee; and 10. Changes in the tonnage allocation based on new information, or changes in methodology, administrative rule or Metro Code.

13.0	GENERAL OBLIGATIONS	
13.1	**Compliance with law**	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.01, whether or not those provisions have been specifically mentioned or cited in this franchise. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth in this franchise. These conditions and permits include those cited within or attached as exhibits to the franchise document, any existing at the time the franchise is issued but not cited or attached, and any issued or amended during the term of the franchise.
13.2	**Transport waste to appropriate destinations**	The franchisee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
13.3	**Right of inspection and audit**	1. The franchisee must allow Metro's authorized representatives to access the facility and premises at any time during business hours, with or without advanced notice. For non-business hours, the franchise must allow access to Metro's authorized representatives upon receiving advanced notice of not less than 24 hours. 2. Metro's authorized representatives may take photographs, collect samples of materials and perform any inspection or audits as Metro considers appropriate. 3. Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the applicable confidentiality provisions in Section 13.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the facility's operation and its rates. 4. The franchisee must permit access to the facility premises to authorized representatives of Metro, including personnel on contract to Metro, to perform research at all times during business hours, with or without notice. The franchisee must provide: (a) Access to all areas where it generates, manages, stores and

		reloads waste, including without limitation to transfer vehicles; (b) Access to facility personnel and equipment to collect, sort, store and weigh waste; and (c) Access to a safe, covered location away from working areas and vehicle traffic on site where authorized representatives of Metro analyze waste and record data.
13.4	**Confidential information**	1. The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. 2. If Metro receives a public records request seeking disclosure of information identified as confidential by the franchisee, Metro will provide the franchisee with a courtesy notice of that request within five days of receipt of the request. 3. This Section 13.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. 4. Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information.
13.5	**Compliance by agents**	The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.

LC

Legal Antecedents
Pursuant to Metro Code 5.01.180, the Council will consider the following factors when determining whether to issue a franchise:

(1) *Whether the applicant has demonstrated that the proposed solid waste facility and authorized activities will be consistent with the Regional Waste Plan;*

Staff finds that the proposed activity is consistent with the regional values and policies outlined in the 2030 Regional Waste Plan and specifically aligns with many of the goals of the plan, including goals 12, 13 and 16:

- **Goal 12**: Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.
- **Goal 13**: Invest in communities that receive garbage and recyclables from the Metro region so that those communities regard solid waste facilities as assets.
- **Goal 16**: Maintain a system of facilities, from small recycling drop-off depots to larger full-service stations, to ensure equitable distribution of and access to services.

The proposed renewal is also in alignment with the Regional System Facilities plan adopted by Metro Council in March 2025, which envisions continued operations of the six privately owned transfer stations operating within the Metro region.

(2) *The effect that granting a franchise will have on the cost of solid waste disposal and recycling services for the residents of the region;*

Waste Management of Oregon, Inc. has not requested any significant change in authorization or operational activities at this facility. Renewing the franchise would help ensure continuity of transfer service and minimize potential disruptions to the solid waste system. This is an existing transfer station that is part of the region's solid waste system. As such, the proposed renewal is not expected to have any significant impact on the cost of solid waste disposal and recycling services for the residents of the region.

(3) *Whether granting a franchise is likely to adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner;*

Metro staff is not aware of any facility incidents or operating procedures that adversely affect the health, safety and welfare of Metro's residents in an unreasonable manner during the term of the current franchise. Staff finds it unlikely that the franchised operation will adversely affect the health, safety and welfare of Metro's residents due to the type of activity performed and the good compliance record of the operator. The facility is also regulated and monitored by the Department of Environmental Quality (DEQ).

(4) *Whether granting a franchise is likely to adversely affect nearby residents, property owners, or the existing character or expected future development of the surrounding neighborhood in an unreasonable manner;*

Troutdale Transfer Station is an existing transfer station and has been in operation since 1997 as a material recovery facility and became a Metro-franchised transfer station in 1999. Staff is not aware of any significant issues or impacts on the surrounding neighborhood during the term of the current franchise. Based on the operator's demonstrated experience and good compliance history, staff finds it unlikely Troutdale Transfer Station's operations would cause unreasonable adverse impacts on the surrounding neighborhood.

(5) *Whether the applicant has demonstrated the strong likelihood that it will comply with all requirement and standards of this chapter, the administrative rules and performance standards adopted pursuant to Section 5.08 and other applicable local, state, and federal laws, rules, and regulations, ordinances, orders or permits pertaining in any manner to the proposed franchise.*

Metro has a long history with this facility and staff finds that the applicant is likely to comply with regulations and standards if the franchise is renewed.

IN CONSIDERATION OF RESOLUTION NO. 25-5528 FOR THE PURPOSE OF RENEWING WASTE MANAGEMENT OF OREGON, INC.'S SOLID WASTE FACILITY FRANCHISE TO OPERATE TROUTDALE TRANSFER STATION

Date: November 17, 2025
Department: Waste Prevention and Environmental Services
Meeting Date: December 4, 2025

Prepared by: Lisa Clark, 971-806-7459, lisa.clark@oregonmetro.gov
Presenter if requested: Hila Ritter
Length: Consent agenda

ISSUE STATEMENT
Waste Management of Oregon Inc. (WM) seeks to renew its Metro solid waste facility franchise to operate Troutdale Transfer Station (TTS), a Metro-authorized transfer station located at 869 NW Eastwind Dr. in the city of Troutdale. Metro Code Section 5.01.210 states that Metro Council will approve or deny a solid waste facility franchise renewal.

ACTION REQUESTED
Approve Resolution No. 25-5528 which will authorize the Chief Operating Officer to issue a renewed solid waste facility franchise to WM to operate TTS for a term of five years.

IDENTIFIED POLICY OUTCOMES
Approval of this resolution will support the goals of the Regional Waste Plan and Regional System Facilities Plan. This staff report further describes this expected policy outcome.

POLICY QUESTION(S)
Should Metro Council approve the applicant's franchise application and authorize the Chief Operating Officer to renew the solid waste facility franchise for WM to operate TTS in accordance with Metro Code Section 5.01.210 and as described in this resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER
1. Adopt Resolution No. 25-5528 to renew the solid waste facility franchise for Waste WM to operate TTS.

2. Amend Resolution No. 25-5528 to issue a renewed franchise to WM to operate TTS with different conditions other than those recommended by staff.

3. Do not approve Resolution No. 25-5528. If Council does not adopt this resolution, TTS will not be authorized to accept, process, or transfer solid waste.

STAFF RECOMMENDATIONS
Staff recommends that Council adopt Resolution No. 25-5528 to approve the renewal of the solid waste facility franchise for WM to operate TTS. If Council approves this resolution, the renewed franchise (F-001-26) will go into effect on January 1, 2026.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION
The current franchise for WM to operate TTS became effective on January 1, 2020 and expires on December 31, 2025. WM applied to renew its franchise without any changes to its current authorization.

The proposed franchise includes several housekeeping changes and minor updates to clarify regulatory requirements and standardize terminology with other authorizations for increased consistency. The proposed housekeeping updates are listed below and will be included as standard regulatory provisions in all authorizations for similarly situated facilities going forward.

- Section 3.14 - Facility capacity; adds the requirement from Administrative Rule No. 5.01-3120.8 that the franchisee must not exceed the designed operational capacity of the transfer station. This is a standard requirement applicable to all Metro-authorized transfer stations.

- Section 4.1 - Tonnage allocation; this section will be updated with the calendar year 2026 allocation before the renewed franchise is issued.

- Sections 6.3 - Fire prevention, 6.6.3 - Storage and exterior stockpiles, and 7.6 – Procedures for processing and storage of loads; these sections were updated to clarify that the franchisee must manage materials stockpiles in accordance with Oregon Fire Code requirements and as described in the facility site plan and operating plan.

- Section 6.16 - Employment standard; this section was updated to clarify that the facility must comply with Oregon's "ban the box" law (ORS 659A.360).

Legal Antecedents
Pursuant to Metro Code 5.01.210(b), the Council must approve renewal of a solid waste facility franchise unless the Council determines that the proposed renewal is not in the public interest or does not meet the criteria outlined in Metro Code 5.01.180. The staff analysis considering the factors described in Metro Code Section 5.01.180(f) when determining whether to issue a franchise are included as Exhibit B to Resolution No. 25-5528.

Financial Implications
The proposed franchise renewal is not expected to have any financial implications for Metro at this time. This is an existing transfer station that is part of the region's solid waste system. Metro currently allocates up to 60 percent of the region's putrescible waste to private transfer stations using a tonnage allocation methodology.

The current tonnage allocation program has been in place since January 1, 2020, and Metro is planning to evaluate the program to assess potential future changes. To allow time for the evaluation, there will be no changes to the tonnage allocation process for 2026. The proposed franchise renewal is expected to have minimal impact on Metro's Solid Waste Fund operating costs and revenues under the current allocation methodology.

Known Opposition
Metro posted a public notice and invited public review and comment on the franchise application. The notice was posted to Metro's website and postcards were mailed to approximately 90 property owners and residents within one-quarter mile of the facility. Metro also emailed the notice to 235 community-based organizations, neighborhood associations, local governments, solid waste industry members, and other interested parties.

The 30-day public comment period began on August 15, 2025 and closed on September 15, 2025. Metro received no comments about the proposed franchise renewal.

BACKGROUND

The applicant, WM is the owner and operator of TTS, an existing solid waste facility located at 869 NW Eastwind Drive in Troutdale (Metro Council District 1). The facility opened in 1997 as Recycle America, which was owned and operated by WM as a dry waste material recovery facility. Metro authorized the facility as a transfer station to manage putrescible waste in 1999. In 2005, Recycle America became a wholly owned subsidiary of Waste Management and was renamed to WM Recycle America. It is now known as Troutdale Transfer Station (TTS).

The facility currently holds a Metro-issued franchise (F-001-20H) to operate a transfer station authorized to receive solid waste. Under the terms of the existing franchise, TTS is authorized to accept up to 73,558 tons of putrescible waste generated from within the Metro region in calendar year 2025. TTS also holds a solid waste disposal site permit for a transfer station and material recovery facility (Permit No. 459) and a 1200Z stormwater permit (Permit No. 110648) both issued by the Oregon Department of Environmental Quality (DEQ).

During the current franchise term (January 1, 2020 to December 31, 2025), Metro staff conducted ten site inspections at TTS as of the date of this report. Staff find the facility to be a generally well-run operation with good compliance record.

DEQ and the city of Troutdale have reported that there are no current enforcement or compliance issues associated with this site. The applicant is well known to Metro and has extensive experience as a participant in Metro's solid waste system. Staff finds that the applicant is qualified to operate a transfer station and is likely to comply with regulations and standards if the franchise is renewed.

On August 8, 2025, the applicant filed a complete solid waste facility franchise application accompanied by payment of the requisite application fee of $500. The applicant has not requested any changes to its current authorization.

Agenda #: 4.1

File #: 25-6348 **Agenda Date:**12/4/2025

Public Hearing for Proposed Amendments to the 2023 Regional Transportation Plan to Include Locally Preferred Alternatives for the 82nd Avenue Transit Project, the Tualatin Valley Highway Transit and Safety Project, and the Montgomery Park Streetcar Extension

Ally Holmqvist (she/her), Senior Transportation Planner, Regional Transit Planner

STAFF REPORT FOR PUBLIC HEARING ON THREE AMENDMENTS TO THE 2023 REGIONAL TRANSPORTATION PLAN

PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE REGIONAL TRANSPORTATION PLAN TO INCLUDE LOCALLY PREFERRED ALTERNATIVES FOR THE 82ND AVENUE TRANSIT PROJECT, THE TUALATIN VALLEY HIGHWAY TRANSIT AND SAFETY PROJECT, AND THE MONTGOMERY PARK STREETCAR EXTENSION

Date: November 17, 2025
Department: Planning, Development and Research
Meeting Date: December 4, 2025
Prepared by: Ally Holmqvist, Senior Planner,
ally.holmqvist@oregonmetro.gov

Length: 30 minutes

Presenters:
- Ally Holmqvist, Senior Planner, Metro
- Melissa Ashbaugh, Senior Planner, Metro
- Jesse Stemmler, Interim 82nd Avenue Transit Project Director, TriMet
- Kate Hawkins, Senior Planner, Metro
- Alex Oreschak, Senior Planner, Metro
- Shawn Canny, Transportation Planner II, PBOT
- Kim Ellis, Transportation Planning Manager, Metro

ISSUE STATEMENT

The Regional Transportation Plan (RTP) is the state- and federally-required long-range transportation plan for the Portland metropolitan area that guides planning and investment for all forms of travel – motor vehicle, transit, biking, and walking – and the movement of goods and freight. It includes a list of "financially constrained" projects eligible to move forward when there is funding and political support. The RTP was last updated in 2023.

In June and July 2025, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council endorsed Locally Preferred Alternatives (LPAs) for three major transit projects identified as regional priorities in the 2023 RTP (and its element the High Capacity Transit Strategy) to improve transit speed, reliability, capacity, safety, comfort and access in the region:

- 82nd Avenue Transit Project,
- Tualatin Valley Highway Transit and Safety Project, and
- Montgomery Park Streetcar Extension.

Planning to develop the LPAs for these transit projects identified additional details and information that required amendments to the 2023 RTP. The amendments include updates to reflect:

- the endorsed LPA route alignment for each project on the regional transit network map,
- LPA project cost and anticipated revenues for each project, and
- the timeline and status of each project and related future corridor-refinement activities in appendices of the 2023 RTP.

Metro and regional partners have made significant progress on all three transit projects and are ready to take the next step in pursuing key federal funding opportunities (see Attachment 8 for a typical transit project lifecycle). To be eligible for federal and state funding, the three endorsed transit projects must have their LPAs adopted in the RTP. The next full RTP update must be completed by November 30, 2028.

The requested amendments will include all three endorsed transit project LPAs as part of the 2023 RTP in order to support each project moving into project development and becoming eligible to compete for federal and state funding opportunities now.

IDENTIFIED POLICY OUTCOMES

To reflect the LPAs as previously endorsed by the Metro Council's resolutions, the requested amendments (see Attachments 3, 5 and 7) include the following:

- Amendments to Chapter 3 System Policies to Achieve Our Vision Regional Transit Network Map (Figure 3.24) to:
    - Revise the northern extent and terminus of 82nd Avenue corridor high capacity transit to match the Locally Preferred Alternative (to NE Cully Blvd /NE Killingsworth St from Sandy Blvd/Parkrose Sumner Transit Center).
    - Revise the extent of Montgomery Park Streetcar to include NW Roosevelt Street between NW 26th Avenue and NW 23rd Avenue and on NW 23rd Avenue and NW 26th Avenue between NW Roosevelt and NW Wilson Streets to match the Locally Preferred Alternative.
- Amendments to Chapter 5 Our Transportation Funding Outlook and Chapter 6 Regional Programs and Projects chapter text and figures to reflect additional revenues related to the transit projects not accounted for in the adopted 2023 RTP financial forecast.
- Amendments to the Appendix A: Constrained Priorities Project List to update project costs and descriptions for:
    - Project 12029: 82nd Avenue Transit Project to update the end location to NE Cully Boulevard (from TBD) and NE Killingsworth Street and update the project cost to $344M (from $300M).
        - Project 11844: 82nd Avenue Corridor Improvements Project to update the project cost to $119M (from $150M).
    - Project 11319: Streetcar Montgomery Park Extension to update the project description and project cost to $195M (from $80M).
- Amendments to Appendix W: Status of Current Major Projects to update descriptions of the transit projects to reflect endorsement of the LPAs, including project status, timeline, maps and next steps.

- Amendments to Appendix V: Future Corridor Refinement Planning to update descriptions for transportation solutions in the corridor to add or update information about the transit projects in development.
- Create three new appendices that will contain the LPA for each project:
    - Appendix AA: 82nd Avenue Transit Project Locally Preferred Alternative
    - Appendix BB: Tualatin Valley Highway Transit and Safety Project Locally Preferred Alternative
    - Appendix CC: Montgomery Park Streetcar Extension Locally Preferred Alternative
- Amendments to numbering, pagination, formatting and other scrivener's errors as needed.

Attachment 1 provides a more detailed schedule of the process and timeline for considering action on the requested RTP amendments. Key dates for Metro Council include:

- February 12, 2026 – anticipated Metro Council first reading and Public Hearing
- June 25, 2026 – anticipated Metro Council Second Reading and Adoption

ACTION REQUESTED

Hold a joint public hearing on the three proposed RTP amendments.

As part of this public review process, the requested action for today's meeting is to hold a joint public hearing on:

- Proposed amendments to the 2023 Regional Transportation Plan to Include the Locally Preferred Alternative for the 82nd Avenue Transit Project
- Proposed amendments to the 2023 Regional Transportation Plan to Include the Locally Preferred Alternative for the Tualatin Valley Highway Transit and Safety Project
- Proposed amendments to the 2023 Regional Transportation Plan to Include the Locally Preferred Alternative for the Montgomery Park Streetcar Extension

This public hearing is part of the 45-day public comment period that opened on November 3 and will continue through December 19, consistent with Metro's public engagement and established RTP amendment procedures.

STAFF RECOMMENDATIONS

Metro staff recommends that Metro Council hold the public hearing.

Following the amendment procedures, Metro staff has reviewed the information submitted by TriMet and the City of Portland (Attachments 2, 4 and 6) and finds that the requested amendments to the 2023 RTP to include the LPAs for the 82nd Avenue Transit Project, Tualatin Valley Highway Transit and Safety Project and Montgomery Park Streetcar Extension are regionally significant and consistent with the 2023 RTP and federal fiscal constraint requirements (Attachments 3, 5, and 7).

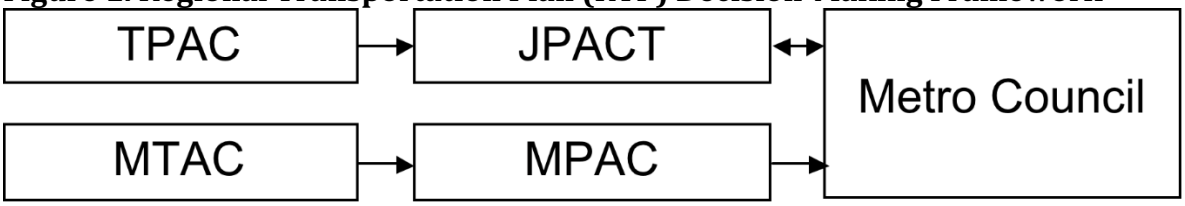
STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

In 2023, JPACT and the Metro Council adopted a significant update to the RTP that brought together the input of thousands of people who live, work and travel across the greater Portland region. Meaningful engagement and consultation with Tribes, community members, community-based organizations, businesses, transportation agencies and elected officials contributed to a shared vision and strategy for investing in a transportation system that serves everyone. The 2023 RTP forwards the values and desired outcomes for the future of the region's transportation system: mobility options, equitable transportation, climate action and resilience, safe system, and thriving economy.

As the federally designated metropolitan planning organization for the Portland metropolitan area, Metro is responsible for developing and maintaining the RTP. As the regional government responsible for regional land use and transportation planning under state law, Metro is also responsible for developing and maintaining a regional transportation system plan, consistent with the Regional Framework Plan, statewide planning goals, the Oregon Transportation Planning Rule, the Metropolitan Greenhouse Gas Reduction Rule, the Oregon Transportation Plan, and by extension the Oregon Highway Plan and other state modal plans.

The Metro Council and JPACT jointly share responsibility for developing and adopting an updated RTP every five years to maintain compliance with federal and state requirements. Adoption or amendment of the RTP is a land use action under the statewide land use planning program. As such, the Metro Policy Advisory Committee (MPAC) serves in an advisory role to the Metro Council. This decision-making framework is shown in Figure 1.

Figure 1. Regional Transportation Plan (RTP) Decision-Making Framework



Amendments to the RTP are considered in between scheduled updates when a sponsoring agency requests changes to the funding, phasing, mode, function or general location of a project in the plan. There are several general sources for RTP amendment requests:

(1) ODOT requests that require an amendment to the RTP for specific projects or the phasing of existing projects due to a funding decision by the Oregon State Legislature or other action by the Oregon Transportation Commission;
(2) city or county requests involving transportation projects adopted through a public process in local transportation system plans, area plans, concept plans or studies;
(3) transit agency requests to align adopted transit plans with the RTP;
(4) public agency requests resulting from a National Environmental Policy Act (NEPA) review process to reflect the LPA adopted by project partners to allow the project to proceed and be eligible for federal funding; and

(5) amendments resulting from a local, regional or state planning study or corridor refinement planning as defined in the Oregon Transportation Planning Rule, that involve additions or deletions to the RTP Financially Constrained project list or a significant change in the mode, function or general location of a project on the RTP Financially Constrained project list.

As described in Appendix Y of the RTP, such amendments require a recommendation from MPAC and adoption by the JPACT and the Metro Council by Ordinance.

Attachments 2, 4 and 6 describe in detail how the amendments are regionally significant and consistent with the 2023 RTP and related public engagement procedures for amendments to the RTP. **Table 1** below provides a summary of the determination outcomes.

Table 1. RTP Amendment Consistency Review Outcomes Summary

Process Step	*Outcomes*
Step 1 Sponsoring agency consults with Metro Staff	*Staff from TriMet (project sponsor) and the City of Portland (project partner) met with staff from Metro between April and September 2025 on the requested amendments and the RTP consistency requirements. Metro staff have also either led or been involved in the LPA process for each transit project as key partners.*
Step 2 Sponsoring agency submittal	*Staff from TriMet and the City of Portland submitted a memo for each requested amendment including the RTP consistency background information outlined in the RTP Project Amendment Checklist as outlined in Appendix Y: RTP Amendment Process in October 2025.*
Step 3 Regional significance determination:	*In 2018, Metro adopted the region's first Regional Transit Strategy, as an element of the RTP. The RTP identified 82nd Avenue, Tualatin Valley Highway and streetcar to Montgomery Park as Enhanced Transit Corridors for short-term implementation with transit projects identified in the financially constrained project list. In 2023, Metro adopted the Regional High Capacity Transit (HCT) Strategy as an element of the RTP, and designated these high capacity transit projects as Tier 1: near-term HCT corridors – the highest priority for near-term HCT investment in the region. The Projects will also require project-level NEPA review. Additionally, the project corridors are designated on multiple RTP network maps – including transit, motor vehicles, bicycle, pedestrian, freight, and TSMO networks (depending on the project).*
Step 4 Public engagement consistency determination: *(continued on next page)*	*TriMet and the City of Portland submitted signed Public Engagement and Non-discrimination Certification and Documentation Forms as part of the 2023 RTP certifying that they have:* • *an adopted Title VI plan and implementation procedures;* • *public engagement plans compliant with Title VI and Goals 1 and 12 for all adopted land use and/or transportation plans, strategies and studies including the project;*

(continued) **Table 1. RTP Amendment Consistency Review Outcomes Summary**

Process Step	***Outcomes***
Step 4 Public engagement consistency determination: *(continued from the previous page)*	• *conducted project-specific engagement and analyzed potential inequitable impacts for marginalized groups;* • *conducted and will conduct non-discriminatory, inclusive engagement compliant with Title VI and Goals 1 and 12 where input followed best practices and helped shape the project; and* • *retained records related to these public engagement activities in compliance with regulations.* *The LPA endorsement processes documented the extensive, consistent project development public engagement activities since that time.*
Process Step	***Outcomes***
Step 5 RTP consistency determination:	*All three requested amendments have elements demonstrating progress toward objectives under all five regional goals that:* • *implement the Metro 2040 Growth Concept by advancing high-capacity transit along a Corridor or Main Street improving mobility between Regional Centers or within the Central City via a transit solution supporting planned compact, higher density land uses;* • *invest in corridors identified for transit improvements on the RTP Transit Network Vision;* • *improve transit, and in some cases pedestrian or bicycle travel and access, while balancing motor vehicle travel and the many other functions of mobility corridors;* • *improve multimodal options and access for Equity Focus Areas;* • *provide safer alternatives to driving, advancing implementation of Vision Zero, and for some Regional High Injury Corridors;* • *advance a major high-capacity transit investment to make transit more convenient, frequent, and accessible — a key strategy for implementing the Climate Smart Strategy;* • *advance completion of the transit, and in some cases even the bicycle and pedestrian systems, in a job and activity center to provide safe and convenient options for short trips and connections to transit, supporting the economy; and* • *plan to include transit signal priority and access management strategies to support system management and operations and are themselves transit strategies for increasing corridor capacity as part of the Congestion Management Toolbox.* *In all these ways, the requested amendments have been determined to support the region's progress toward both federal and regional performance targets. All project amendments (additions and deletions) are exempt from the federally-required air quality conformity analysis.*

(continued) **Table 1. RTP Amendment Consistency Review Outcomes Summary**

Process Step	*Outcomes*
Step 6 Fiscal constraint determination	*The estimated cost for the 82nd Avenue Transit Project increased from $300M to $343.93M. This $99.13M difference is accounted for in:* • *$50.13M in new revenue (i.e., FTA Areas of Persistent Poverty Grant, Portland Clean Energy Fund Grant) not included in the RTP forecast;* • *$28M in regional revenue (i.e., Regional Flexible Fund Bond approved by JPACT and the Metro Council in 2025); and* • *$21M in State revenues related to the jurisdictional transfer of 82nd Avenue from ODOT to the City of Portland assumed to help fund the City's related 82nd Avenue corridor project (RTP ID 11844). The amendment proposes to shift the $21 million in state revenues assumed to help fund the 82nd Avenue Corridor Improvements project (RTP ID 11844) to the 82nd Avenue Transit Project (RTP ID 12029) to demonstrate fiscal constraint.* *The estimated cost for the Montgomery Park Streetcar Extension increased from $80M in the 2023 RTP to $195M. This $115M difference is accounted for in:* • *$47.5M in new revenue not included in the RTP forecast (i.e., Portland Clean Energy Fund Grant, additional revenues forecasted for the project based on a new forecast of LID revenues following the 2023 RTP update);* • *$57.5M in additional FTA Capital Investment Grant award; and* • *$10M in regional revenue (i.e., Regional Flexible Fund Bond approved by JPACT and the Metro Council in 2025).*
Step 7 Begin Formal Amendment Process	*A concurrent RTP Amendment Process was initiated for all three projects with the start of the public review period on November 3, 2025. Per Metro's adopted Public Engagement Guide, advance notice of the public comment period was provided 30 days in advance.* ***Attachment 1*** *provides the process and timeline for considering the requested RTP amendments, including:* • *45-day public comment period, including a public hearing* • *Notices to the Department of Land Conservation and Development* • *Documentation of public comments and recommended actions in response* • *Consideration by MTAC and TPAC (making recommendations to MPAC and JPACT)* • *Consideration by JPACT and MPAC* • *Consideration by Metro Council (first and second readings, final public hearing)*

Known Support and Opposition
Overall, public input and prior endorsements demonstrate support for the transit project LPAs by agency partners, local jurisdictions, and community-based organizations across the region. Extensive technical analysis was conducted to understand the benefits and tradeoffs of different LPA components for each project. Analysis was shared with community members for feedback. Public engagement has been extensive and coordinated with agency partners and outreach for associated projects as applicable (i.e., Building a Better 82nd Avenue project, Montgomery Park Area Plan). Additionally, all three projects have demonstrated compliance with Title VI and regional public involvement requirements

For the Tualatin Valley Highway Transit and Safety Project there is no known opposition.

For the 82nd Avenue Transit Project, the Cascade Policy Institute did not oppose the project, but did oppose future consideration of Business Access and Transit (BAT) lanes which are designed to prioritize transit while still allowing people driving or people biking to use them to turn and access side streets. Their concern was that the BAT lanes would increase congestion along the corridor, including on I-205. Discussion is ongoing as to whether physical transit priority is included as an element of the final project design.

There was opposition to both the endorsement of the Montgomery Streetcar Extension LPA and the adoption of the Montgomery Park Area Plan:

- Three members of MPAC voted no to endorsing the Montgomery Streetcar Extension LPA: representatives from Oregon City, West Multnomah Soil & Water Conservation District, and a resident of Multnomah County. Concerns raised during the MPAC discussion and vote included loss of industrial lands in the area, project costs, and whether busses would better serve the area.
- Cascade Policy Institute testified against the Montgomery Streetcar Extension LPA at multiple Metro committee meetings. Reasons for their opposition include disruption to local businesses, loss of on-street parking, traffic impacts, the definition of streetcar as high-capacity transit, cost, and ridership.
- The Northwest Industrial Business Association opposed the adoption of the Montgomery Park Area Plan (MPAP) because of impacts to what was industrial land and potential impacts to low-barrier-to-entry middle wage jobs. The MPAP worked to address this by limiting land use changes to the area of greatest potential change and tying the development in the area to on-site middle-wage jobs in a variety of fields (target requirements with a fee charged if not met as agreed in the adopted Public Benefits Agreement).
- The Northwest District Neighborhood Association (NWDA) did not outright oppose the project, but opposed the adoption of the overall Montgomery Park Area Plan because they felt the plan did not respond effectively enough to neighborhood input or concerns. The NWDA was critical of the MPAP process, having representation on the Project Working Group and being part of dozens of conversations over the course of the planning process. A key issue with the project itself for the NWDA is the final alignment; while members varied in their perspective on the best route,

there was concern expressed around parking and traffic impacts (which the project and plan sought to address by working to maintain as much parking as possible in the project area and minimizing the number of stations on 23rd Ave).

Legal Antecedents

Metro Council actions include:

- Resolution No. 09-4025 (For the Purpose of Adopting the Regional High Capacity Transit System Plan Screened Corridor Map and Evaluation Criteria), adopted by the Metro Council on February 12, 2009.
- Resolution No. 09-4052, "For the Purpose of Accepting the Regional High Capacity Transit System Tiers and Corridors, System Expansion Policy Framework and Policy Amendments" adopted by the Metro Council on July 9, 2009.
- Ordinance No. 10-1241B (For the Purpose of Amending the 2004 Regional Transportation Plan to Comply with State Law; To Add the Regional Transportation Systems Management and Operations Action Plan, the Regional Freight Plan and the High Capacity Transit System Plan; To Amend the Regional Transportation Functional Plan and Add it to the Metro Code; To Amend the Regional Framework Plan; And to Amend the Urban Growth Management Functional Plan), adopted by the Metro Council on June 10, 2010.
- Resolution No. 10-4119 (For the purpose of updating the work program for Corridor Refinement Planning through 2020 and Proceeding with the Next Two Corridor Refinement Plans in the 2010-2013 Regional Transportation Plan Cycle), adopted by the Metro Council on February 25, 2010.
- Ordinance No. 14-1346B (For the Purpose of Adopting the Climate Smart Communities Strategy and Amending the Regional Framework Plan to Comply with State Law), adopted by the Metro Council on December 18, 2014.
- Ordinance No. 18-1421 (For the Purpose of Amending the 2014 Regional Transportation Plan to Comply with Federal and State Law and Amending the Regional Framework Plan), adopted by the Metro Council on Dec. 6, 2018.
- Resolution No. 18-4892 (For the Purpose of Adopting the 2018 Regional Transit Strategy and Replacing the 2009 High Capacity Transit System Plan), adopted by Metro Council on Dec. 6, 2018.
- Ordinance No. 23-1496 (For the purpose of Amending the 2018 Regional Transportation Plan (RTP) to Comply with Federal and State Law and Amending the Regional Framework Plan), adopted by the Metro Council on November 30, 2023.
- Resolution No. 23-5348 (For the Purpose of Adopting the 2023 High Capacity Transit Strategy), adopted by the Metro Council on November 30, 2023.
- Ordinance No. 25-1522 (For the Purpose of Amending the Industrial and Other Employment Areas Map of Title 4 of the Urban Growth Management Functional Plan for the Montgomery Park Area of the City of Portland), adopted by the Metro Council on January 16, 2025.
- Resolution No. 25-5495 (For the purpose of endorsing the Locally Preferred Alternative for the 82nd Avenue Project), adopted by the Metro Council on June 26, 2025.

- Resolution No. 25-5504 (For the purpose of endorsing the Locally Preferred Alternative for the Tualatin Valley Highway Transit and Safety Project), adopted by the Metro Council on June 26, 2025.
- Resolution No. 25-5505 (For the purpose of endorsing the Locally Preferred Alternative for the Montgomery Streetcar Extension), adopted by the Metro Council on July 31, 2025.

Local jurisdiction actions include:

- The Portland City Council adopted Ordinance No. 192000 to adopt the Montgomery Park Area Plan including amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Zoning Code, Citywide Design Guidelines, and related amendments to the Guild's Lake Industrial Sanctuary and Northwest District plans (amend Code Title 33) on December 11, 2024.
- The Portland City Council adopted Resolution No. 37692 to adopt the Locally Preferred Alternative for the Montgomery Park Transit Project on December 11, 2024.
- The Portland City Council adopted Ordinance No. 192001 to authorize Agreement between the City, Portland Streetcar Inc, and 1535-A1 LLC for public benefits related to the Montgomery Park Area Plan on December 11, 2024.
- The TriMet Board of Directors unanimously adopted Resolution 25-03-15, to recommend confirmation of the Locally Preferred Alternative for the for the 82nd Avenue Transit Project on March 26, 2025.
- The Multnomah County Board of Commissioners unanimously adopted Resolution No. 2025-023, to adopt the Locally Preferred Alternative for the 82nd Avenue Transit Project on April 17, 2025.
- The Board of Washington County Commissioners unanimously adopted Resolution Number 25-26 to endorse the Locally Preferred Alternative for the 82nd Avenue Transit Project on April 22, 2025.
- The Board of Clackamas County Commissioners, the Oregon Department of Transportation, and the Port of Portland endorsed the Locally Preferred Alternative for the 82nd Avenue Transit Project with letters of support dated June 10, 2025, May 5, 2025, and May 2, 2025, respectively.
- The Cornelius City Council unanimously adopted Resolution Number 2025-16 to endorse the Locally Preferred Alternative for the 82nd Avenue Transit Project on May 5, 2025.
- The Hillsboro City Council unanimously adopted Resolution Number 2881 to endorse the Locally Preferred Alternative for the 82nd Avenue Transit Project on May 6, 2025.
- The Forest Grove City Council unanimously adopted Resolution Number 2025-17 to endorse the Locally Preferred Alternative for the 82nd Avenue Transit Project on May 12, 2025.
- The Portland City Council adopted Resolution No. 37706, to adopt the Locally Preferred Alternative for the 82nd Avenue Transit Project and Conditions for Approval on May 21, 2025.

- Beaverton City Council unanimously adopted Resolution Number 25084 to endorse the Locally Preferred Alternative for the 82nd Avenue Transit Project on May 27, 2025.
- The TriMet Board of Directors unanimously adopted Resolution Number 25-05-25 to endorse the Locally Preferred Alternative for the 82nd Avenue Transit Project on May 28, 2025.
- The Oregon Department of Transportation endorsed the Locally Preferred Alternative for the 82nd Avenue Transit Project with a letter of support dated May 28, 2025.

Anticipated Effects: Adoption of the LPAs will allow project staff to continue working with TriMet, the City of Portland and partners on the projects to:

- Pursue federal funding
- Complete federally-required National Environmental Policy Act (NEPA) documentation
- Refine design and costing
- Coordinate with partners
- Support the implementation and construction of the project
- Open new FX bus lines along 82nd Avenue and Tualatin Valley Highway in 2029 and open the streetcar extension to Montgomery Park in 2030

Budget Impacts: Adoption of the LPAs has no budget impact at this time. There will be future costs associated implementation of the transit projects. These costs will be shared by local, regional, state and federal partners.

ATTACHMENTS

- Attachment 1: Transit Project Locally Preferred Alternative RTP Amendments Process Timeline
- Attachment 2: 82nd Avenue Transit Project Locally Preferred Alternative RTP Amendment Request Memo
- Attachment 3: Proposed Amendments to the 2023 RTP to reflect the 82nd Avenue Locally Preferred Alternative
- Attachment 4: Tualatin Valley Highway Transit and Safety Project Locally Preferred Alternative RTP Amendment Request Memo
- Attachment 5: Proposed Amendments to the 2023 RTP to reflect the Tualatin Valley Highway Locally Preferred Alternative
- Attachment 6: Montgomery Park Streetcar Locally Preferred Alternative RTP Amendment Request Memo
- Attachment 7: Proposed Amendments to the 2023 RTP to reflect the Montgomery Park Streetcar Locally Preferred Alternative
- Attachment 8: High Capacity Transit Project Development Lifecycle

Transit Project Locally Preferred Alternative 2023 Regional Transportation Plan Amendments Process Schedule

Below is a consolidated schedule showing the timeline for considering adoption of the proposed 82nd Avenue, Montgomery Park Streetcar, and TV Highway 2023 Regional Transportation Plan amendments.

Round	Meeting	Actions Necessary	Documents Necessary	Date
Public Comment Period (45 days) ***DLCD Proposed Change PAPA Notice (post acknowledgement plan amendment)***	45 Day Comment Period	○ Public notice of comment period 30 days in advance of start of comment period – Friday, October 3 ○ Public notice of comment period at start of comment period ○ Amendment documents posted on Metro website ○ Notice of public comment period emailed to Metro committees and RTP/Transportation Planning interested parties' lists	Public review and public hearing amendment materials: ○ Ordinance ○ Exhibit(s) to Ordinance ○ RTP Amendment ○ Staff Report[1] ○ Attachments to Staff Report ○ Documented Public Comment Print Notices	November 3 – December 19, 2025
	Metro Council	Public Hearing		**December 4, 2025**
	Notice of Proposed Change to Plan (Form 1)	*Email PAPA notice with required attachments for each amendment (submit to DLCD 35 days before first reading)*		*January 5, 2026*
1st Reading and Public Hearing **Introduce RTP Amendments to Advisory Committees**	Metro Council	○ Review and discuss, identify any needed changes ○ 1st Reading and Public Hearing	Revised draft amendment materials: ○ Ordinance ○ Exhibit(s) to Ordinance ○ RTP Amendment ○ Staff Report[2] ○ Attachments to Staff Report ○ Draft Public Comment Report ○ Table documenting comments proposing a change and recommended action(s) to respond to public comment	**February 12, 2026**
	MTAC	Review and discuss, identify any needed changes		**March 18, 2026**
	MPAC			**March 25, 2026**
	TPAC			**April 3 , 2026**
	JPACT			**April 16, 2026**
Final rec'ds and action by Advisory Committees and Council **2nd Reading, Final Public Hearing and action**	MTAC	○ Review final documents ○ Make recommendation to MPAC on their adoption recommendation	Final: ○ Ordinance ○ Exhibit(s) to Ordinance ○ RTP Amendment (with any recommended actions incorporated) ○ Findings ○ Staff Report[2] ○ Attachments to Staff Report ○ Final Public Comment Report ○ Table documenting comments proposing a change and recommended action(s) to respond to public comment	**April 15, 2026**
	MPAC	○ Review final documents ○ Consider MTAC recommendation ○ Make recommendation to Metro Council on adoption		**April 22, 2026**
	TPAC	○ Review final documents ○ Make recommendation to JPACT on adoption		**May 1, 2026**
	JPACT	○ Review final documents ○ Consider TPAC recommendation on adoption ○ Consider adoption of Ordinance and make recommendation to Council		**May 21, 2026**
	Metro Council	○ Review final documents ○ Consider MPAC recommendation and JPACT action ○ 2nd Reading and Final Public Hearing ○ Consider adoption as recommended by JPACT (or remand to JPACT)		**June 25, 2026**
DLCD Adopted Change PAPA Notice	*Notice of Adopted Change to Plan (Form 2)*	*Email PAPA notice with required attachments for each amendment (submit to DLCD within 20 days of adoption)*	*Include final documents above*	*July 13, 2026*

[1] Staff Report address RTP project amendments checklist in RTP Appendix Y.

Date: October 21, 2025
To: Kim Ellis, Climate Program Manager; Ally Holmqvist, Senior Transportation Planner
From: Jesse Stemmler, Interim 82nd Avenue Transit Project Director
Subject: 82nd Avenue Transit Project RTP Amendment Request

Overview

This memo formally requests an amendment to the Regional Transportation Plan (RTP) to incorporate the Locally Preferred Alternative (LPA) for the 82nd Avenue Transit Project and contains the background information needed to help Metro Staff to review the requested amendment for consistency with the RTP and develop the legislation and supporting staff reports for consideration by the Transportation Policy Alternatives Committee (TPAC), Metro Technical Advisory Committee (MTAC), Metro Policy Advisory Committee (MPAC), Joint Policy Advisory Committee on Transportation (JPACT), and the Metro Council.

Background

82nd Avenue supports the movement of people and goods in a diverse and growing area, connecting people to essential jobs, education facilities, shopping and community services from Clackamas Town Center to Portland's Cully neighborhood. Once the area's primary north-south highway before Interstate 205 opened in 1983, 82nd Avenue has long been a critical regional mobility corridor, and the importance of transit and pedestrian connections has only grown since that time. A substantial number of people continue to travel the corridor each day to get where they need to go and more people are anticipated to do so in the future.

The purpose of the 82nd Avenue Transit Project is to improve transit speed, reliability, capacity, safety, comfort, and access on 82nd Avenue, which is one of the most important transit corridors in the region (see Appendix A for the Initial Purpose and Need Statement approved by the project's Steering Committee). The Project seeks to address the needs of people who live, work, learn, shop, and travel within the corridor both today and in the future through context-sensitive transit improvements in a constrained corridor. Currently, 82nd Avenue is served by TriMet's Line 72, which is the highest ridership bus line in Oregon and experiences the greatest passenger travel delay of all TriMet bus lines.

82nd Avenue has long been recognized as a priority corridor for high-capacity transit investment. It was included in the 2009 High Capacity Transit (HCT) Plan, the 2018 Regional Transportation Plan (RTP) and the 2018 Regional Transit Strategy. In 2019, Metro's Transportation Funding Task Force selected 82nd Avenue as a Tier 1 priority to include a bus rapid transit project. The 82nd Avenue corridor is included in the current 2023 RTP and was identified as a priority for high-capacity transit investment in the 2023 High Capacity Transit (HCT) Strategy.

In 2022, following years of community advocacy and a series of fatalities, the Oregon Department of Transportation (ODOT) transferred ownership of most of 82nd Avenue within the City of Portland to the Portland Bureau of Transportation (PBOT). This transfer created a unique opportunity to coordinate transit and corridor investments to leverage local funds and advance the goals of transit riders, safety advocates, pedestrians, and local communities. In June 2022, Metro convened a Steering Committee composed of local agency partners and representatives from four community-based organizations—Oregon Walks, Clackamas Resource Center, Unite Oregon, and the 82nd Avenue Business Alliance. This committee was established to guide the project toward a Locally Preferred Alternative (LPA) that reflects regional consensus on the project parameters of the

initiative. After extensive public engagement, technical analysis, collaboration across agencies, and direction from the steering committee, the Steering Committee unanimously recommended an LPA on January 16, 2025.

Following the Steering Committee recommendation, the LPA for the project was endorsed as follows:

- The TriMet Board of Directors unanimously adopted Resolution 25-03-15, to recommend confirmation of the LPA on March 26, 2025.
- The Port of Portland submitted a letter of support on May 2, 2025.
- The Oregon Department of Transportation submitted a letter of support on May 5, 2025.
- The Multnomah County Board of Commissioners unanimously adopted Resolution No. 2025-023, to adopt the LPA on April 17, 2025.
- The Portland City Council adopted Resolution No. 37706, to adopt the LPA and Conditions for Approval on May 21, 2025.
- JPACT approved Resolution No. 25-5495 and submitted the resolution to the Metro Council for approval on June 12, 2025.
- The Board of Clackamas County Commissioners submitted a letter of support on June 10, 2025.
- Metro Council adopted Resolution No. 25-5495 endorsing the LPA on June 26, 2025.

Project Description and Map

The 82nd Avenue Transit Project (Project) would implement a new bus rapid transit (BRT) line and related improvements in a 10-mile corridor in Portland and unincorporated Clackamas County, Oregon. The BRT line would be built and operated by TriMet. The line would connect the NE Cully Boulevard and NE Killingsworth Street area in Portland and the Clackamas Town Center Transit Center in Clackamas County, running primarily along NE/SE 82nd Avenue. It would operate as Frequent Express (FX) service, TriMet's brand of BRT, and would replace a portion of the existing 72-Killingsworth/82nd TriMet bus line.

The following agency partners will help deliver the project:

- TriMet will be the Project Sponsor and the Grantee for the FTA CIG Small Starts program.
- Metro will lead the environmental analysis and approvals required under NEPA.
- PBOT, Clackamas County, and ODOT are project partners supporting Project Development activities.
- The Federal Transit Administration is the lead federal agency for NEPA and a key financial partner through the FTA's CIG Small Starts program.

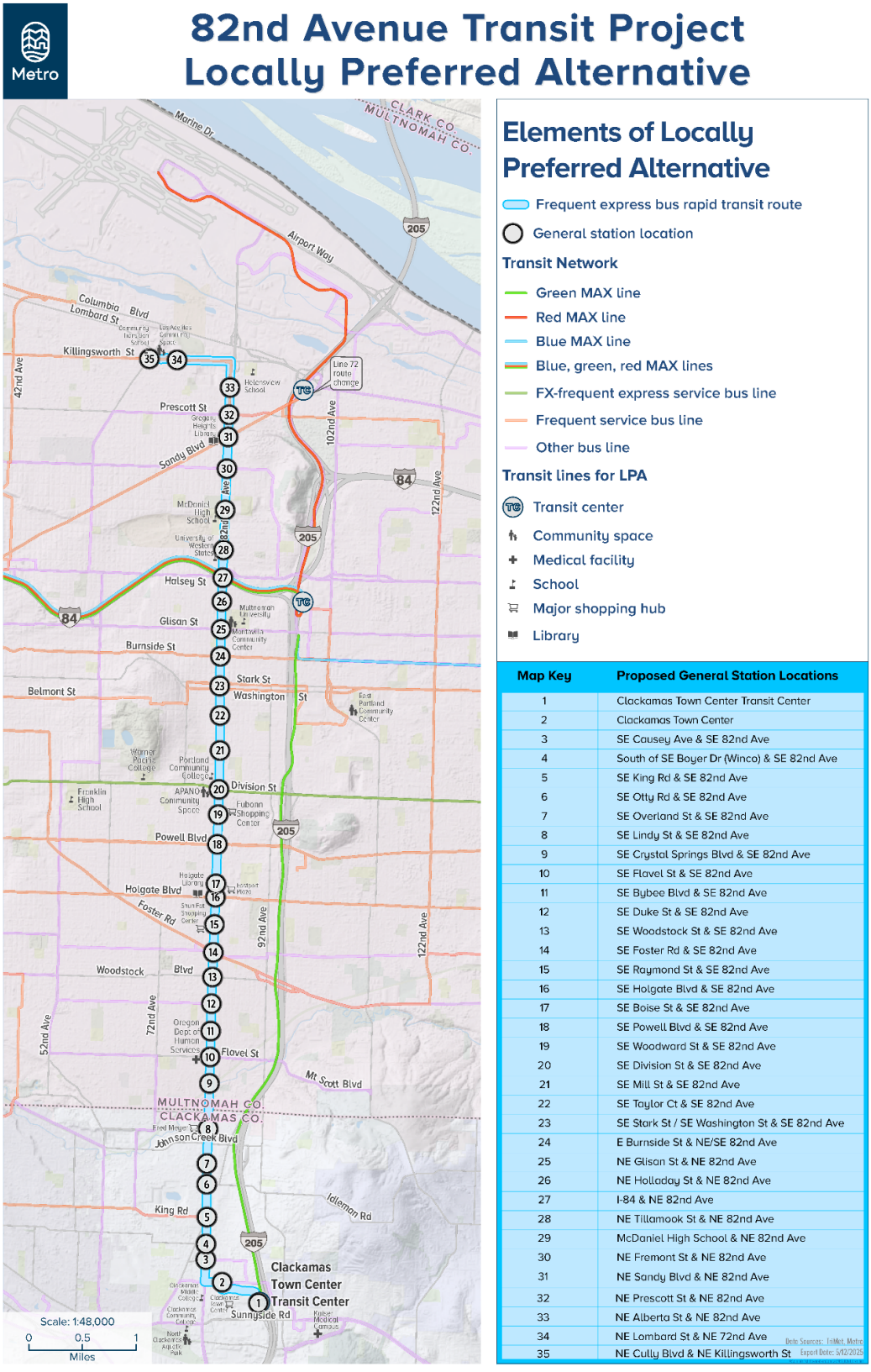
The Project includes the following scope elements:

- 68 station platforms at 35 stations – pick up locations will have upgrades including weather protection, seating, real-time information, and lighting
- Sidewalk, curb ramp, accessibility, and crossing improvements at station locations
- New signals, signal upgrades and improvements to benefit transit
- Roadway improvements/repaving at station areas
- Higher capacity hydrogen electric articulated buses
- Continuing discussions on physical transit priority through Business Access and Transit (BAT lanes)

Figure 1 outlines the project area and endorsed LPA, which starts at NE Cully Boulevard and NE Killingsworth Street in Portland and ends at Clackamas Town Center Transit Center in Clackamas

County. The northern extent of the LPA differs from the conceptual draft alignment reflected in the RTP transit network and project maps which will be updated.

Figure 1: Project Area Map



Map Key	Proposed General Station Locations
1	Clackamas Town Center Transit Center
2	Clackamas Town Center
3	SE Causey Ave & SE 82nd Ave
4	South of SE Boyer Dr (Winco) & SE 82nd Ave
5	SE King Rd & SE 82nd Ave
6	SE Otty Rd & SE 82nd Ave
7	SE Overland St & SE 82nd Ave
8	SE Lindy St & SE 82nd Ave
9	SE Crystal Springs Blvd & SE 82nd Ave
10	SE Flavel St & SE 82nd Ave
11	SE Bybee Blvd & SE 82nd Ave
12	SE Duke St & SE 82nd Ave
13	SE Woodstock St & SE 82nd Ave
14	SE Foster Rd & SE 82nd Ave
15	SE Raymond St & SE 82nd Ave
16	SE Holgate Blvd & SE 82nd Ave
17	SE Boise St & SE 82nd Ave
18	SE Powell Blvd & SE 82nd Ave
19	SE Woodward St & SE 82nd Ave
20	SE Division St & SE 82nd Ave
21	SE Mill St & SE 82nd Ave
22	SE Taylor Ct & SE 82nd Ave
23	SE Stark St / SE Washington St & SE 82nd Ave
24	E Burnside St & NE/SE 82nd Ave
25	NE Glisan St & NE 82nd Ave
26	NE Holladay St & NE 82nd Ave
27	I-84 & NE 82nd Ave
28	NE Tillamook St & NE 82nd Ave
29	McDaniel High School & NE 82nd Ave
30	NE Fremont St & NE 82nd Ave
31	NE Sandy Blvd & NE 82nd Ave
32	NE Prescott St & NE 82nd Ave
33	NE Alberta St & NE 82nd Ave
34	NE Lombard St & NE 72nd Ave
35	NE Cully Blvd & NE Killingsworth St

Data Sources: TriMet, Metro; Export Date: 5/12/2025

Project Development Phase Schedule and Deliverables

The Locally Preferred Alternative being amended into the RTP will support further progress on the Project and is a required step to qualify for key federal funding opportunities. It is necessary to complete the NEPA process covering all aspects of the project proposed for FTA funding, develop sufficient information for FTA to develop a project rating, complete sufficient engineering and design to develop an accurate and reliable cost, scope, and schedule for the Project, obtain all non-CIG funding commitments, complete all critical third-party agreements, meet other FTA readiness requirements, and ultimately prepare for construction. The Project formally entered the Project Development phase in July 2025, with Project Development anticipated to be completed in spring 2027, with service opening in summer 2029.

The Project Development phase includes required deliverables that will be informed by the core design team, project partners, and community engagement, including:

- Completion of environmental approvals under the National Environmental Policy Act (NEPA).
- Development of preliminary design and engineering documents.
- Development of materials necessary for a Small Starts rating by FTA and subsequent Small Starts Construction Grant Agreement.

The anticipated schedule for Project Development phase deliverables is as follows:

- Preliminary design and engineering (summer 2024 – spring 2026)
    - 15% design (early 2025)
    - 30% design (summer 2025)
    - 60% design (spring 2026)
- Draft finance plan (early 2025)
- Initial Small Starts application for rating (early 2025)
- Update to the Regional Transportation Plan and related financial elements, as necessary (fall 2025- summer 2026)
- Environmental approvals under NEPA (early 2025 – spring 2026)
    - Class-of-Action determination (anticipating a documented categorical exclusion)
    - NEPA assessment and findings, including all needed analysis and public engagement
- Small Starts construction grant agreement (spring 2027)
- Final design and construction Documents (fall 2026-spring 2027), including cost estimates for each stage documenting the total anticipated construction cost in year of expenditure dollars:
    - 90% Design package (fall 2026)
    - 100% Design – issued for construction (spring 2027)

The proposed time period for the Construction phase spring 2027-summer 2029.

Public Engagement

Metro and TriMet staff offered several opportunities for community members to learn about and provide input on the 82nd Avenue Transit Project. Many of public engagement events were co-hosted with the Portland Bureau of Transportation (PBOT) as part of their Building a Better 82nd Avenue Project to allow community members to provide input on both projects and clarify scope and purpose of each project. A demographic assessment was conducted as part of the development of the Existing Conditions report.

Additionally, members of the 82nd Avenue Coalition and community based organizations were represented on the Steering Committee, which was the decision-making body for the LPA. Appendix B includes the full summary of public engagement activities and input. Public engagement will continue to be an important aspect of the project moving forward.

Two key ways in which community engagement shaped the Project were:

- *Northern terminus selection:* To understand and address community compatibility concerns around a potential Cully neighborhood terminus, the Project team formed the Cully Terminus Evaluation Group. From July to October 2024, staff collaborated with eight Cully residents to explore design options near NE Killingsworth St and Cully Blvd. The group identified preferred transit facility locations, emphasized pedestrian safety, and raised concerns about parking loss and traffic increases—leading to design adjustments. By the final meeting, all members supported a Cully terminus.
- *General station locations*: To understand and address potential community concerns regarding stop consolidation, several rounds of engagement were conducted. Public input guided the selection and refinement of station locations. Initial concepts were shaped by technical analysis and partner workshops, then reviewed through an online open house and four in-person workshops between April and August 2023. Participants provided location-specific feedback, shared placement priorities, and weighed in on "either/or" station options. Key themes included safer access, improved station amenities, personal security, and better connectivity. This feedback, combined with technical analysis, directly informed station siting and design.

RTP Consistency and Regional Significance

The Project advances the following RTP goals, objectives, and policies, and RTP modal function(s) of the facility:

Goal 1 – Mobility Options

- (Objective 1.1) Increases proportion of trips made by use of transit and reduces per capita vehicle miles traveled.
- (Objective 1.2) Completes gap in planned regional network.
- (Objective 1.3) Increases household and job access to frequent transit service.
- (Objective 1.4) Maintains reliable person-trip and freight mobility in a regional mobility corridor.

Goal 2 – Safe System

- (Objective 2.1) Contributes to eliminating fatal and severe injury crashes by 2035.
- (Objective 2.3) Maintains and brings facilities up to a state of good repair.

Goal 3 – Equitable Transportation

- (Objective 3.1) Contributes to eliminating disparities related to access, safety, affordability, and health outcomes experienced by people of color and other marginalized communities.
- (Objective 3.2) Contributes to eliminating barriers that people of color, people with low incomes, youth, older adults, people with disabilities, and other marginalized communities face to meeting their travel needs.

Goal 4 – Thriving Economy

- (Objective 4.1) Focuses growth and transportation investment in a designated 2040 growth area and provides access to jobs, markets, and community places within and beyond the region.
- (Objective 4.2) Maintains access to industry and freight intermodal facilities.
- (Objective 4.3) Attracts new businesses and family-wage jobs and retains those already located in the region while increasing the number and variety of jobs that households can reach within a reasonable travel time.
- (Objective 4.4) Reduces the share of income that households in the region spend on transportation to lower overall household spending on transportation and housing.
- (Objective 4.5) Bring facilities up to a state of good repair and avoid deferred maintenance.

Goal 5 – Climate Action and Resilience

- (Objective 5.1) Contributes to meeting adopted targets for reducing transportation-related greenhouse gas emissions and vehicles miles per capita.
- (Objective 5.2) Increases the share of jobs and households in walkable, mixed-use areas served by frequent transit service.
- (Objective 5.3) Preserves and protects the region's biological, water, historic and culturally important plants, habitats, and landscapes, and integrates green infrastructure strategies to maintain habitat connectivity, reduce stormwater run-off, and reduce light pollution.
- (Objective 5.4) Increases the resilience of communities and regional transportation infrastructure to the effects of climate change and natural hazards including seismic events.
- (Objective 5.5) Brings facilities up to a state of good repair and avoid deferred maintenance to prevent future more costly and resource intensive repairs.

The Project is consistent with and supports implementation of the following RTP System, Regional Design and Regional Network Policies:

- *3.2.1 2040 Growth Concept:* The Project supports the Metro 2040 Growth Concept by advancing permanent high-capacity transit and higher-density growth along a designated Main Street of 82nd Avenue, as well as supporting planned land uses adopted in the 2040 Growth Concept by improving mobility to Regional Centers via transit.
- *3.2.2 Transportation Equity Policies*: The Project improves multimodal options and permanent transit access in several Equity Focus Areas.
- *3.2.3 Safety and Security Policies:* The Project advances safe access to transit on a Regional High Injury Corridor.
- *3.2.4 Climate Action Policies and Resilience Policies:* The Project supports Metro's Climate Smart Strategy and related policies. It will advance a major high-capacity transit investment to make transit more convenient, frequent, and accessible. It will include improvements to the pedestrian network and connect the local street grid with safe crossings.
- *3.2.6 Mobility Policies:* The Project will advance mobility policies. It will improve transit and pedestrian travel and access, while balancing motor vehicle travel and the many other functions of arterials.
- *3.3 Regional Network Policies:* The Project supports regional network policies, including policies which aim to provide transit as an attractive, convenient, accessible, and affordable travel option. It supports RTP Policy Map designations for the Transit and Pedestrian networks.

Identification of the Project followed the RTP congestion management process policies in the following ways:

- The Project utilizes multiple tools in the Congestion Management Process (CMP) toolbox. It is planned to utilize transit signal priority and access management strategies to support system management and operations. It will utilize active transportation strategies by implementing new walking connections to key destinations. It will utilize transit strategies by constructing high capacity transit and expanding transit coverage.

The Project is regionally significant. In 2018, Metro adopted the region's first Regional Transit Strategy, in support of the 2018 Regional Transportation Plan (RTP). The RTP identified the 82nd Avenue as an Enhanced Transit Corridor (ETC) for short-term implementation and included the Project in its financially-constrained project list (12029). In 2023, Metro adopted the Regional High Capacity Transit (HCT) Strategy as part of the 2023 Regional Transportation Plan update, which designates the Project as a Tier 1: near-term HCT corridor; this is the highest priority for near-term HCT investment in the region. The Project will also require project-level NEPA review. Additionally, 82nd Avenue is designated on multiple RTP network maps—transit, motor vehicles, bicycle, pedestrian, freight, and TSMO networks.

Performance

The Project makes progress toward federal and regional performance targets:

- *Mobility,* by increasing transit and pedestrian mode shares, improving access to jobs via transit, contributing to completing the transit network and the pedestrian system near transit, increasing the share of households that are located near transit and pedestrian facilities, and improving throughway reliability.
- *Safety,* by contributing to eliminating transportation related fatalities and serious injuries.
- Equity, by contributing to eliminating transportation related fatalities and serious injuries in equity focus areas, contributing to completing the pedestrian system in equity focus areas, and improving access to jobs within equity focus areas.
- *Economy,* by increasing the number and variety of jobs that households can reach within a reasonable time.
- *Climate and Environment,* by reducing per capita greenhouse gas emissions from light-duty vehicles and per capita vehicles miles traveled, helping to meet revised statewide goals requiring accelerated reductions in greenhouse gas emissions, and keeping air pollution from mobile sources levels below thresholds set by the federal government.

Fast, convenient and linked to the broader transit and transportation network – high capacity transit provides a viable, more affordable alternative to driving. Fewer cars on the road leads to less air pollution, more physical activity, less time in traffic, fewer crashes and more reliability for moving people and goods – supporting the health, safety, mobility, economy and quality of life of our region. As part of its evaluation, the 2023 High Capacity Transit Strategy found that implementing all of the corridor improvements identified in the vision would result in a 0.6% reduction in CO_2e emissions regionwide. 82nd Avenue landed in the top 20% of vision corridors evaluated where a high capacity transit investment would result in climate benefit. The HCT Strategy's analysis found that a high capacity transit investment on 82nd Avenue could result in a reduction of around 190 metric tons of CO_2e per year.

The 2023 RTP Climate Smart Strategy (CSS) states that implementing the Regional Transit Strategy vision of making transit convenient, frequent, accessible and affordable is a key strategy with a high

relative climate benefit. The CSS includes a number of near-term actions for Metro and partners related to high capacity transit, including: 1) expand transit service to serve communities of concern, transit-supportive development and other potential high ridership locations; and 2) expand partnerships with transit agencies, cities, counties and ODOT to implement capital improvements in frequent bus corridors (including dedicated bus lanes, stop/shelter improvements, and intersection priority treatments) to increase service performance.

To make progress toward the Climate Smart Strategy Performance targets, the Project implements elements of the 2040 Growth Concept and local and adopted land use and transportation plans; makes transit convenient, frequent, accessible, and affordable; makes walking safe and convenient; makes streets and highways safe and reliable; uses technology to actively manage the transportation system; provides information and incentives to expand the use of travel options; supports transition to cleaner low carbon fuels; secures adequate funding for transportation investments; and demonstrates leadership on climate change.

This is a safety project eligible for state and federal safety program funding, with Highway Safety Improvement Program funds committed for Project Development.

Fiscal Constraint

The cost estimate included in the 2023 RTP financially constrained project list was $300 million in year-of-expenditure dollars. That estimate has increased to approximately $343 million based on refined design and partner priorities. Currently, $30.63 million for Project Development has been committed, with an additional $83 million committed from the FTA Low or No-Emissions Grant Program, the Portland Clean Energy Fund, and TriMet match for other federal funds. TriMet is pursuing FTA Small Starts Capital Investment Grant (CIG) funding and will seek up to the maximum Small Starts CIG funding amount of $150 million. Additionally, the project was approved for Regional Flexible Fund Step 1A.1 New Project Bonds on July 31, 2025 by Resolution 25-5510. Additional local sources, including those in Table 1 below, will be committed as required by the FTA CIG program.

As indicated in the Project Development section above, preliminary engineering, design, and construction will all occur in the 2023-2030 near-term RTP investment time period.

Table 1. 82nd Avenue Transit Project Fiscal Constraint Documentation

Fund Source and Type	Revenue Dollar Amount	New Revenue (not assumed in 2023 RTP Forecast)[1]	Revenue Assumed in 2023 RTP Forecast - 82nd Avenue Transit Project (#12029)[2]	Proposed Shift Revenue in the 2023 RTP Forecast from 82nd Avenue Corridor Improvements Project (#11844)[3]
FTA CIG – 5309 Small Starts	$150,000,000		$150,000,000	
FTA – Areas of Persistent Poverty	$630,000	$630,000		
FTA – Low or No Emission Grant	$23,800,000		$23,800,000	
Regional Flexible Fund Bonds	$28,000,000	$28,000,000		
Portland Clean Energy Fund (PCEF) Grant	$49,500,000	$49,500,000		
State/Regional/Local Funds • *TriMet – General Funds/Bonds* • *Carbon Reduction Program Funds* • *State revenues related to jurisdictional transfer*	$92,000,000		$71,000,000	$21,000,000
Total[4]	**$343,930,000**	**$78,130,000**	**$244,800,000**	**$21,000,000**

[1]These dollars are new revenues not accounted for in the forecast in the adopted 2023 RTP. The revenues include new funds awarded by PCEF on December 18, 2024 and the RFFA Bond revenues approved by JPACT and the Metro Council on July 31, 2025. While this amount is more than the cost increase for the project ($43M) the budget also needs to demonstrate additional local revenue sources to make up for $55.2M in state funding assumed in the 2023 RTP that is not part of the revenue sources assumed in the current project budget.

[2]These dollars are revenues already assumed for the 82nd Avenue Transit Project in the revenue forecast in the adopted 2023 RTP, covering the project's estimated cost in the adopted 2023 RTP.

[3]The current 82nd Avenue Transit Project financial plan includes $21 million in State revenues related to the jurisdictional transfer of 82nd Avenue from ODOT to the City of Portland. These State revenues were accounted for in the adopted 2023 RTP revenue forecast, but not specifically committed to the 82nd Avenue Transit Project (RTP ID 12029); they were assumed to help fund the City's related 82nd Avenue corridor project (RTP ID 11844). The amendment proposes to reduce the cost of the corridor improvements (RTP ID 11844) by $21 million and update the 82nd Avenue Transit Project financial plan to shift $21 million of the state revenues assumed for the corridor project (RTP ID 11844) to the transit project (RTP ID 12029) to demonstrate fiscal constraint.

[4]Totals are generally rounded to the nearest $100,000.

Attachments:

- A: 82nd Avenue Transit Project Initial Purpose and Need Statement
- B: 2025 Engagement Summary
- C: Metro Council Staff Report on LPA Endorsement Recommendation June 26, 2025
- D: Existing Conditions

Proposed amendments to the 2023 RTP to reflect the **82nd Avenue Locally Preferred Alternative**

oregonmetro.gov/rtp

This exhibit documents proposed amendments to the 2023 Regional Transportation Plan to reflect the 82nd Avenue Transit Project Locally Preferred Alternative endorsed by the Joint Policy Advisory Committee on Transportation and the Metro Council in June 2025.

The amendments are shown in red ~~strikethrough~~ and underscore and include:

- Appendix AA: 82nd Avenue Transit Project LPA ***(new)***
- Chapter 3: System Policies to Achieve Our Vision
- Chapter 5: Our Transportation Funding Outlook
- Chapter 6: Regional Programs Projects to Achieve Our Vision
- Appendix A: Financially Constrained List of Projects and Programs
- Appendix W: Status of current major projects
- Appendix V: Future corridor refinement planning

Metro and regional partners have made significant progress on this project and are ready to take the next step in moving forward into project development and pursuing funding opportunities. To be eligible for federal and state funding, the Locally Preferred Alternative (LPA) must be adopted in the RTP. The requested amendments will bring the 82nd Avenue Transit Project LPA into the 2023 RTP to support the project moving forward into project development and make the project eligible to compete for federal and state funding opportunities now.

APPENDIX AA

2023 Regional Transportation Plan

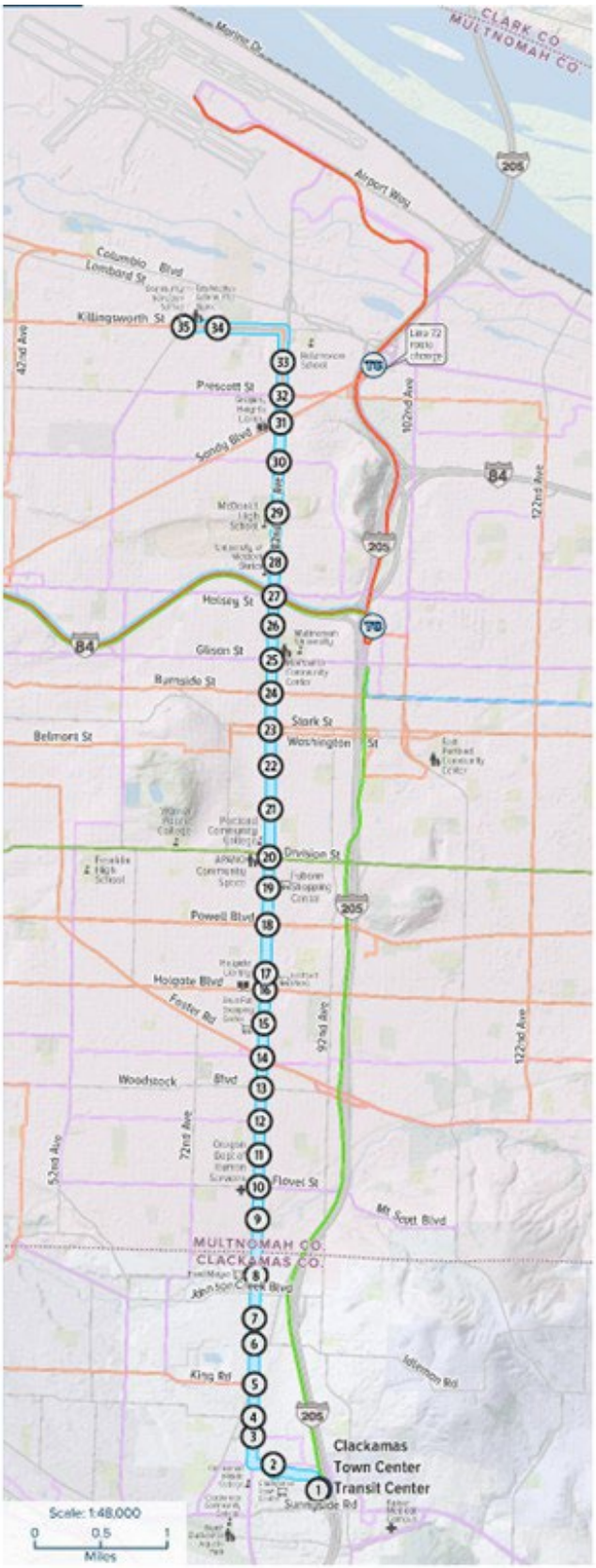
82nd Avenue Transit Project Locally Preferred Alternative

oregonmetro.gov/rtp

82nd Avenue Transit Project Steering Committee Locally Preferred Alternative

The recommended Locally Preferred Alternative for high-capacity transit in the 82nd Avenue corridor is Frequent Express (FX) bus rapid transit with general stations at the locations indicated on the attached map, operating between Clackamas Town Center Transit Center and the Cully Boulevard and Killingsworth Street area.

82nd Avenue Transit Project Locally Preferred Alternative



Elements of Locally Preferred Alternative

- Frequent express bus rapid transit route
- General station location

Transit Network

- Green MAX line
- Red MAX line
- Blue MAX line
- Blue, green, red MAX lines
- FX-frequent express service bus line
- Frequent service bus line
- Other bus line

Transit lines for LPA

- Transit center
- Community space
- Medical facility
- School
- Major shopping hub
- Library

Map Key	Proposed General Station Locations
1	Clackamas Town Center Transit Center
2	Clackamas Town Center
3	SE Causey Ave & SE 82nd Ave
4	South of SE Boyer Dr (Winco) & SE 82nd Ave
5	SE King Rd & SE 82nd Ave
6	SE Otty Rd & SE 82nd Ave
7	SE Overland St & SE 82nd Ave
8	SE Lindy St & SE 82nd Ave
9	SE Crystal Springs Blvd & SE 82nd Ave
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30	NE Fremont St & NE 82nd Ave
31	NE Sandy Blvd & NE 82nd Ave
32	NE Prescott St & NE 82nd Ave
33	NE Alberta St & NE 82nd Ave
34	NE Lombard St & NE 72nd Ave
35	NE Cully Blvd & NE Killingsworth St

Proposed Amendments to 2023 Regional Transportation Plan Chapter 3

Amend Figure 3.24 Regional Transit Network Map to:

- Revise the northern extent and terminus of 82nd Avenue corridor high capacity transit to match the Locally Preferred Alternative (to NE Cully Blvd /NE Killingsworth St from Sandy Blvd/Parkrose Sumner Transit Center)

Proposed Amendments to 2023 Regional Transportation Plan Chapter 5

- Update **Figure 5.2 Flow of transportation revenues into the greater Portland region** to:
    - add $77,500,000 to assumed "Regional and Local Sources $39 billion",
    - add $630,000 to assumed "Federal Sources $15 billion", and
    - add $43,930,000 to the "Transit Capital $4.6B" total
    - add to figure "Source" note "*additional Federal, state, and local dedicated funding from new revenue sources identified as part of the transit project Locally Preferred Alternative(s) (not accounted for in the revenue forecast)*".
- Update **Figure 5.4: Federal transportation revenue sources in the 2023 RTP** to add $630,000.
- Update **Figure 5.6: Regional transportation revenue sources in the 2023 RTP** to add $28,000,000.
- Update **Figure 5.7: Local transportation revenue sources in the 2023 RTP** to add $49,500,000.
- Update **Table 5.5 RTP constrained revenue forecast for capital projects, 2023 to 2045 (YOE$)** to reflect the addition of $22,930,000 in revenue:
    - add a new row "*Additional Federal, state, and local dedicated funding from new revenue sources available identified as part of recent transit project Locally Preferred Alternative processes (not accounted for above)*",
    - update "Total revenues available for capital projects in the 2023 RTP: $28,130.45", and
    - update page 5-26 paragraph 1 text to reflect updates to Table 5.5 totals.
- Update **Figure 5.9 2023 RTP total anticipated spending by investment category (YOE$)** to add $22,930,000 to "27.9B Capital Project Spending" and "69.3B Total RTP anticipated spending".
- Update **Figure 5.10 Total anticipated capital and O&M investment spending, FY 2024 to FY 2045 (YOE$)** to add $22,930,000 to "69.3 billion 2023-2045 RTP Constrained List".
- Update **Table 5.7 Estimated costs for RTP Constrained Project List in YOE$, 2023-2045** to:
    - add $43,930,000 to:
        - "Transit Capital Investments (YOE$) Near Term 2023-2030: 1,575,610,000",
        - "Transit Capital Investments (YOE$) Total 2023-2045: 4,647,590,000",
    - remove $21,000,000 from:
        - "Roads and Bridges Near Term 2023-2030: 3,047,874,000" and
        - "Roads and Bridges Total 2023-2045: 3,047,874,000".
    - add $22,930,000 to:
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Near Term 2023-2030: 8.57 billion",
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Total 2023-2045: 27.87 billion",
        - "Total estimated RTP Costs (YOE$) Near Term 2023-2030: 19.07 billion", and
        - "Total estimated RTP Costs (YOE$) Total 2023-2045: 69.3 billion".
- Update **Figure 5.11: Cost and number of RTP constrained capital projects by investment area (YOE$)** to add $43,930,000 to "Transit Capital $4.6B"

- Update **Table 5.8: Demonstration of financial constraint of the 2023 RTP, 2023-2045 (YOE$)** to add $22,930,000:
    - to “Capital projects Constrained revenues: $28,130,454,000”,
    - to “Capital projects Constrained costs: $27,872,866,000”,
    - to “Total Constrained revenues: $70,385,197,000”,
    - to “Total Constrained costs: $69,320,668,000”,
    - by updating the table note to reflect the new revenue sources, and
    - by updating page 5-34 paragraph 1 text to reflect updates to Table 5.8 totals.
- Update **Table 5.9: Road-related revenue forecast compared to total costs, 2023 - 2045 (YOE$)** to remove $21,000,000 from:
    - “Capital projects Constrained revenues: $23,277,904,000”,
    - “Capital projects Constrained costs: $23,225,276,000”,
    - “Total Constrained revenues: $39,317,204,000”, and
    - “Total Constrained costs: $38,509,965,000”.
- Update **Table 5.10: Transit-related revenue forecast compared to total costs, 2023 - 2045 (YOE$)** to add $43,930,000:
    - to “Capital projects Constrained revenues: $4,852,550,000”,
    - to “Capital projects Constrained costs: $4,647,590,000”,
    - to “Total Constrained revenues: $31,067,993,000”,
    - to “Total Constrained costs: $30,810,703,000”, and
    - by updating the table note to reflect the new revenue sources

Proposed Amendments to 2023 Regional Transportation Plan Chapter 6

- Update **Figure 6.3: Map of RTP Financially Constrained Projects, 2023-2045** to add $22,930,000 to "27.9B Capital Project Spending".
- Update **Table 6.3 : Estimated costs for Constrained RTP Project List** to:
    - add $43,930,000 to:
        - "Transit Capital Near Term 2023-2030: $1.58 billion",
        - "Transit Capital Total 2023-2045: $4.65 billion",
    - remove $21,000,000 from:
        - "Roads and bridges capital Near Term 2023-2030: $3.05 billion" and
        - "Roads and bridges capital Total 2023-2045: $7.41 billion".
    - add $22,930,000 to:
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Near Term 2023-2030: 8.57 billion",
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Total 2023-2045: 27.87 billion",
        - "Total estimated RTP Costs (YOE$) Near Term 2023-2030: 19.07 billion", and
        - "Total estimated RTP Costs (YOE$) Total 2023-2045: 69.3 billion".
- Update **Figure 6.4: Total estimated investment by 2045 (YOE$)** to add $22,930,000 to "27.9B Capital Project Spending" and "69.3B Total RTP anticipated spending".
    - Update page 6-16 paragraph 1 to reflect these updates to Figure 6.4 totals.
- Update **Figure 6.6: Greater Portland region: Cost and number of RTP constrained list projects by investment category, 2023-2045** to add $43,930,000 to "Transit Capital $4.6B"
- Update **Figure 6.8: TriMet: Cost and number of RTP constrained list capital projects by investment category, 2023-2045** to add $43,930,000 to "$4.33B total constrained capital RTP spending [YOE $]"
- Update **Figure 6.10: City of Portland and Port of Portland: Cost of RTP constrained list capital projects by investment category, 2023-2045** to remove $21,000,000 from "$2.20B total constrained capital RTP spending [YOE $]
- Update **Table 6.5: Summary of RTP constrained list transit capital projects and planned service** to add $43,930,000 to "Estimated capital cost in YOE dollars Near-term Constrained List (2023-2030): $1.58 billion".
- Update **Figure 6.18: Greater Portland region: Map of RTP constrained list transit capital projects and planned service, 2030** to revise the northern extent and terminus of project #12029 to match the Locally Preferred Alternative (to NE Cully Blvd /NE Killingsworth St from Sandy Blvd/Parkrose Sumner Transit Center).
- Update **Figure 6.19: Greater Portland region: Map of RTP constrained list transit capital projects and planned service, 2045** to revise the northern extent and terminus of project #12029 to match the Locally Preferred Alternative (to NE Cully Blvd /NE Killingsworth St from Sandy Blvd/Parkrose Sumner Transit Center).

- Update **Table 6.7: Summary of RTP constrained list roads and bridges projects** to remove $21,000,000 from “Estimated capital cost in YOE dollars Near-term Constrained List (2023-2030): $3.05 billion”.

Proposed Amendments to Appendix A to the 2023 Regional Transportation Plan

(shown in red ~~strikethrough~~ and underscore)

RTP Investment Category	County or counties	Nominating Agency	Primary Owner	RTP ID	Project Name	Start Location	End Location	Description	Estimated cost (in YOE dollars)	Time Period	Financially Constrained
Transit - High Capacity	Multnomah County	TriMet	TriMet	12029	HCT: 82nd Ave Transit Project	Clackamas Town Center	~~TBD~~NE Cully Blvd and NE Killingsworth Street	Contingent on federal, state and local funding commitments, the 82nd Ave Transit Project will improv travel between Clackamas Town Center and important destinations in NE Portland with easier, faster and more reliable bus service as well as necessary safety and accessibility improvements, paving and signals. Planning work will include identifying and prioritizing complementary multimodal safety improvements to make 82nd Avenue safer for all travel modes. The 82nd Avenue Transit Project would implement a new bus rapid transit line and related improvements in a 10-mile corridor in Portland and unincorporated Clackamas County, Oregon. The line would connect the NE Cully Boulevard and NE Killingsworth Street area in Portland and the Clackamas Town Center Transit Center in Clackamas County, running primarily along NE/SE 82nd Avenue.	$ ~~300,000,000~~ $ 344,000,000	2023-2030	Yes
Roadway (Capital)	Multnomah County	Portland	Portland	11844	82nd Ave Corridor Improvements	NE Lombard St	SE Clatsop St	Design and implement multimodal improvements to sidewalks, crossings, transit stops, striping, and signals to enhance ped/bike safety, access to transit, and transit operations. Address major asset needs including pavement, ADA ramps, and traffic signals.	~~$ 150,000,000~~ $ 129,000,000	2023-2030	Yes

Projects submitted to RTP by nominating agency.

Download the project data in excel at: www.oregonmetro.gov/rtp

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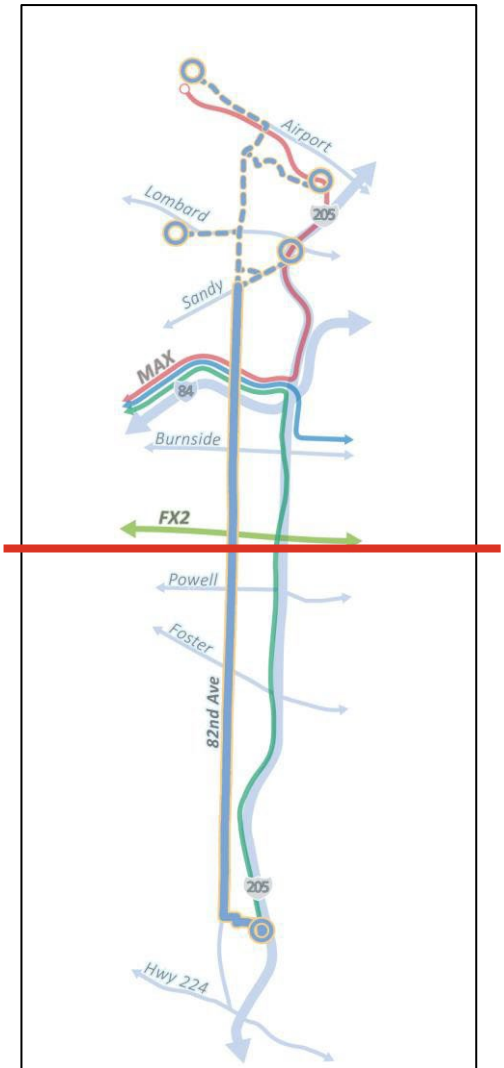
Proposed Amendments to Appendix W to the 2023 Regional Transportation Plan (shown in red ~~strikethrough~~ and underscore)

~~Metro, TriMet, the City of Portland, Clackamas County, ODOT, Multnomah County, and the Port of Portland as well as community members are collaborating to develop a rapid bus transit project in the 82nd Avenue corridor between Clackamas Town Center and a northern terminus yet-to-be-determined. In addition, Metro is working to support a community-led equitable development strategy (EDS) that will address community priorities outside of, but often-related to the transit project investment.~~

~~The 82nd Avenue corridor is a major route for the region connecting key destinations and communities in Clackamas County and Portland, Oregon and supporting the movement of people and goods in a diverse and growing area. The corridor serves many people who are part of BIPOC, limited English proficiency, and low-income communities, zero car household, or living with a disability. 82nd Avenue was once the primary north-south highway for the area before Interstate 205 was opened in 1983. Since then, the primary function of 82nd Avenue as a regional throughway has diminished, but its importance as a transit and pedestrian corridor has grown. The roadway continues to carry substantial amount of freight, auto, and bus traffic.~~

~~TriMet's Line 2 - Killingsworth/82 serves the 82nd Avenue corridor and is the highest ridership bus line in TriMet's system, and exceeds ridership on the Orange and Yellow Max light rail lines. However, unlike light rail transit, the bus runs in mixed traffic and is often delayed. Line 72 is a frequent service route connecting riders to major destinations, high-capacity transit lines (the new Division FX2 and the MAX Green, Blue, and Red Lines), and over 20 bus routes just in the corridor.~~



~~Figure . 0: 82nd Ave Transit Corridor~~

It is a workhorse with high ridership all day and weekends and saw relatively high retention of riders during the pandemic.

The need for a major transit improvement has been identified in multiple plans including the 2010 High Capacity Transit (HCT) System Plan, the 2018 Regional Transportation Plan (RTP), and the 2018 Regional Transit Strategy. In 2019, Metro's Transportation Funding Task Force selected 82nd Avenue as a Tier 1 priority to include a bus rapid transit project investment. The steering committee has called for the project to address transit speed and reliability, safety, needs of transit-dependent communities in the corridor, and to reduce pollution and greenhouse gas emissions, while designing for a constrained physical environment.

The 82nd Avenue Transit Project would improve transit in the corridor by adding: new buses with greater capacity, improved pedestrian facilities and access, better lighting, transit signal priority and physical bus priority in the roadway to move the bus through congestion, and better stations with shelters, seating, lighting, and real time bus arrival information. The work will be integrated with the streetscape improvements both planned and underway.

The need is urgent with an unprecedented opportunity for an 82nd Avenue bus rapid transit project to leverage and complement a $185 million investment that the City of Portland, the State of Oregon, and regional partners are making as part of the 82nd Avenue jurisdictional transfer. These investments provide the opportunity to reimagine the corridor to improve safety and pedestrian facilities in conjunction with high-quality, frequent, reliable Bus Rapid Transit service. The City of Portland and ODOT are already making near-term safety, paving, and maintenance fixes that will improve access to transit. A second phase of that work is underway through the City's Building a Better 82nd Avenue program to identify additional improvements within Portland for the corridor. These improvements would complement/support the transit investment and could be delivered with the transit project. The project will be further bolstered by receiving a $630,000 planning grant from the FTA's Areas of Persistent Poverty program.

The people who live along 82nd Avenue are more likely to rely on transit than the general population with a high number of equity communities in greater representation than the region as a whole. These include people that are low-income, BIPOC, have limited English proficiency, live with a disability, or live in zero car households or in affordable housing. In addition, 82nd Avenue is high injury corridor with inadequate pedestrian facilities, lighting, and limited signalized crosswalks and few transit shelters.

The project anticipates having an approved locally preferred alternative demonstrating regional consensus around the transit mode, general station locations, and alignment in winter of 2023/24. The NEPA phase of the project would begin post approval of the LPA and after early corridor design is underway.

82nd Avenue supports the movement of people and goods in a diverse and growing area, connecting people to essential jobs, education facilities, shopping and community services from Clackamas Town Center to Portland's Cully neighborhood. Once the area's primary north-south highway before Interstate 205 opened in 1983, 82nd Avenue has long been a critical regional mobility corridor, and the importance of transit and pedestrian connections has only grown since that time. A substantial number of people continue to travel the corridor each day to get where they need to go and more people are anticipated to do so in the future.

The 82nd Avenue Transit Project would implement a new bus rapid transit (BRT) line and related improvements in a 10-mile corridor in Portland and unincorporated Clackamas County, Oregon. The BRT line would be built and operated by TriMet. The line would connect the NE Cully Boulevard and NE Killingsworth Street area in Portland and the Clackamas Town Center Transit Center in Clackamas County, running primarily along NE/SE 82nd Avenue. It would operate as Frequent Express service, TriMet's brand of BRT, and would replace a portion of the existing 72-Killingsworth/82nd TriMet bus line.

The purpose of the transit project is to improve transit speed, reliability, capacity, safety, comfort, and access on 82nd Avenue, which is one of the most important transit corridors in the region. The Project seeks to address the needs of people who live, work, learn, shop, and travel within the corridor both today and in the future through context-sensitive transit improvements in a constrained corridor. Currently, 82nd Avenue is served by TriMet's Line 72, which is the highest ridership bus line in Oregon and experiences the greatest passenger travel delay of all TriMet bus lines.

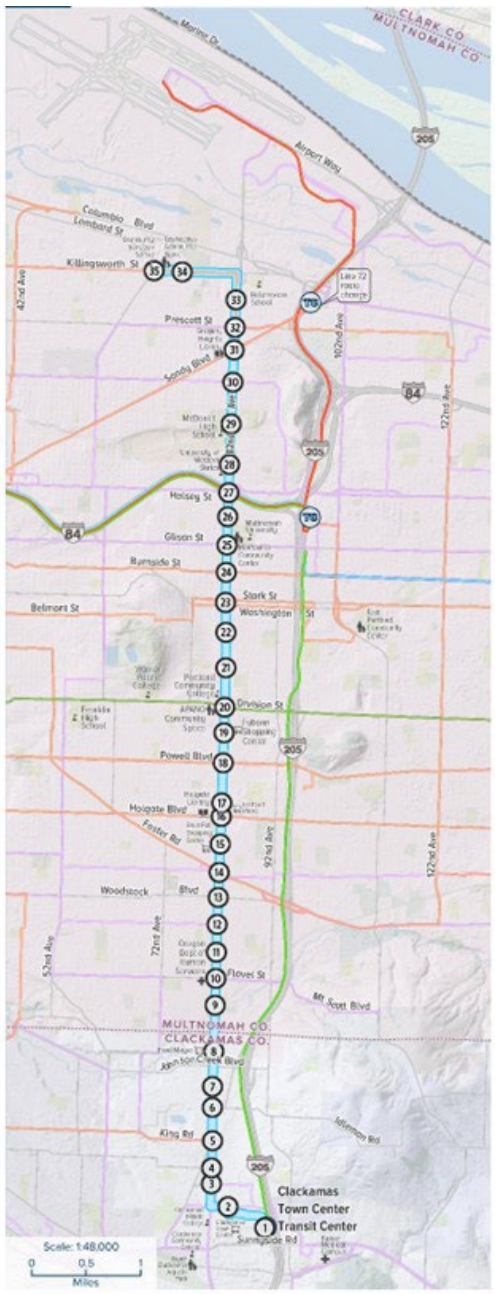
82nd Avenue has long been recognized as a priority corridor for high-capacity transit (HCT) investment. It was included in the 2009 HCT Plan, the 2018 RTP and the 2018 Regional Transit Strategy. In 2019, Metro's Transportation Funding Task Force selected 82nd Avenue as a Tier 1 priority to include a bus rapid transit project. The 82nd Avenue corridor is included in the current 2023 RTP and was identified as a priority for high-capacity transit investment in the 2023 HCT Strategy.

In 2022, following years of community advocacy and a series of fatalities, the Oregon Department of Transportation transferred ownership of most of 82nd Avenue within the City of Portland to the Portland Bureau of Transportation. This transfer created a unique opportunity to coordinate transit and corridor investments to leverage local funds and advance the goals of transit riders, safety advocates, pedestrians, and local communities. In June 2022, Metro convened a Steering Committee composed of local agency partners and representatives from four community-based organizations—Oregon Walks, Clackamas Resource Center, Unite Oregon, and the 82nd Avenue Business Alliance. This committee was established to guide the project toward a Locally Preferred Alternative (LPA) that reflects regional consensus on the project parameters of the initiative. After extensive public engagement, technical analysis, collaboration across agencies, and direction from the steering committee, the Steering Committee unanimously recommended an LPA on January 16, 2025.

Next steps for the project include completing NEPA environmental review, advancing preliminary engineering and design, developing a finance plan, and preparing construction documents. Based on the current timeline, the project is estimated to open in Summer 2029.

Additional project information is available at: https://trimet.org/82nd/.

Figure W.10: 82nd Avenue Transit Project Locally Preferred Alternative



Elements of Locally Preferred Alternative

- Frequent express bus rapid transit route
- General station location

Transit Network

- Green MAX line
- Red MAX line
- Blue MAX line
- Blue, green, red MAX lines
- FX-frequent express service bus line
- Frequent service bus line
- Other bus line

Transit lines for LPA

- Transit center
- Community space
- Medical facility
- School
- Major shopping hub
- Library

Map Key	Proposed General Station Locations
1	Clackamas Town Center Transit Center
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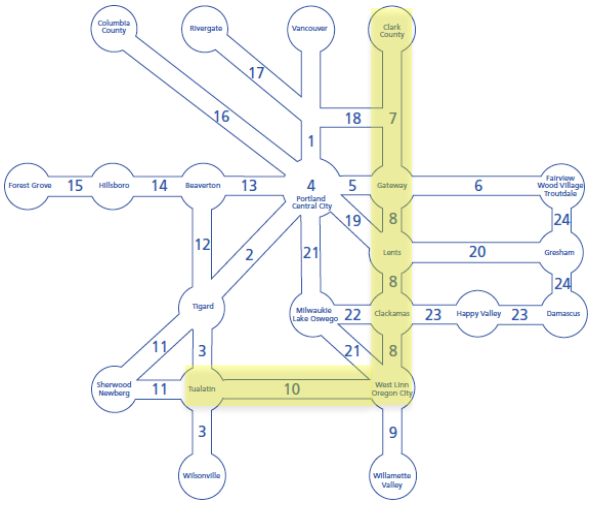
32	NE Prescott St & NE 82nd Ave
33	NE Alberta St & NE 82nd Ave
34	NE Lombard St & NE 72nd Ave
35	NE Cully Blvd & NE Killingsworth St

Proposed Amendments to Appendix V to the 2023 Regional Transportation Plan (shown in red ~~strikethrough~~ and underscore)

Clark County to I-5 via Gateway, Oregon City and Tualatin (Mobility Corridors 7, 8 and 10)

Improvements are needed in this corridor to address existing gaps and deficiencies and expected growth in travel demand in Clark, Multnomah and Clackamas counties. Construction of upgrades to the I-205/Abernethy Bridge are underway and anticipated to be complete in 2025.



Transportation solutions in this corridor should address the following needs and opportunities:

- Maintain peak period and off-peak mobility and reliability from I-5 to Clark County for freight and longer trips, with an emphasis on connections to OR 213, OR 224 and the Sunrise Corridor.
- Maintain an acceptable level of access to the Oregon City, Clackamas and Gateway regional centers and Sunrise industrial area.
- Maintain acceptable levels of access to PDX, including air cargo access.
- Coordinate refinement planning activities with planning for the Stafford area.
- Adding general purpose lanes to I-205 should be considered to meet state and regional policies to bring the freeway up to three through lanes in each direction in the southern section from Oregon City to I-5 and to allow for potential of bus-on-shoulder operations for bypassing of traffic queues on I-205 during peak periods.
- Expanded transit service in the corridor including provision of I-205 express bus service between Clackamas regional center and Bridgeport in Tualatin, and frequent bus service between Clackamas regional center and Clackamas Community College via downtown Oregon City. The 82nd Avenue Transit Project currently underway will add high capacity transit to this corridor.

Date:	October 20, 2025
To:	Kim Ellis, Climate Program Manager; Ally Holmqvist, Senior Transportation Planner
From:	Josh Brennan, TV Highway Project Director; Bernadette Le, Associate Project Manager
Subject:	Tualatin Valley Highway Transit Project RTP Amendment Request

Purpose

This memo formally requests an amendment to the Regional Transportation Plan (RTP) to incorporate the Locally Preferred Alternative (LPA) for the Tualatin Valley (TV) Highway Transit and Safety Project and contains the background information needed to help Metro Staff to review the requested amendment for consistency with the RTP and develop the legislation and staff reports for consideration by the Transportation Policy Alternatives Committee (TPAC), Metro Technical Advisory Committee (MTAC), Metro Policy Advisory Committee (MPAC), Joint Policy Advisory Committee on Transportation (JPACT), and the Metro Council.

Project Description and Background

The TV Highway corridor is approximately 16.2 miles long, extending between the Beaverton Transit Center and 19th and B Street in Forest Grove, and is currently served by TriMet Line 57. This corridor connects Forest Grove, Cornelius, Hillsboro, Aloha, and Beaverton and generally follows OR-8 from Beaverton to Forest Grove. OR-8 was originally built as a farm-to-town road with limited multi-modal infrastructure. The alignment is also located directly north of the Union Pacific Railroad tracks for a significant portion of the alignment through Beaverton, Aloha and Hillsboro creating challenging constraints with the railroad to the south and development to the north. The alignment also follows local roads in Hillsboro in order to access the Hillsboro Transit Center.

This corridor is currently served by TriMet's Line 57, which runs between Beaverton and Forest Grove, primarily along TV Highway. Line 57 is a frequent service line operating at 15 minutes or better throughout the day, seven days a week. It has the highest ridership in Washington County with around 6,440 average weekday boardings. This line has also seen a one of the strongest bounce back rates since COVID-19 in the TriMet system with around 89% of the ridership when comparing 2019 to 2025.

Within the TV Highway corridor, there are transfer opportunities to two MAX light rail lines, the Westside Express Service (WES) Commuter rail line, and 10 TriMet fixed-route bus lines, Ride Connection Community Connector service in Cornelius and Forest Grove, as well as regional bus service.

There are many essential services located along and nearby the 16 mile TV Highway corridor. This project will help improve transit access to 6,775 business entities and 1,349 family-supportive services sites, including educational opportunities and medical care. Employment growth in this area (47%) is also expected to be higher than the region (38%) and comparable to Washington County (47%), according to a Metro report.

Many families also live in this area and the population is expected to grow rapidly in the coming years. The 2019-2023 American Community Survey found that in this corridor area there is a higher percentage of youth compared to the region and Washington County (22.9%, 19.9%, and 22.0%, respectively) as well as a higher percentage of family households with 5 or more members (18.8%, 11.7%, and 12.8%, respectively). Population growth is also forecasted to be higher in the ½ mile area around the corridor (38%) compared to the Portland region (28%) as well as Washington County (25%) (Metro).

The project would address three major needs in the corridor:

- *Safety*: need to improve access to transit and bus stop amenities in a high injury corridor
- *Transit speed and reliability*: need to provide faster and more reliable transit service in order to be more competitive with driving and to improve access to destinations
- *Transit-dependent communities*: need to provide safe, efficient, and reliable transit service to meet the needs of the high concentration of communities who rely on transit

The TV Highway Corridor has long been identified as a priority for major transit investment and previous plans/studies of the corridor have documented transit issues, community concerns and potential solutions. The 2009 High Capacity Transit (HCT) System Plan, the 2013 Tualatin Valley Highway Corridor Plan, the 2018 Regional Transportation Plan (RTP), the 2018 Regional Transit Strategy, the 2019 Moving Forward TV Highway Enhanced Transit and Access Plan, the Get Moving 2020 Bond Measure, and the 2023 Regional Transportation plan all call for a major transit investment in the corridor. The 2009 High Capacity Transit System Plan identified the corridor as a Next Phase Regional Priority Corridor (Beaverton to Hillsboro) and Developing Regional Priority Corridor (Hillsboro to Forest Grove). The 2018 RTP identified the corridor for major transit investment and then the 2023 Regional Transportation Plan includes a high-capacity transit project as a Tier 1 corridor in the 2030 Near-Term Constrained Project list, the top level of regional prioritization for advancing in the near-term.

These previous plans have analyzed TV Highway/Line 57 within the regional transit network and explored a set of corridor-wide and location-specific transit improvements, such as transit signal priority enhancements and station location and access improvements (Get Moving 2020). Previous planning processes have also identified that pedestrian safety for riders getting to transit stops is a key priority for the community (2013 Tualatin Valley Highway Corridor Plan, 2019 Moving Forward TV Highway Enhanced Transit and Access Plan). In addition to these past plans, recent research has highlighted the dire need to improve safety along the corridor. Between 2018 and 2022, 19% of the roadway fatalities that occurred within Washington County occurred along the 16.2 mile project corridor, which is only 0.5% of the roadway miles within the County, and about half of the fatalities were pedestrians.

TriMet worked closely with Metro during the planning phase to complete early planning for a transit and safety project in this corridor. The Oregon Department of Transportation (ODOT) was also a key partner as the owner of the roadway from Beaverton to Highway 47. The Washington County and the cities of Forest Grove, Cornelius, Hillsboro and Beaverton were all members of the project steering committee, helping to guide the team to identify a project that meets the needs of their residents. The steering committee also included four members from community-based organizations that serve people in the area along TV Highway: Unite Oregon, Centro Cultural, Adelante Mujeres and APANO. These members brought community perspectives to the discussion that may otherwise not be represented.

In February 2025, the project Steering Committee recommended a locally preferred alternative (LPA) that identifies the project's transit mode, route and general station locations. The committee also approved a funding strategy to secure local, regional, state and federal funding for the project.

A timeline of partners and jurisdictions endorsements of the LPA is as follows:

- The Board of Washington County Commissioners unanimously adopted Resolution Number 25-26 to endorse the LPA on April 22, 2025.

- The Cornelius City Council unanimously adopted Resolution Number 2025-16 to endorse the LPA on May 5, 2025.
- The Hillsboro City Council unanimously adopted Resolution Number 2881 to endorse the LPA on May 6, 2025.
- The Forest Grove City Council unanimously adopted Resolution Number 2025-17 to endorse the LPA on May 12, 2025.
- Beaverton City Council unanimously adopted Resolution Number 25084 to endorse the LPA on May 27, 2025.
- The TriMet Board of Directors unanimously adopted Resolution Number 25-05-25 to endorse the LPA on May 28, 2025.
- The Oregon Department of Transportation endorsed the LPA with a letter of support dated May 28, 2025.
- JPACT approved Resolution No. 25-5504 and submitted the resolution to the Metro Council for approval on June 12, 2025.
- Metro Council adopted Resolution No. 25-5504 endorsing the LPA on June 26, 2025.

Project Description and Map

The TV Highway Transit & Safety Project will bring TriMet FX–Frequent Express bus service to the 16.2 mile corridor. The FX line would be built and operated by TriMet. The line would connect Beaverton, Aloha, Hillsboro, Cornelius, and Forest Grove. It would operate as Frequent Express (FX) service, TriMet's brand of BRT, and would replace the existing Line 57 bus line.

The following agency partners will help deliver the project:

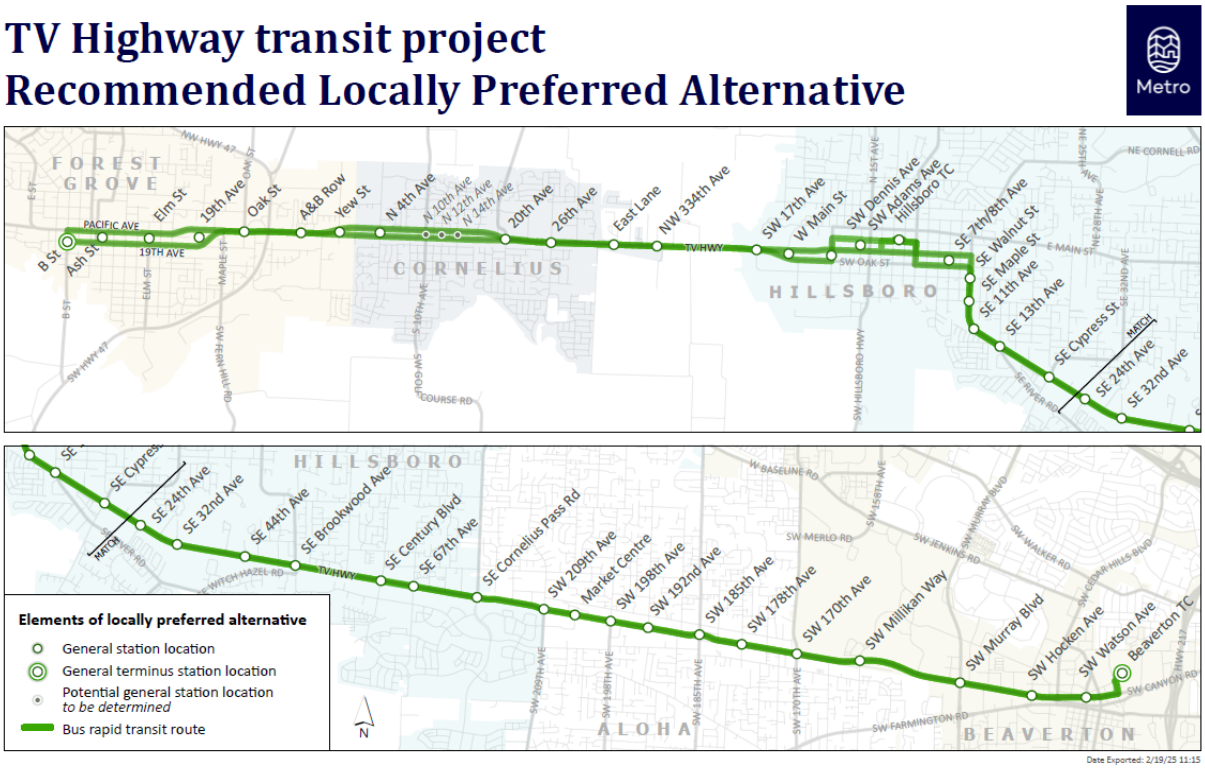
- TriMet will be the Project Sponsor and the Grantee for the FTA CIG Small Starts program.
- Metro will lead the environmental analysis and approvals required under NEPA.
- Washington County, the Cities of Beaverton, Cornelius, Hillsboro, and Forest Grove, and ODOT are project partners supporting Project Development activities.
- ODOT and Forest Grove are AHJs along the corridor related to permitting requirements
- The Federal Transit Administration is expected to be the lead federal agency for NEPA and an important financial partner through the FTA's CIG Small Starts program.

Early project designs include the following proposed modal and design elements:

- Eliminates partial pullout stop design and creates safer bus/bike interactions at stations
- Station amenities and platforms at 41 station pairs
- Accommodating UPRR requirements for station locations in and adjacent to UPRR ROW
- Four rebuilt intersections (to accommodate bus pullouts where there are existing traffic safety issues and to shift away from the UPRR tracks)
- 17 new vehicles
- 59 signal upgrades to accommodate transit signal priority
- TV Highway would be upgraded to 12-minute service from the existing 15 min service
- New or existing enhanced crossings at each station pair
- Sidewalk and crossing connections linking to optimized station platforms to ensure access
- Station-area lighting upgrades

Figure 1 outlines the project area and endorsed LPA, which starts at Beaverton Transit Center and ends at 19th Avenue and B Street in Forest Grove.

Figure 1: Project Area Map



Project Development Phase Schedule and Deliverables

The Locally Preferred Alternative being amended into the RTP will support further progress on the Project and is a required step to qualify for key federal funding opportunities. It is also necessary to complete the NEPA process covering all aspects of the project proposed for FTA funding, develop sufficient information for FTA to develop a project rating, complete sufficient engineering and design to develop a firm and reliable cost, scope, and schedule for the project, obtain all non-CIG funding commitments, complete all critical third-party agreements, and meet other FTA readiness requirements.

The Project formally entered the Project Development phase in October 2025, with Project Development anticipated to be completed in spring 2028, with service opening in fall 2030.

The schedule for Project Development Phase deliverables is as follows:

- Environmental Approvals under NEPA (early 2026 — early 2027)
  - Purpose and Need
  - Class-of-Action consultation, coordination, and determination
  - NEPA assessment and findings, including traffic, SEE analysis, and public engagement (intended to culminate in a Documented Categorical Exclusion)
- Preliminary Engineering and Design (fall 2025 — early 2027). Assuming the required NEPA class of action results in an Documented Categorical Exclusion (DCE) . At each design step listed below an official project cost estimate shall be prepared that documents the total anticipated construction cost in year of expenditure dollars:
  - "15%" design (expected to be the result of incorporating comments and adjustments to LPA Plan Set)
  - "30%" design (generally a typical design level for interim review)

    - "60%" design (expected to be the plan set used for cost estimation and negotiation of Construction Grant Agreement with FTA)
- Draft Finance Plan
- Development of initial Small Starts application for rating and subsequent Small Starts Construction Grant Application
- Final Design and Construction Documents (early 2027 – 2028). At each design step listed below an official project cost estimate shall be prepared that documents the total anticipated construction cost in year of expenditure dollars:
    - "90%" design
    - "Issued for Construction" (IFC) Plan Set, including specifications and special provisions

The proposed time period for the Engineering and Construction phase is April 2028-December 2030.

Public Engagement

The project planning phase included three phases of public engagement, which focused on raising project awareness, engaging with the TV Highway Equity Coalition (TEC), and seeking feedback on proposed station locations. During phase one, the project team engaged over 160 community members to introduce them to the project. In the second phase, the project team convened public workshops and asked community members about their visions for transit in the corridor, what successful equitable development looks like, and which destinations along the Line 57 route are most important to them. The third phase of engagement included an online survey, StoryMap, and tabling at community events to seek feedback on proposed station locations, gauge community support for proposed investments, and allow space for open-ended comments.

Public engagement activities helped shape the project in several ways:

- At TEC meetings and community workshops in 2023, participants confirmed that the proposed criteria for station locations were appropriate and that no additional criteria needed to be added.
- Community members identified safe access to bus stops and improved waiting areas for transit riders were top priority items and should be included in the project scope. This feedback, alongside technical analysis, was considered by decision-makers when recommending station locations and safety improvements.
- Four community representatives from the TEC served on the project Steering Committee. The committee was charged with advancing the project through key decision points and recommending a LPA.

See Attachment A: Fall 2024 Engagement Summary for a summary of public engagement efforts and the community feedback received.

In the project development phase, the project will establish a Community Advisory Committee (CAC) and a Policy & Budget (P&B) Committee. Meetings for these committees will be public. The Community Advisory Committee will advise the project team on project design, station platform locations, community outreach activities, and development of other Project elements. The P&B Committee will consist of one elected/executive from each jurisdictional partner agency and one member of the CAC. The Committee will advise the relevant road authorities about changes in their rights of way. The Committee will also serve as a public forum for the Project team to provide Project updates, public engagement and CAC updates, and opportunities for jurisdictional partners and CAC leadership to collaborate and provide advice.

RTP Consistency and Regional Significance

The project advances the following RTP goals, objectives, and policies, and RTP modal function(s) of the facility:

Goal 1 – Mobility Options

- (Objective 1.1) Increases proportion of trips made by use of transit and reduces per capita vehicle miles traveled.
- (Objective 1.2) Completes gap in planned regional network.
- (Objective 1.3) Increases household and job access to frequent transit service.
- (Objective 1.4) Maintains reliable person-trip and freight mobility in a regional mobility corridor.

Goal 2 – Safe System

- (Objective 2.1) Contributes to eliminating fatal and severe injury crashes by 2035.
- (Objective 2.3) Maintains and brings facilities up to a state of good repair.

Goal 3 – Equitable Transportation

- (Objective 3.1) Contributes to eliminating disparities related to access, safety, affordability, and health outcomes experienced by people of color and other marginalized communities.
- (Objective 3.2) Contributes to eliminating barriers that people of color, people with low incomes, youth, older adults, people with disabilities, and other marginalized communities face to meeting their travel needs.

Goal 4 – Thriving Economy

- (Objective 4.1) Focuses growth and transportation investment in a designated 2040 growth area and provides access to jobs, markets, and community places within and beyond the region.
- (Objective 4.2) Maintains access to industry and freight intermodal facilities.
- (Objective 4.3) Attracts new businesses and family-wage jobs and retains those already located in the region while increasing the number and variety of jobs that households can reach within a reasonable travel time.
- (Objective 4.4) Reduces the share of income that households in the region spend on transportation to lower overall household spending on transportation and housing.
- (Objective 4.5) Bring facilities up to a state of good repair and avoid deferred maintenance.

Goal 5 – Climate Action and Resilience

- (Objective 5.1) Contributes to meeting adopted targets for reducing transportation-related greenhouse gas emissions and vehicles miles per capita.
- (Objective 5.2) Increases the share of jobs and households in walkable, mixed-use areas served by frequent transit service.
- (Objective 5.3) Preserves and protects the region's biological, water, historic and culturally important plants, habitats, and landscapes, and integrates green infrastructure strategies to maintain habitat connectivity, reduce stormwater run-off, and reduce light pollution.
- (Objective 5.4) Increases the resilience of communities and regional transportation infrastructure to the effects of climate change and natural hazards including seismic events.

- (Objective 5.5) Brings facilities up to a state of good repair and avoid deferred maintenance to prevent future more costly and resource intensive repairs.

The Project is consistent with and supports implementation of the following RTP System, Regional Design and Regional Network Policies:

- *3.2.1 2040 Growth Concept:* The Project supports the Metro 2040 Growth Concept by advancing permanent high-capacity transit along a designated Corridor of Tualatin Valley Highway, as well as supporting planned land uses adopted in the 2040 Growth Concept by improving mobility between Regional Centers via transit.
- *3.2.2 Transportation Equity Policies*: The Project improves multimodal options and permanent transit access in several Equity Focus Areas.
- *3.2.3 Safety and Security Policies:* The Project advances safe access to transit on a Regional High Injury Corridor.
- *3.2.4 Climate Action Policies and Resilience Policies:* The Project supports Metro's Climate Smart Strategy and related policies. It will advance a major high-capacity transit investment to make transit more convenient, frequent, and accessible. It will include sidewalk and crossing connections linking the local street grid to optimized station platforms.
- *3.2.6 Mobility Policies:* The Project will advance mobility policies. It will improve transit and pedestrian travel and access, while balancing motor vehicle travel and the many other functions of arterials. It prioritizes the safety and comfort of travelers of all modes through multimodal network completion.
- *3.3 Regional Network Policies:* The Project supports regional network policies, including policies which aim to provide transit as an attractive, convenient, accessible, and affordable travel option. It supports RTP Policy Map designations for the Transit and Pedestrian networks.

Identification of the Project followed the RTP congestion management process policies in the following ways:

- The Project utilizes multiple tools in the Congestion Management Process (CMP) toolbox. It is planned to utilize transit signal priority and access management strategies to support system management and operations. It will utilize active transportation strategies by implementing new walking connections to key destinations. It will utilize transit strategies by constructing high capacity transit and expanding transit coverage. The project incorporates TSMO strategies and transit system improvements to manage congestion and support planned land uses adopted in local comprehensive plans and the 2040 Growth Concept.

The Project is regionally significant. TV Highway was first identified as a priority corridor for high-capacity transit (HCT) in the 2009 HCT System Plan. In 2018, Metro adopted the region's first Regional Transit Strategy, in support of the 2018 Regional Transportation Plan (RTP). The RTP included an "enhanced transit concept" investment in the TV Highway corridor on the financially constrained project list. This type of capital investment is a context-sensitive approach to improving transit speed and reliability with lower-cost and easy to implement improvements. Subsequent transit corridor planning was completed as part of Washington County's 2019 Moving Forward TV Highway Enhanced Transit and Access Plan, as well as the 2020 regional transportation funding measure. In 2023, Metro updated and replaced the HCT Plan with the Regional HCT Strategy as part of the 2023 Regional Transportation Plan update, which designates

TV Highway as a Tier 1: near-term HCT corridor, the highest priority for near-term HCT investment in our region. The current planning effort builds on the analysis and findings from these prior plans and will also require analysis and approvals required by the National Environmental Policy Act (NEPA). Additionally, TV Highway is designated on multiple RTP network maps—transit, motor vehicles, bicycle, pedestrian, freight, and TSMO networks.

Performance

The Project makes progress toward federal and regional performance targets:

- *Mobility*, by increasing transit, bike, and pedestrian mode shares, improving access to jobs via transit, contributing to completing the transit network and the bicycle and pedestrian system near transit, increasing the share of households that are located near transit and bicycle and pedestrian facilities, and improving throughway reliability.
- *Safety*, by contributing to eliminating transportation related fatalities and serious injuries.
- *Equity*, by contributing to eliminating transportation related fatalities and serious injuries in equity focus areas, contributing to completing the bicycle and pedestrian system in equity focus areas, and improving access to jobs within equity focus areas.
- *Economy*, by maintaining driving and transit travel times and contributing to completing the bicycle and pedestrian system in job and activity centers.
- *Climate and Environment*, by reducing per capita greenhouse gas emissions from light-duty vehicles and per capita vehicles miles traveled, helping to meet revised statewide goals requiring accelerated reductions in greenhouse gas emissions, and keeping air pollution from mobile sources levels below thresholds set by the federal government.

Fast, convenient and linked to the broader transit and transportation network – high capacity transit provides a viable, more affordable alternative to driving. Fewer cars on the road leads to less air pollution, more physical activity, less time in traffic, fewer crashes and more reliability for moving people and goods – supporting the health, safety, mobility, economy and quality of life of our region. As part of its evaluation, the 2023 High Capacity Transit Strategy found that implementing all of the corridor improvements identified in the vision would result in a 0.6% reduction in CO_2e emissions regionwide. TV Highway landed in the top 30% of vision corridors evaluated where a high capacity transit investment would result in greenhouse gas reduction. The HCT Strategy's analysis found that a high capacity transit investment on TV Highway could result in a reduction of around 160 metric tons of CO_2e per year.

The 2023 RTP Climate Smart Strategy (CSS) states that implementing the Regional Transit Strategy vision of making transit convenient, frequent, accessible and affordable is a key strategy with a high relative climate benefit. The CSS includes a number of near-term actions for Metro and partners related to high capacity transit, including: 1) expand transit service to serve communities of concern, transit-supportive development and other potential high ridership locations; and 2) expand partnerships with transit agencies, cities, counties and ODOT to implement capital improvements in frequent bus corridors (including dedicated bus lanes, stop/shelter improvements, and intersection priority treatments) to increase service performance.

To make progress toward the CSS performance targets, the Project implements elements from the 2040 Growth Concept and local adopted land use and transportation plans, makes transit convenient, frequent, accessible, and affordable, makes biking and walking safe and convenient, makes streets and highways safe and reliable, uses technology to actively manage the transportation system, provides information and incentives to expand the use of travel options, supports transition to cleaner low carbon fuels, secures adequate funding for transportation

investments, demonstrates leadership on climate change, and adopts new metrics for climate analysis.

In spring 2025, TriMet applied for a U.S. Department of Transportation Safe Streets for All (SS4A) Grant to fund the safety elements of this project. Based on the grant eligibility requirements, this project was eligible for this federal funding source. Awardees may be announced as soon as late 2025.

Fiscal Constraint

The cost estimate included in the 2023 RTP financially constrained project list was $300,000,000 in year-of-expenditure dollars and that estimate has not changed. TriMet will be pursuing FTA Small Starts Capital Investment Grant (CIG) funding and will likely seek up to the maximum Small Starts CIG funding amount of $150 million. In spring 2025, TriMet also applied for a U.S. Department of Transportation Safe Streets for All (SS4A) Grant to fund the safety elements of this project. Local and regional Project partners have agreed to work together to contribute approximately $100M and the project is pursuing additional funding options to secure the remaining $50M, such as grants. The combined $150 million in local, regional and other funding will allow for critical investments in transit and safety throughout the corridor and leverage the federal investment through the Small Starts program.

As indicated in the Project Development section above, preliminary engineering, design, and construction will all occur in the 2023-2030 near-term RTP investment time period.

Attachments:

- A: Fall 2024 Engagement Summary
- B: Metro Council Staff Report on LPA Endorsement Recommendation June 26, 2025
- C: Initial Purpose and Need Statement

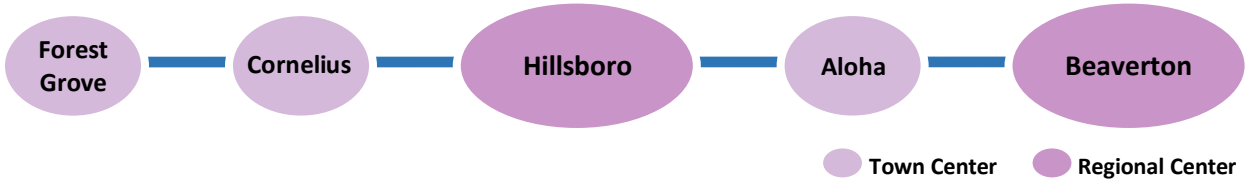
TV Highway Transit Project

Initial Purpose and Need Statement

BACKGROUND

Tualatin Valley (TV) Highway (Oregon Route 8) is an important regional and county urban arterial that supports the movement of goods and people through the communities of Forest Grove, Cornelius, Hillsboro, Aloha, and Beaverton (Figure 1). It serves as an access route to Highway 217 from points west, connects to the regional light rail system in two locations, and supports one of the highest ridership bus lines in the region. The corridor also serves many communities of color, limited English proficiency speakers, and lower income communities.

Figure 1. TV Highway Corridor Communities



In 2010, TV Highway was identified as a priority corridor for high capacity transit (HCT) in the HCT System Plan. In 2018, Metro updated and replaced the HCT System Plan with the Regional Transit Strategy, in support of the 2018 Regional Transportation Plan (RTP). The 2018 RTP includes an "enhanced transit concept" investment in the TV Highway corridor on the financially constrained project list. This type of capital investment is a context-sensitive approach to improving transit speed and reliability with lower-cost and easy to implement improvements. Subsequent transit corridor planning was completed as part of Washington County's 2019 Moving Forward TV Highway Enhanced Transit and Access Plan, as well as the 2020 regional transportation funding measure. The current planning effort builds on the analysis and findings from these prior plans.

PURPOSE

The purpose of the TV Highway Transit Project is to improve speed, reliability, accessibility and safety for transit riders on TV Highway, and in particular for communities of color and low-income communities.

NEED

The TV Highway Transit Project would address three major needs in the corridor:

1. **Safety:** need to improve access to transit and bus stop amenities in a high injury corridor
2. **Transit speed and reliability:** need to provide faster and more reliable transit service in order to be more competitive with driving and to improve access to destinations

3. **Transit-dependent communities:** need to provide safe, efficient, and reliable transit service to meet the needs of the high concentration of communities who rely on transit

The following subsections provide more information on each need.

Safety

TV Highway is designated as a regional high injury corridor in the 2018 Regional Transportation Safety Strategy (RTSS) and a priority high crash corridor in Washington County's Transportation Safety Action Plan (2016). The portion of TV Highway between Beaverton and Hillsboro had the seventh highest rate of serious crashes per mile out of the 181 high injury corridors identified in the 2018 RTSS.[1] Overall, there were 237 serious injuries and 39 fatalities on TV Highway between 2007 and 2018, an average of 18 serious injuries and 3 deaths per year.[2] Seventy-two percent of those fatalities were people either walking or bicycling. TV Highway has inadequate multimodal and transit infrastructure, which creates safety concerns as well as barriers to access. Approximately 29 percent of TV Highway lacks sidewalks, and approximately 32 percent of bike lanes are missing or substandard along the highway.[3] Many of the Line 57 bus stops lack landing pads, lighting, shelters, and protected crossings. Between 2007 and 2018, 53 percent of all pedestrian serious injuries and fatalities on TV Highway occurred within 100 feet of a transit stop, which highlights the importance of access and safety improvements for pedestrians near transit stations.[4]

Transit speed and reliability

Transit travel time on the Line 57 is nearly double that of auto travel time, which impacts existing transit riders, limits the attractiveness for new riders, and hinders access to destinations along the corridor.[5] This transit delay is primarily caused by congestion and delay at signalized intersection, and will only get worse as traffic continues to grow over time. Substandard bus stops also result in slower boarding procedures and longer dwell times, which account for approximately 13 percent of average runtimes on the Line 57, contributing to overall transit delay.[6] Unreliability is also a top reason for riders to be dissatisfied with their Line 57 trips.[7] Improving transit travel time and reliability within the corridor would provide an attractive alternative to driving, which could free up roadway capacity for other vehicles in the corridor, including freight and other commercial vehicles within this designated freight corridor.

Transit-dependent communities

The TV Highway corridor has relatively high concentrations of people who rely on transit and therefore need safe, efficient, and reliable transit to access community resources, jobs, and educational opportunities. In comparison to both the region and Washington County, communities in the corridor have higher concentrations of low-income households, people of color, people with limited English language proficiency, and youth. Eighty-three percent of the corridor study area is in an equity focus area as defined by the 2018 RTP, and all of TV Highway is bordered on at least one side by an equity focus area.[8] The Line 57 bus ranks tenth in the TriMet system in terms of providing access to communities of concern, jobs, affordable housing, and social services.[9] The

route has a relatively high share of riders who speak Spanish, identify as people of color, do not have a car available, and have a low household income.[10]

APPROACH

The project will seek funding from the Federal Transit Administration (FTA), specifically from FTA's Section 5309 Capital Investment Grants Program. To qualify for this funding, the project will proceed using FTA's definition of a corridor-based bus rapid transit Small Starts project. Because the project will seek federal funding, it must comply with the National Environmental Policy Act.

NOTES

1 Based on fatal and severe injury crashes from 2010 to 2014 on the 8-mile stretch of TV Highway between SW Cedar Hills Boulevard in Beaverton and SE 10th Avenue in Hillsboro.

2 Oregon Department of Transportation (ODOT) crash data (based on the portion of TV Highway (OR 8) and associated roadways following the general route of the Line 57 bus).

3 TV Highway Project Development – Project Needs and Evaluation Methodology, 2019.

4 ODOT crash data (same geographic extent as above).

5 TV Highway Project Development – Project Needs and Evaluation Methodology, 2019.

6 TV Highway Project Development – Project Needs and Evaluation Methodology, 2019.

7 Based on responses to a fall 2021 survey of Line 57 riders.

8 Equity focus areas are Census tracts where the rate of people of color, people with low income (i.e., incomes equal to or less than 200 percent of the Federal Poverty Level), or people with limited English proficiency is greater than the regional average and double the density of one or more of these populations. The corridor study area includes a 0.5-mile buffer on either side of the Line 57 route.

9 TriMet, 2017.

10 Based on responses to a fall 2021 survey of Line 57 riders. Of the respondents who answered each question, 34 percent completed the survey in Spanish, 52 percent identified as people of color (based on race and ethnicity questions), 64 percent reported incomes below 200 percent of the Federal Poverty Level (based on household size), and 70 percent do not have a car, motorcycle, or truck available to use.

Proposed amendments to the 2023 RTP to reflect the **Tualatin Valley Highway Transit and Safety Project Locally Preferred Alternative**

This exhibit documents proposed amendments to the 2023 Regional Transportation Plan to reflect the Tualatin Valley Highway Transit and Safety Project Locally Preferred Alternative endorsed by the Joint Policy Advisory Committee on Transportation and the Metro Council in June 2025.

The amendments are shown in red ~~strikethrough~~ and underscore and include:

- Appendix A: Financially Constrained List of Projects and Programs
- Appendix BB: Tualatin Valley Highway Transit and Safety Project LPA ***(new)***
- Appendix W: Status of current major projects
- Appendix V: Future corridor refinement planning

Metro and regional partners have made significant progress on this project and are ready to take the next step in moving forward into project development and pursuing funding opportunities. To be eligible for federal and state funding, the Locally Preferred Alternative (LPA) must be adopted in the RTP. The requested amendments will bring the Tualatin Valley Highway Transit and Safety Project LPA into the 2023 RTP to support the project moving forward into project development and make the project eligible to compete for federal and state funding opportunities now.

Proposed Amendments to Appendix A to the 2023 Regional Transportation Plan

(shown in red ~~strikethrough~~ and underscore)

Financially Constrained List of Projects and Programs

RTP Investment Category	County or counties	Nominating Agency	Primary Owner	RTP ID	Project Name	Start Location	End Location	Description	Estimated cost (in YOE dollars)	Time Period	Financially Constrained
Transit - High Capacity	Washington County	TriMet	TriMet	11589	HCT: Tualatin Valley Highway Transit and Safety Project	Forest Grove	Beaverton Transit Center	~~Planning, design and construction of Rapid Transit Project along Tualatin Valley Highway to provide easier, faster and more reliable bus service as well as necessary safety and accessibility improvements and signals. Planning work will include identifying and prioritizing complementary multimodal safety improvements to make Tualatin Valley Highway safer for all travel modes.~~ The TV Highway Transit and Safety Project would bring bus rapid transit service to the 16.5-mile corridor of Tualatin Valley Highway between Beaverton and Forest Grove. The project would replace the existing Line 57 bus line, connecting Beaverton, Aloha, Hillsboro, Cornelius, and Forest Grove.	$ 300,000,000	2023-2030	Yes

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APPENDIX BB

2023 Regional Transportation Plan

Tualatin Valley Highway Transit and Safety Project Locally Preferred Alternative

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Tualatin Valley Highway Transit and Safety Project
Locally Preferred Alternative (LPA) Description

On February 13, 2025, the TV Highway Steering Committee recommended the TV Highway Transit and Safety Project Locally Preferred Alternative (LPA). The recommended LPA for high-capacity transit in the Tualatin Valley Highway corridor is bus rapid transit with stations at the general locations indicated on the attached map, operating between Beaverton Transit Center and 19th Avenue and B Street in Forest Grove. The route will generally follow the same alignment as TriMet's current Line 57 route.

TV Highway Transit and Safety Project

Locally Preferred Alternative Map

Proposed Amendments to Appendix W to the 2023 Regional Transportation Plan (shown in red ~~strikethrough~~ and underscore)

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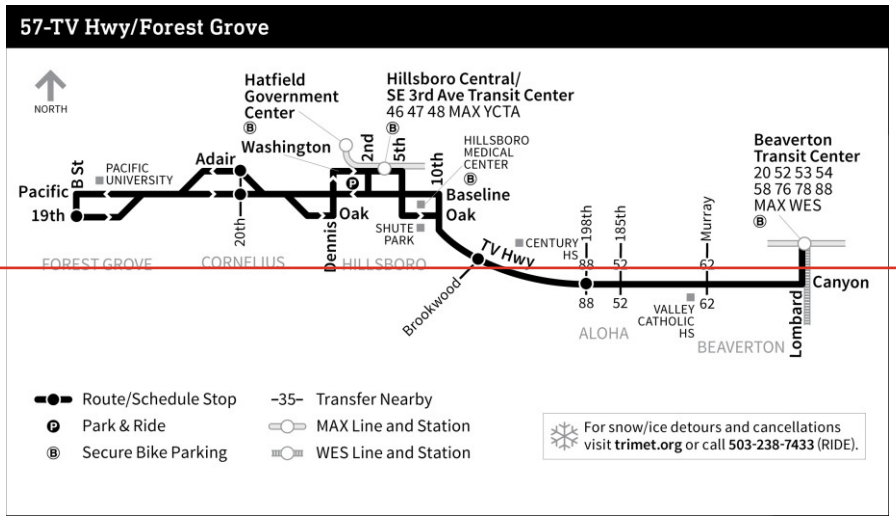
Tualatin Valley Highway Transit and ~~Development~~Safety Project

The Tualatin Valley (TV) Highway Transit and ~~Development~~Safety project ~~is~~ studied~~ying~~ the feasibility of converting the existing TriMet Line 57 bus to a bus rapid transit (BRT) line through major federal investment. ~~The route map for Line 57 is shown in Figure W.9.~~

~~Figure W.9: TriMet Line 57 Route Map~~



Metro supported the creation of a community-led equitable development strategy (EDS) alongside the transit study to support community stability in the face of a major transportation investment in the corridor. The goal of the transit study ~~i~~was to identify a locally preferred alternative (LPA) that would enable partners to apply for federal funding of transit improvements. A BRT project will~~ould~~ improve transit speed and reliability, making the bus more competitive with driving along this regional corridor. BRT investment will~~ould~~ also improve corridor safety with station access infrastructure for pedestrians and provide a more dignified and attractive transit rider experience through improvements to stations such as shelters and lighting. The BRT project ~~may be nested within or completed in tandem with a roadway~~ includes ~~project~~elements that more directly addresses the significant safety needs along this high-crash corridor, especially those of people walking, biking, and accessing transit.

The project Steering Committee, consisting of representatives from the cities of Forest Grove, Cornelius, Hillsboro, and Beaverton; Washington County; ODOT, TriMet and Metro; and four community representatives, ~~is moving toward agreement on~~ recommended ~~an~~ LPA ~~anticipated~~ in ~~late 2023~~February 2025, which has since been endorsed by all project partners . The LPA ~~will~~ covers the entire length of the corridor (Beaverton Transit Center to 19th and B Street in Forest Grove) and identifies the transit mode, route and general station locations ~~may include a minimum operable segment that defines an initial federal capital investment in a portion of the corridor~~.

Figure W.9: Tualatin Valley Highway Transit and Safety Project Map

Next steps for the project include completing NEPA environmental review, advancing preliminary engineering and design, developing a finance plan, and preparing construction documents. Based on the current timeline, the project is estimated to open in December 2030.

The EDS was completed in June 2023 and approved by the TV Highway Equity Coalition (TEC), the body who guided its development. Strategies from the EDS are being advanced by government and nonprofit partners throughout the corridor and are independent of the implementation stage of the transit study.

Additional project information is available at: https://www.oregonmetro.gov/public-projects/tualatin-valley-highway-transit-project.

Proposed Amendments to Appendix V to the 2023 Regional Transportation Plan (shown in red ~~strikethrough~~ and underscore)

RTP Design and Functional Classifications

The Tualatin Valley Highway Corridor Plan (TVCP), completed by ODOT, Metro, the cities of Hillsboro and Beaverton, and Washington County in 2013, gave policy direction to maintain the design and function of Tualatin Valley Highway as an urban arterial that will not exceed motorized vehicle capacity of two through travel lanes in each direction. Tualatin Valley Highway is classified as a "Major Arterial" on the Arterial & Throughway map and a "Regional Street" on the System Design map. The corridor has been included on the high capacity transit network since 2010 and remains a Tier 1 corridor which is currently under study to determine the most appropriate transit investment.

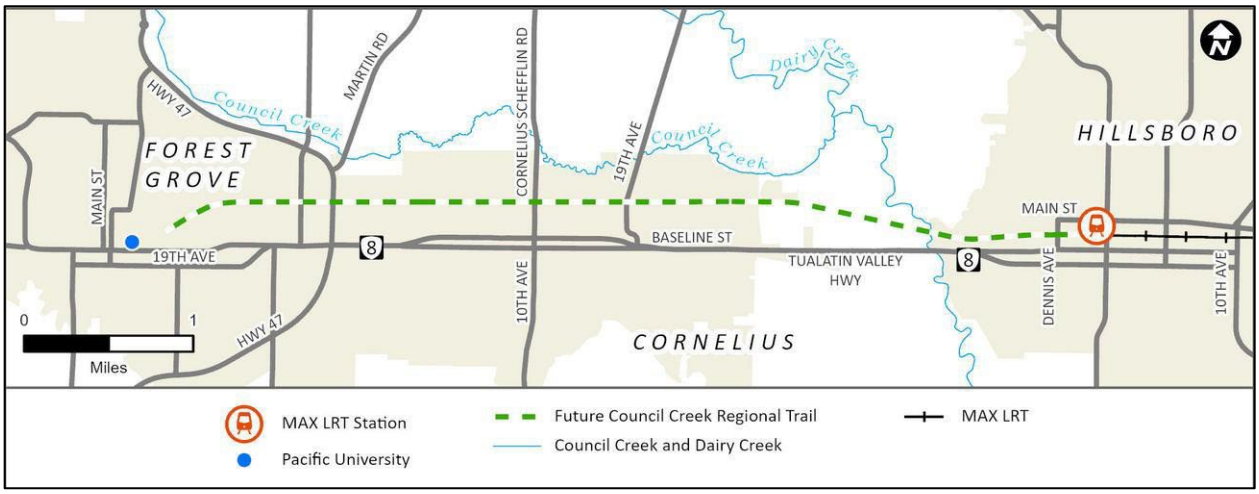
Recent planning efforts include Washington County's Moving Forward TV Highway Plan (2019), studying improvements to multimodal networks for the segment from 106th Ave to Cornelius Pass Road. The East Forest Grove Safety Action Plan (2022) which examined the portion of OR 8 between Cornelius and Quince St / OR 47. The East Forest Grove plan identified multi-modal improvements to address safety along this section of the corridor.

Forest Grove is actively pursuing funding to implement recommendations from this planning effort, and new sidewalk in this area and crossing at A & B Row will be constructed by ODOT starting in 2025. Aspects of the Moving Forward TV Highway Plan formed the basis of the ~~current~~ transit and safety project~~roadway study being~~ led by Metro.

Additional intersection and crossing projects are ongoing in the corridor, both in construction and in design and planning by ODOT from the 2021-24 STIP and 2024-27 STIP and by Washington County and the City of Hillsboro.

Mobility for people walking and biking in RTP Mobility Corridor 15 from Hillsboro to Forest Grove is being addressed by creation of a parallel facility, the Council Creek Trail. This multiuse regional trail is in design and will move to construction in 2026 providing an off-street, low-stress way for people to walk and bike between the Forest Grove and Cornelius town centers, and to connect to the western end of the Hillsboro regional center, including the MAX Blue Line. While this facility will provide mobility among these centers, it does not provide direct access to destinations along Tualatin Valley Highway for people walking and biking.

Figure V.4: Council Creek Regional Trail general location



A high capacity transit solution for Tualatin Valley(TV) Highway ~~has yet to be~~ was identified and recommended by the TV Highway Transit and Safety Project. The ~~current~~project study ~~is~~ investigat~~ed~~~~ing~~ means for delivering a corridor-based bus rapid transit (BRT) line to Tualatin Valley Highway that would replace TriMet's existing line 57 with high-capacity service. This service will~~ould~~ improve transit speed and reliability, as well as provide improved pedestrian access to station locations and improved rider experience through investments in stations, such as weather protection. This project focuses on enhancing transit and transit access and does not address the wholesale multimodal mobility needs of the corridor. Future planning and design will be necessary to identify implementable strategies to construct corridor-wide enhancements that meet the specifications of ODOT's context-sensitive design approach for multimodal mobility.

Date:	October 29, 2025
To:	Kim Ellis, Climate Program Manager; Ally Holmqvist, Senior Transportation Planner
From:	Shawn Canny, City Transportation Planner II; Brenda Martin, Capital Project Manager
Subject:	Portland Streetcar Montgomery Park Extension RTP Amendment Request

Overview

This memo formally requests an amendment to the Regional Transportation Plan (RTP) to incorporate the Locally Preferred Alternative (LPA) and updated estimated cost for the Portland Streetcar Montgomery Park Extension Project (Project). It contains the background information needed to help Metro staff to review the requested amendment for consistency with the RTP and develop the legislation and supporting staff reports for consideration by the Transportation Policy Alternatives Committee (TPAC), Metro Technical Advisory Committee (MTAC), Metro Policy Advisory Committee (MPAC), Joint Policy Advisory Committee on Transportation (JPACT), and the Metro Council.

Background

For more than 20 years, the Portland Streetcar has been one of the City of Portland's tools for equitable and sustainable development. Since 2018, the City has been exploring ways to build upon the success of streetcar and connect the existing network to Montgomery Park in Northwest Portland. These efforts culminated in the development and adoption of the Montgomery Park Area Plan (MPAP), which adopted land use and transportation changes to establish a new transit-oriented, mixed-use district in Northwest Portland west of Highway 30 and between NW Nicolai and NW Vaughn streets served by streetcar. Alongside the MPAP, the Project's Locally Preferred Alternative (LPA) was developed, identifying the transit mode, alignment, and general station locations.

Montgomery Park has been identified as a priority destination for major high-capacity transit investment for several years, with previous plans and studies of the area documenting transit issues, potential transit-oriented development, community concerns and goals, and potential solutions. A timeline of the development of planning documents specifically related to the project is as follows:

- The project was first identified for transit investment in the 2009 Portland Streetcar System Concept Plan.
- The 2035 Portland Transportation System Plan (TSP), 2018 Metro Regional Transportation Plan (RTP), and 2018 Metro Regional Transit Strategy all call for a major transit investment to Montgomery Park, with the RTP including the corridor in its financially constrained project list (1139) and the TSP including it on its unconstrained list (60035); the currently ongoing update to the TSP will include the project on its financially constrained list
- In 2018, Portland City Council adopted the Enhanced Transit Corridors Plan and funded the Preliminary Northwest Portland Streetcar Extension and Land Use Alternatives Analysis.

- In 2019, a Federal Transit Administration (FTA) transit-oriented development (TOD) planning grant administered through metro helped fund the Montgomery Park to Hollywood Transit and Land Use Development Strategy (MP2H). In Northwest Portland, MP2H became the Montgomery Park Area Plan (MPAP).
- In 2023, the Metro High Capacity Transit Strategy prioritized the corridor as a Tier 1 priority for major transit investment (ID C28).
- The 2023 RTP update includes the Project in its financially constrained project list (11319).
- Portland City Council unanimously adopted Ordinance 192000 on December 11, 2024, adopting the MPAP.
- In December 2024, TriMet submitted a letter to the Federal Transit Administration (FTA) requesting entry in the Project Development phase of the FTA's Capital Investment Grant Small Starts program. The FTA responded with concurrence in January 2025. The project is listed on the FTA's CIG program webpage.

Additionally, the LPA for the project has been endorsed as follows:

- The Portland City Council unanimously adopted Resolution 37692 to endorse the LPA on December 11, 2024.
- JPACT approved Resolution No. 25-5505 and made a recommendation to the Metro Council for approval on June 26, 2025.
- Metro Council adopted Resolution No. 25-5505 endorsing the LPA on July 31, 2025.

Project Description and Map

The Project will extend the Portland Streetcar North-South (NS) line 0.65 miles one-way (1.3 miles round trip) from its existing terminus at NW 23rd Avenue and NW Northrup Street to a new terminus at NW 26th Avenue and NW Wilson Street near Montgomery Park in Northwest Portland. The streetcar will run northward on NW 23rd Avenue to NW Roosevelt Street and utilize a new one-way parallel couplet with westbound movement on NW Roosevelt Street from NW 23rd Avenue to NW 26th Avenue, southbound movement on NW 26th Avenue from NW Roosevelt Street to NW Wilson Street, and eastbound movement on NW Wilson Street from NW 26th Avenue to NW 23rd Avenue. The streetcar will then return southbound on NW 23rd Avenue to connect to the existing streetcar tracks south of NW Northrup Street. General station locations are at NW 23rd and Raleigh Street (northbound and southbound), NW 25th Avenue and NW Roosevelt Street (westbound) and NW 26th Avenue and Wilson Street (eastbound/end-of-line).

The Project includes the following scope elements (for more detail, see MPAP Volume 3: Transportation Plan):

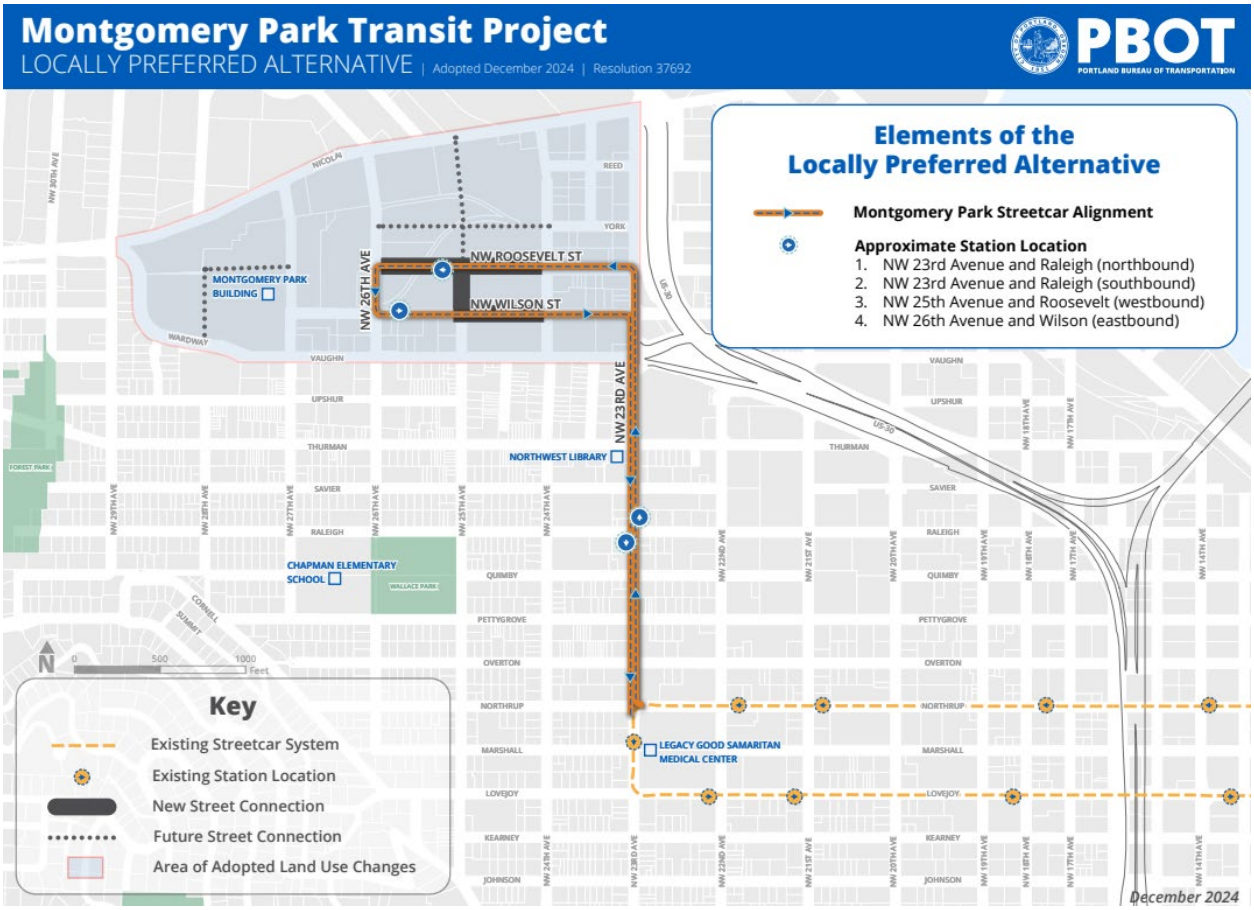
- The Project will construct new trackwork for two-way north-south streetcar movement on NW 23rd Avenue between NW Wilson Street to the north and NW Northrup Street to the south to support future trip demand in a new transit-oriented district.
- The Project will construct trackwork along a new parallel one-way couplet on NW Roosevelt Street (westbound) and NW Wilson Street (eastbound) between NW 23rd Avenue and NW 26th

Avenue, as well as along NW 26th Avenue between Roosevelt and Wilson streets (southbound) to support streetcar movement.

- The project will construct multimodal street extensions of NW Roosevelt Street between NW 24th Avenue and NW 26th Avenue, as well as NW Wilson Street between NW 24th Avenue and NW 25th Avenue to support streetcar movement, improve multimodal safety, and connect the local street grid to local connectivity standards.
- The project will add new buffered or protected bike lanes on NW Roosevelt Street and NW Wilson Street between NW 23rd Avenue and NW 26th Avenue, to improve bicycle safety
- The project will add four new streetcar stops along the alignment, two of which will be located on NW 23rd Avenue at NW Raleigh Street (northbound and southbound), as well as at NW 25th Avenue and NW Roosevelt Street (westbound) and NW 26th Avenue and NW Wilson Street (eastbound); the NW Wilson Street station will include a charging station for new off-wire capable streetcars, as the extension is planned to be off-wire.
- The project will rehabilitate NW 23rd Avenue between NW Vaughn and NW Lovejoy streets, including utility repair and relocation, stormwater remediation, and accessibility upgrades to support state of good repair and resiliency on the Neighborhood Main Street.
- The project will add or repair sidewalks and ramps along the streetcar alignment to improve pedestrian safety and meet Americans with Disabilities Act (ADA) requirements.
- The project will add wide furnishing zones along street extensions to support large species of street trees and improve tree canopy and improve resiliency in the area.
- The project will construct or modify signalized intersections along the streetcar alignment as needed to support transit reliability and multimodal safety, as well as planning the use of Transit Signal Priority (TSP) to ensure transit reliability.
- The project will purchase up to 12 new cars to support line operations and shorter headways.

See Figure 1 below for the endorsed LPA map for the project.

Figure 1: Project Locally Preferred Alternative Map and Project Elements



Purpose and Need

The Portland Streetcar Montgomery Park Extension Project will complete design and construction for an extension of Portland Streetcar to enhance transportation connectivity and access to and from key destinations in a developing transit-oriented district of Portland, Oregon. Service will be enhanced through:

- Providing low cost, high quality rapid and reliable mass transit connections in the Montgomery Park Area and Northwest Portland, as well as further enhancing the area's connections to Portland's Central City, Portland State University, Oregon Health and Sciences University, and other important local and regional destinations.
- Improving connections with current bus service at future streetcar stations and creating centralized connections to multiple transportation options near the Project terminus at Montgomery Park.
- Expanding mobility and access to employment and housing opportunities as well as critical destinations for the area's current and future residents and employees, who include transit-dependent, low-income, and minority populations.

- Preserving and promoting a healthy environment by minimizing adverse impacts on the environment and reducing congestion and carbon emissions by providing an attractive zero-emissions alternative for single occupancy vehicle (SOV) users.
- Improvement the local streetscape including new stormwater management and accessibility upgrades.

The Project will address four major needs in the corridor:

- *Meet Regional and Local Travel Demand:* According to Portland's 2035 Comprehensive Plan, Portland is predicted to add 260,000 new residents and 140,000 new jobs by 2035. The Northwest Portland area—of which the Montgomery Park Area is part—alone is expected to grow by 14,000 new households and 1,500 new jobs. Portland Streetcar, Inc. reports that streetcar ridership has grown overall, peaking at more than 16,000 average daily riders prior to Covid and rebounding to more than 10,000 in 2025. Portland's existing streetcar service is subject to the pressure of growing population and anticipated travel demand, and roadway congestion in the project corridor caused by this growth will continue to degrade transit performance as well as automobile performance and have negative environmental impacts.
- *Address Local Planning Goals:* This project aligns with the 2003 Northwest District Plan, the 2009 Streetcar System Concept Plan, the 2020 Northwest in Motion Plan, the 2015 Climate Action Plan, the 2023 Regional Transportation Plan, and the Montgomery Park Area Plan, and is prioritized in the 2035 Comprehensive Plan and Transportation System Plan as a means of accomplishing the plans' goals of reducing reliance on SOVs to achieve ambitious mode shift goals, reducing vehicle miles traveled (VMT), and achieving net-zero carbon emissions while supporting dense, equitable, and sustainable communities. The area is also poised for change, as there is substantial private development planned and anticipated on the more than 45 acres, including the Montgomery Park office complex, currently the second largest office building in the state, and the former ESCO Steel manufacturing site, which are both currently in various stages of development.
- *Serve Underrepresented Communities:* The proposed transit project will extend access to housing opportunity and employment, including for underrepresented communities. The proposed project area is near the densest and high-opportunity neighborhoods in Portland, as well as the one of the largest urban parks in the United States. Further, Portland Streetcar reports that more than a third of Portland's regulated affordable housing stock is located within a quarter mile of streetcar tracks, and plans have been developed for a further increase of housing in the area. Related land use changes and benefits agreements in the project area are anticipated to lead to hundreds of new middle-wage job opportunities and 2,000 or more new housing units, including 200 or more regulated affordable housing units. Past streetcar extensions were fundamental to broader housing development and neighborhood revitalization efforts. The extension to Montgomery Park will preserve and enhance access to living-wage jobs and connect people to opportunities through affordable, accessible low-carbon transportation options. The streetcar extension and its associated

investments in roadway construction will act as a catalyst for a new district focused on delivering more equitable and climate-friendly outcomes.

- *Maximize Local Investment:* The project will leverage a mix of funding sources, including federal, local, and private funds, to support construction and operation. The potential for using Local Improvement Districts (LIDs) to capture private investment for infrastructure underscores the project's capacity to generate community benefits.

Project Development Phase Schedule and Deliverables

The Locally Preferred Alternative being amended into the RTP will support further progress on the Project and is a required step to qualify for key federal funding opportunities. It is necessary to complete the NEPA process covering all aspects of the project proposed for FTA funding, develop sufficient information for FTA to develop a project rating, complete sufficient engineering and design to develop an accurate and reliable cost, scope, and schedule for the Project, commit all non-CIG funding commitments, complete all critical third-party agreements, and meet other FTA readiness requirements. The Project formally entered the Project Development phase in January 2025, and implementation is expected to be implemented through Summer 2030.

The Project Development Phase includes required deliverables that will be informed by the core design team, project partners, and community engagement, including:

- Completion of environmental approvals under the National Environmental Policy Act (NEPA).
- Development of preliminary design and engineering documents.
- Development of materials necessary for a Small Starts rating by FTA and subsequent Small Starts Construction Grant Agreement.

The anticipated schedule for the Project Development Phase deliverables is as follows:

- Preliminary Design and Engineering (Spring 2026 – Fall 2027)
    - 15% design (Spring 2026)
    - 30% design (Summer/Fall 2026)
    - 60% design (Spring 2027) (expected to be the plan set used for cost estimation and negotiation of Construction Grant Agreement with FTA)
- Draft Finance Plan (Fall 2026)
- Update to the Regional Transportation Plan and related financial elements, as necessary
- Environmental Approvals under NEPA (Fall 2026 – Fall 2027)
    - Purpose and Need
    - Class-of-Action Determination (anticipating a Documented Categorical Exclusion)
    - NEPA assessment and findings, including all needed analysis and public engagement
- Development of initial Small Starts Application for rating and subsequent Small Starts Construction Grant Agreement (Fall 2026)
- 30% of all non-CIG funding committed at submission of rating materials after 30% design (Fall 2026)

- Final Design and Construction Documents (Summer 2027-Spring 2028), including cost estimates for each stage documenting the total anticipated construction cost in year of expenditure dollars:
    - 95% Design Package
    - 100% Design – Issued for Construction
- 100% local funding sources committed prior to applying for final SSGA (Winter 2027/28)

The anticipated time period for the Construction phase is Spring 2028 – Summer 2030 and for vehicle procurement is Spring 2026 – Summer 2030.

Agency Partners and Roles

The following agency partners will help deliver the project:

- The Tri-County Metropolitan Transportation District of Oregon (TriMet) will be the Project Sponsor and the Grantee for the FTA CIG Small Starts program on behalf of the City of Portland.
- The Portland Bureau of Transportation (PBOT) will be the FTA CIG subrecipient. As owner of the Portland Streetcar System and Assets, the agency will lead on design and construction for the project.
- Portland Streetcar, Inc. will assistant with funding, strategy, design, and partnerships to support Project delivery.
- Metro will support completion of the environmental review process.
- The Federal Transit Administration is the lead federal agency for NEPA and a key financial partner through the FTA's CIG Small Starts program.

Intergovernmental Agreements with both Metro and TriMet are currently in process to formalize roles and responsibilities for Project Development and construction.

Public Engagement

Following a demographic assessment completed as part of public involvement planning as part of the Montgomery Park to Hollywood Transit and Land Use Development Strategy (MP2H) (which in Northwest Portland evolved into the Montgomery Park Area Plan (MPAP)), the Project team conducted various public engagement efforts was conducted in two general phases over five years:

- *Phase 1: Fall 2019 – Winter 2021/22*: During Phase 1, the project team gathered feedback as they developed and analyzed alternative transportation and land use development scenarios for Northwest Portland, with focus on the area around Montgomery Park. The project team convened a Project Working Group of 16 community members representing a variety of viewpoints, many of whom had connections to local neighborhood groups, business organizations, transportation advocates, and area property owners. An FTA TOD planning grant administered by Metro supported direct funding to two area Community Based Organizations (CBOs) to provide outreach to underserved communities regarding

their aspirations, concerns, and priorities for the area and Project: Friendly House, Inc; and Northwest Industrial Business Association (NIBA)/Columbia Corridor Association. During this phase, the project team asked questions to better understand transportation and land use conditions, sought feedback on what goals the MPAP should seek to achieve, and gathered input on various land use development scenarios and potential streetcar extension alignments. Phase 1 engagement methods included 7 Project Working Group Meetings; 1 Project Kickoff Open House; 1 Urban Design Concept Open House; the 2 aforementioned Community Based Organization Partnerships, including mailers, surveys, conversations, and community forums; meetings with neighborhood and business organizations; and 1 comment period for the draft plan.

- *Phase 2: Spring 2023 – Winter 2024/25*: Phase 2 focused on learning more about the community's needs and priorities for the Project itself, which informed the final MPAP recommendations and the LPA. This phase combined in-person meetings; an online open house and survey; project mailers; meetings with neighborhood groups; tabling at open houses and events in the area; direct canvassing of businesses along the proposed alignment; A BIPOC-focused urban design focus group; and intercept surveys both near existing area streetcar stations and around regulated affordable housing developments along streetcar in Northwest Portland.

Community engagement has helped shape the development of the MPAP and the LPA for the Project since 2019, when community members helped define the planning process goals. Overall Key takeaways from community engagement can be found in the adopted Montgomery Park Area Transportation Plan (Volume 3 of the MPAP). Two key ways in which community engagement shaped the MPAP and Project are as follows:

- *Area of change and final Project alignment*: During the MPAP planning process, several land use development scenarios and supportive alignments for streetcar were explored. When the Project Working Group and other stakeholders repeatedly expressed concern about the potential for broad loss of industrial land in the planning area, the plan shifted focus to a smaller area where the greatest expected change might occur (west of US-30) in order to preserve industrial uses elsewhere. This allowed for the development of plan recommendations that balanced stakeholder interests in new jobs, more housing, and the preservation of low-barrier-to-entry middle-wage jobs in the area. As a result, the streetcar alignment shifted to serve the area of greatest potential growth. Additionally, the project's related adopted Public Benefits Agreement addresses these priorities by requiring a minimum of 400 middle-wage jobs in a variety of sectors in the plan area and the provision of at least 200 units of affordable housing prior to development of other buildings on the land subject to the agreement.[1]
- *Commemoration of York*: Through engagement with the Portland Harbor Community Coalition, the Project team was introduced to the York Collective. The York Collective

[1] More information is available in Volume 1 of the adopted Montgomery Park Area Plan, beginning on Page 36 (PDF Page 44).

includes Black Portlanders and allies with interest in exploring and advancing opportunities to share and elevate information about the legacy of York, an enslaved member of the Lewis and Clark Corps of Discovery, and for whom NW York Street in the Project area is named. The group has produced a broad vision for a "justice- and climate-centered transit and land use development strategy along York Street." Through continued engagement, this group has ensured that public at commemorating York is part of implementation of the MPAP, and an action item directing City staff to continue to assist the group and others seeking equitable outcomes to seek further engagement and resource identification toward their goals for the area.[2]

RTP Consistency and Regional Significance

The Project advances the following RTP goals and objectives:

Goal 1 – Mobility Options:

- *Objective 1.1 Travel Options*: Provides travel options to support mode shift and reduced per capita vehicle miles traveled by constructing multimodal facilities and improving the pedestrian, bicycle, and transit network while supporting transit-oriented development so people can meet their daily needs without a personal automobile.
- *Objective 1.2 System Completion*: Supports system completion by filling gaps in the pedestrian, bike, and transit network through key connections and local street grid completion.
- *Objective 1.3 Access to Transit*: Improves access to transit for existing and future residents, workers, and visitors.
- *Objective 1.4 Regional Mobility*: Supports regional mobility by ensuring that modal functions for facilities support regional mobility, including goods movement.

Goal 2 – Safe System:

- *Objective 2.1 Vision Zero*: Implements Complete Street designs in support of Vision Zero. Streets will be human scaled with wide sidewalk corridors, and dedicated bike facilities along the new couplet north of NW Vaughn Street will reduce modal conflicts.
- *Objective 2.3 State of Good Repair*: Brings NW 23rd Avenue between NW Vaughn and NW Lovejoy streets to a state of good repair.

Goal 3 – Equitable Transportation:

- *Objectives 3.1 and 3.2 Transportation Equity and Barrier-Free Transportation*: Advances transportation equity and barrier-free transportation by improving access to permanent, high-capacity transit for residents in an Equity Focus Area (Tract 49.01) while serving future residents of affordable housing in the new transit-oriented district. The Project will improve access to nearby industrial jobs while supporting new middle-wage job requirements in the

[2] More information is available in Volume 1 of the adopted Montgomery Park Area Plan, on pages 13 and 84 (PDF pages 21 and 92).

Montgomery Park area, all while connecting people to services, jobs, and educational opportunities in Portland's Central City and throughout the region.

Goal 4 – Thriving Economy:

- *Objective 4.1 Connected Region*: Supports a connected region through focused investment and growth in an expanded Neighborhood Center in Northwest Portland.
- *Objective 4.2 Access to industry and freight intermodal facilities*: Facilities continued access to industry and intermodal freight facilities for goods movement to and from the industrial lands around the Project area.
- *Objective 4.3 Access to Jobs and Talent*: Integrates captured public benefits to require 400 new middle-wage jobs in the Montgomery Park area, per the related Public Benefits Agreement.
- *Objective 4.4 Transportation and housing affordability*: Supports the development of housing choices and new jobs in an urban district where people can meet their needs without a personal automobile.
- *Objective 4.5 State of Good Repair*: Brings NW 23rd Avenue between NW Vaughn and NW Lovejoy streets to a state of good repair.

Goal 5 – Climate Action and Resilience:

- *Objective 5.1 Climate Change Mitigation*: Supports climate change mitigation by providing accessible non-driving transportation options to support reduced per capita vehicle miles traveled.
- *Objective 5.2 Climate-Friendly Communities*: Develops a new climate-friendly community by coordinating the Project with an increase in middle-wage jobs and housing choices in a high-opportunity, walkable, mixed-use area served by permanent high capacity frequent transit service and active transportation options.
- *Objective 5.3 Resource Conservation*: Integrates greet infrastructure including onsite stormwater remediation, wide furnishing zones, and large varieties of street trees.
- *Objective 5.4 Adaptation and Resilience*: Promotes reduced urban heat island effect through the planting of large street trees along the Project's couplet north of NW Vaughn Street.
- *Objective 5.5 State of Good Repair*: Brings NW 23rd Avenue between NW Vaughn and NW Lovejoy to a state of good repair, and upgrades water and stormwater facilities.

The Project is consistent with and supports implementation of the following RTP System, Regional Design and Regional Network Policies:

- *3.2.1 2040 Growth Concept:* The Project supports the Metro 2040 Growth Concept by advancing permanent high-capacity transit and higher-density growth along a designated Main Street of NW 23rd Avenue and within the Central City regional hub, as well as supporting planned land uses adopted in Portland's Comprehensive Plan and the 2040 Growth Concept. The Project supports the preservation of nearby industrial land north of NW Nicolai Street east of US-30, and updated MPAP policies prioritize freight movement and access to this land.

- *3.2.2 Transportation Equity Policies*: The Project improves multimodal options and permanent transit access in an Equity Focus Area (Tract 49.01). Additionally, the Project advances a new equitable transit-oriented district with housing choices including affordable housing in a high-opportunity area of Northwest Portland.
- *3.2.3 Safety and Security Policies:* While the Project area does not include any Regional High Injury Corridors or Intersections, the Project advances implementation of Vision Zero and the Safe System approach and implements Complete Street policies to reduce modal conflicts and improve safety for all modes.
- *3.2.4 Climate Action Policies and Resilience Policies:* The Project supports Metro's Climate Smart Strategy and related policies. It will support implementation of the MPAP to support reduced vehicle miles traveled per capita and related greenhouse gas emissions. It will advance a major high-capacity transit investment to make transit more convenient, frequent, and accessible. It will include improvements to the bicycle and pedestrian network and connect the local street greed with safe crossings. Implementation will also include the development of a parking management strategy for the Montgomery Park area, to be implemented alongside the construction of new streets in the project area. Private developments in the area will be subject to the City of Portland's Transportation Demand Management (TDM) policies to support mode shift and reduced vehicle miles traveled per capita. Additionally, the Project will support Metro's transportation preparedness and resilience policies by supporting the designation of regional emergency transportation routes in the project are, integrating green infrastructure, and expanding the region's tree canopy.
- *3.2.6 Mobility Policies:* The Project will advance mobility policies. It pairs a major transportation system investment with adopted land use changes to enhance efficiency. It will provide people and businesses a variety of seamless and well-connected travel modes so that people and businesses can meet their daily needs. It prioritizes the safety and comfort of travelers of all modes through multimodal network completion. It prioritizes an investment in an Equity Focus Area.
- *3.3 Regional Network Policies:* The Project supports regional network policies. It advances design and complete streets policies by implementing multimodal street connectivity and Complete Streets Policies. It is supportive of 2023 RTP Policy Map designations for transit, bike, pedestrian, and regional emergency routes in the Project area and implements Project C28 in the Regional High Capacity Transit Vision. It supports adjacent RTP Policy Map designations for Design, Freight, and Motor Vehicles.

Identification of the Project followed the RTP congestion management process policies in the following ways:

- The Project utilizes multiple tools in the Congestion Management Process (CMP) toolbox. It utilizes transit-oriented development and new mixed-use land uses alongside parking management to support a walkable, employment- and housing-focused district facilitated by compact land uses in combination with walking, biking, and transit connections. It is planned to utilize transit signal priority and access management strategies to support system

management and operations. It will utilize active transportation strategies by implementing new biking and walking connections to key destinations. It will utilize transit strategies by constructing high capacity transit and expanding transit coverage. It will also utilize street and throughway capacity strategies by connecting the local street grid to distribute vehicle trips through the Project area.

- The Project aligns with the City of Portland's advancement of the Regional Transportation Functional Plan's Transportation Solutions (3.08.220) in the order listed. Private development in the Montgomery Park area will be subject to Portland's local TDM requirements; Additional TSMO strategies include operational and access management improvements. The project includes transit, bicycle, and pedestrian system improvements, as well as traffic-calming designs, The project utilizes land use strategies to achieve required performance standards. The project improves local street connectively to provide alternative routes and encourage walking, biking, and access to transit. Finally, the project makes motor vehicle capacity improvements by completing the local street grid to disperse driving trips as the area grows.

The Project is regionally significant. In 2018, Metro adopted the region's first Regional Transit Strategy, in support of the 2018 Regional Transportation Plan (RTP). The RTP identified the extension of Portland Streetcar to Montgomery Park as an Enhanced Transit Corridor (ETC) for short-term implementation and included the Project in its financially-constrained project list (11319). Subsequent area planning was completed as part of the Montgomery Park Area Plan (adopted 2024). In 2023, Metro adopted the Regional High Capacity Transit (HCT) Strategy as part of the 2023 Regional Transportation Plan update, which designates the Project as a Tier 1: near-term HCT corridor; this is the highest priority for near-term HCT investment in the region. The Project will also require project-level NEPA review. Additionally, NW 23rd Avenue within the project area is designated on the pedestrian, transit and TSMO Regional Transportation Plan network maps (NW Wilson Street is also designated on the TSMO network map).

Performance

The Project makes progress toward federal and regional performance targets:

- *Mobility*, by increasing pedestrian, bike, and transit mode shares, improving access to jobs via transit, contributing to completing the transit network and bicycle and pedestrian system near transit, and increasing the share of households that are located near multimodal options.
- *Equity*, by prioritizing safe system completion and access to jobs in an equity focus area.
- *Economy*, by advancing completion of the bicycle and pedestrian system in a job and activity center to provide safe and convenient options for short trips and connections to transit.
- *Climate and Environment*, by helping reduce per capita greenhouse gas emissions from light-duty vehicles and per capita vehicle miles traveled, helping meet revised statewide goals requiring accelerated reductions in greenhouse gas emissions, and keeping air pollution from mobile sources at levels below thresholds set by the federal government.

Fast, convenient and linked to the broader transit and transportation network – high capacity transit provides a viable, more affordable alternative to driving. Fewer cars on the road leads to less air pollution, more physical activity, less time in traffic, fewer crashes and more reliability for moving people and goods – supporting the health, safety, mobility, economy and quality of life of our region. As part of its evaluation, the 2023 High Capacity Transit Strategy found that implementing all of the corridor improvements identified in the vision would result in a 0.6% reduction in CO_2e emissions regionwide. Using established transit elasticities to estimate the change in ridership that could occur on a given corridor through a high capacity transit investment and the corresponding change in auto vehicle miles traveled that would be expected, converted to greenhouse gas emissions using an average fleet emissions factor for year 2030, a streetcar extension in Montgomery Park was roughly estimated to potentially result in a weekday reduction of around 60 metric tons of CO_2e per year.

Implementing the Regional Transit Strategy vision of making transit convenient, frequent, accessible and affordable is a key strategy with a high relative climate benefit included in the Climate Smart Strategy (CSS). The CSS includes a number of near-term actions for Metro and partners related to high capacity transit, including: 1) expand transit service to serve communities of concern, transit-supportive development and other potential high ridership locations; and 2) expand partnerships with transit agencies, cities, counties and ODOT to implement capital improvements in frequent bus corridors (including dedicated bus lanes, stop/shelter improvements, and intersection priority treatments) to increase service performance.

To make progress toward the Climate Smart Strategy Performance targets, the Project implements elements of the 2040 Growth Concept and local and adopted land use and transportation plans; makes transit convenient, frequent, accessible, and affordable; making biking and walking safe and convenient; uses technology to actively manage the transportation system; requires area development provide information and incentives to expand the use of travel options; implements parking management to make efficient use of vehicle parking and land dedicated to parking; secures adequate funding for transportation investments; and demonstrates leadership on climate change. Several ways that performance is measured for the CSS transit strategy include increases in the share of households, low-income households, and employees within a ¼ mile of all-day frequent service. The extension of Portland Streetcar to Montgomery Park via NW 23rd Avenue will support the development of 2,000 or more new housing units, 200 or more new affordable housing units, and 400 or more middle-wage jobs in the Montgomery Park Area, linking employees and residents to the region's larger transit system. Preliminary modeling conducted by Metro indicates an anticipated ridership increase of 3,000 or more new riders on the NS line by 2040 resulting from this project and projected development along the high-capacity corridor.

This is not a safety project eligible for state and federal safety program funding.

Fiscal Constraint

The cost estimate included in the 2023 RTP financially constrained project list was $80,000,000 in year-of-expenditure (YOE). That estimate has increased to $195,000,000 in YOE due to extensive planning and concept development for the project, for the following reasons: the project now includes the purchase of up to 12 off-wire capable streetcar vehicles to support the extension and continued streetcar system operations due to much of the existing streetcar fleet reaching its end-of-life; the project now includes the rehabilitation of NW 23rd Avenue between NW Vaughn and NW Lovejoy streets including full-depth rehabilitation, utility relocation and related improvements, and accessibility and stormwater upgrades, as the street currently fails on the Pavement Condition Index; and the project now includes the multimodal extension of local streets in the project area.

Currently, $12 million for Project Development have been committed, with an additional $30 million committed from a Portland Clean Energy Fund grant for streetcar vehicle replacement. The Project team will be pursuing FTA Small Starts Capital Investment Grant (CIG) funding and is planning to seek $97.5 million, which is the lowest percentage federal share (50 percent) for Small Starts projects. Additionally, the project was approved for Regional Flexible Fund Step 1A.1 New Project Bonds on July 31, 2025 by Resolution 25-5510. Additional local sources will be committed as required by the FTA CIG program.

Table 1 below documents fiscal constraint for the project, differentiating new revenue (not accounted for in the 2023 RTP Forecast) and revenue already accounted for in the 2023 RTP Forecast for the project.

As indicated in the Project Development section above, preliminary engineering, design, and construction will all occur in the 2023-2030 near-term RTP investment time period.

Table 1: Portland Streetcar Montgomery Park Extension Fiscal Constraint Documentation

Fund source and type	**Dollar amount**	**New revenue** *(not accounted for in 2023 RTP forecast)*[3]	**Accounted revenue** *(in 2023 RTP forecast (#11319))*[4]
FTA CIG – 5309 Small Starts	$97,500,000	$57,500,000	$40,000,000
Portland Clean Energy Fund (PCEF) grant for vehicles	$30,000,000	$30,000,000	
Regional Flexible Fund Bonds (Step 1A.1)	$10,000,000	$10,000,000	
Local Funds • *Including Streetcar Reserve Funds* • *General Transportation Revenue (FY 24-29)* • *Transportation System Development Charges* • *Northwest Parking District Set-Aside* • *Right-of-Way Dedication (per adopted Public Benefits Agreement) Commercial and Residential Local Improvement District* • *Additional Private Funds*	$57,500,000	$17,500,000[5]	$40,000,000
Total	***$195,000,000***	***$115,000,000***	***$80,000,000***

Attachments:

- A: Project Schedule
- B: Metro Council Staff Report on LPA Endorsement Recommendation (July 10, 2025)
- C: Proposed Preliminary Cross Sections

[3] These dollars are new revenues not accounted for in the forecast in the adopted 2023 RTP. The revenues include an increased federal funding request through FTA's CIG program, new funds awarded by PCEF on December 11, 2024 (most recent amendment ordinance to the PCEF Climate Investment Plan), RFFA Bond revenues approved by JPACT and the Metro Council on June 21 and July 31, 2025 (respectively), and additional Local Improvement Revenues not previously accounted for in the adopted 2023 RTP (see footnote 5).

[4] This revenue was already accounted for and included in the revenue forecast adopted in the 2023 RTP, covering the project's estimated cost in the 2023 RTP.

[5] Following the 2023 RTP update, the City of Portland developed a new forecast of local resources that demonstrated $17.5 million in additional revenues forecasted for the project.

Attachment A

Montgomery Park Streetcar Extension Milestone Schedule

Vehicle Procurement
Design/engineering
Funding
FTA requirement

Montgomery Park Streetcar Extension Milestone Schedule
UPDATED: 10/21/2025

Vehicle Procurement
Design/Engineering/NEPA
Funding milestone
FTA requirement

Project Activity/Phase	FTA	FY25				FY26				FY27				FY28				FY29				FY30				FY31
		2024		2025				2026				2027				2028				2029				2030			
		Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Community Engagement		X				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Interagency Coordination/Engagement		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RFFA Bond Submission		DONE																									
Timeline and Cost Estimate for All PD Activities				X																							
Commitment of Funding for Small Starts PD		DONE																									
FTA Request for PD Entry (PD Funds Committed)	Y		DONE																								
Montgomery Park Area Plan Adoption			DONE																								
Preliminary Design/LPA Adoption	Y		DONE																								
BUILD Grant Application (Due January 2025)		X	X	DONE																							
RFP for Vehicle Replacement/Procurement				X	X	X																					
RFP for Design, Engineering and NEPA services				X	X	X																					
IGA/Finalize Interagency Roles and Responsibilities				X	X	X																					
Vehicle Contract Award and NTP						X																					
Design, Engineering, and NEPA services Contract Award and NTP							X																				
Adoption of LPA into fiscally constrained RTP	Y						X	X																			
Prelim. Design – 15% design								X																			
RFP for CM/GC/Procurement								x	x																		
Final Design – 30% Design - August 2026	Y									X																	
NEPA services - Finished January 2027	Y								X	X	X	X															
Project Rating Materials Complete	Y							X	X																		
Submit Materials for FTA Rating (August)	Y									X																	
30% Design Cost Estimate (SCC)	Y										X																
At least 30% of non-CIG funding committed or budgeted	Y										X																
Final Design – 60% Design - March 2027	Y											X															
FTA Risk Analysis and Readiness Review	Y											X	X	X													
100% of non-CIG funding committed	Y													X	X												
Final Design – 90% Design - August 2027	Y													X													
90% Design Cost Estimate	Y														X												
Project Recommended for FTA Funding (February)	Y															X											
Request SSGA	Y																X										
Vehicles arrive to facility																		X	X	X	X	X	X				
Vehicle revenue ready																				X	X	X	X	X	X	X	
NTP for CM/GC/Procurement													x														
Third Party Agreements	Y													X	X												
Final Design – 100% Design - Febuary 2028																X											
Receive SSGA																		X									
Construction – Substantial Completion																	X	X	X	X	X	X	X	X	X		
Testing																										x	
Start of Revenue Service (FY 30)																										x	

IN CONSIDERATION OF RESOLUTION NO. 25-5505 FOR THE PURPOSE OF ENDORSING THE LOCALLY PREFERRED ALTERNATIVE FOR THE MONTGOMERY PARK STREETCAR EXTENSION

Date: July 10 ,2025
Department: Planning, Development and Research
Meeting Date: July 31, 2025

Prepared by: Alex Oreschak
Alex.Oreschak@oregonmetro.gov
Presenter(s), Alex Oreschak (he/him), Senior Planner
Length: 20 minutes

ISSUE STATEMENT

The Portland Streetcar Montgomery Park Extension Project will extend the existing Portland Streetcar North-South (NS) Line 0.65 miles one-way (1.3 miles round trip) from its existing terminus at NW 26th Avenue and NW Northrup Street to a new terminus at NW 26th Avenue and NW Wilson Street near Montgomery Park in Northwest Portland. The project will also rehabilitate NW 23rd Avenue between NW Vaughn and NW Lovejoy streets including streetscape improvements, as well as extend multimodal streets in the project area to support streetcar operations.

On December 11, 2024, the Portland City Council adopted Resolution No. 37692 to adopt the Locally Preferred Alternative for the Montgomery Park Streetcar Transit Project.

The recommended Locally Preferred Alternative for high capacity transit to the Montgomery Park Area is streetcar transit with stations at the locations indicated on the attached map, operating as a .65 one-way route mile extension of the existing Portland Streetcar North-South (NS) Line from its existing terminus at NW 23rd Avenue and NW Northrup Street to a new terminus at NW 26th Avenue and NW Wilson Street near the Montgomery Park building in Northwest Portland. This extension will allow the NS Line to operate between the Montgomery Park Building and the South Waterfront. The route extension will operate on NW 23rd Avenue, as well as on a new one-way parallel couplet using NW Roosevelt Street, NW 26th Avenue, and NW Wilson Street. The LPA is reflected in Exhibit A to Resolution No. 25-5505.

On June 25, 2025, the Metro Policy Advisory Committee (MPAC) recommended that Metro Council approve Resolution No. 25-5505, as recommended by the Metro Technical Advisory Committee (MTAC) on June 18, 2025. On June 26, 2025, the Joint Policy Advisory Committee on Transportation (JPACT) approved Resolution No. 25-5505 and submitted to Metro Council for approval, as recommended by the Transportation Policy Alternatives Committee (TPAC) on June 6, 2025.

Approval of the resolution endorses the Montgomery Park Streetcar Extension Locally Preferred Alternative (LPA) as recommended by JPACT and MPAC and directs staff to prepare amendments to the 2023 Regional Transportation Plan to reflect the LPA.

ACTION REQUESTED

Approve Resolution No. 25-5505 as recommended by JPACT and MPAC.

IDENTIFIED POLICY OUTCOMES

The project will support dense, equitable transit-oriented development west of US-30 between NW Nicolai and NW Vaughn streets, where predominantly vacant, low-density industrial land recently underwent land use changes to employment- and housing-focused mixed uses. The project will also support several indirect public benefits for the area, including new affordable housing, new middle-wage jobs onsite, a new public park, affordable commercial opportunities, and the commemoration of York—enslaved member of the Lewis and Clark Expedition who was critical to its success—through public art; these ancillary benefits are captured in a Public Benefits Agreement (PBA) between the City of Portland, property owners in the area, and Portland Streetcar, Inc.

In addition to spurring transit-oriented development, the project is intended to serve as a critical single occupancy vehicle (SOV) trip demand mitigation tool as the area redevelops over time. As such, it also includes improvements to the pedestrian and bicycle network to support non-driving options within, to, from, and through the new district.

The Montgomery Park Streetcar Extension has been identified by the region as a top priority for transit investment. It is called out in multiple adopted plans including the 2009 Metro Regional High Capacity Transit System (HCT) Plan, the 2018 Regional Transit Strategy, the 2023 Regional Transportation Plan (RTP), and the 2023 High Capacity Transit Strategy, which designates the Montgomery Park Streetcar Extension as a Tier 1: near-term HCT corridor, the highest priority for HCT investment in our region.

Project outcomes identified in the RTP are improved travel connecting with the existing streetcar network, as well as necessary safety and accessibility improvements, including rehabilitation of NW 23rd Avenue and new multimodal street connections on NW Roosevelt Street, NW Wilson Street, and NW 26th Avenue. This project also supports land use changes and housing development, including new affordable housing units, as identified in the Montgomery Park Area Plan, which was also adopted by Portland City Council in December 2024.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve Resolution No. 25-5505 as recommended by JPACT and MPAC.
2. Do not approve Resolution No. 25-5505.

JPACT and Metro Council endorsement of the Locally Preferred Alternative will demonstrate regional consensus on the project parameters. Endorsement of the LPA is a necessary step to a future adoption of the LPA into the financially constrained RTP project list, which is required to complete the Project Development phase of the Capital Investment Grant (CIG) program and be eligible to garner CIG discretionary funding. Metro Council and JPACT are anticipated to consider adoption of the LPA into the 2023 RTP in March 2026 as part of a package of RTP amendments which includes two other Tier 1 projects with recent LPA recommendations: Tualatin Valley Highway Transit Project and the 82nd Avenue Transit Project.

RECOMMENDED ACTION

Approve Resolution No. 25-5505 as recommended by JPACT and MPAC. Approval of the resolution endorses the Locally Preferred Alternative adopted by the City of Portland and directs staff to prepare amendments to the 2023 Regional Transportation Plan to reflect the Montgomery Park Streetcar Extension LPA for consideration by JPACT and the Metro Council in 2026.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The LPA advances Metro's 2040 Growth Concept and Regional Transportation Plan by connecting the Montgomery Park area in Northwest Portland to the existing streetcar network in the Portland Central City. It also complements land use and housing actions identified in the Montgomery Park Area Plan adopted by Portland City Council in December 2024 and supports changes Metro Council adopted to update the Urban Growth Management Functional Plan (UGMFP) "Title 4 Industrial and Other Employment Areas" Map in January 2025 through Ordinance 25-1522.

The project advances multiple objectives by promoting walkable communities; improving access to jobs, schools, retail places and other community places along the route; increasing transportation choices including active transportation and better access to transit; regional mobility; and safety. The project will support the development of over 3000 new housing units, over 4000 new jobs, and approximately 3000 new daily transit riders.

KNOWN OPPOSITION

Public input and partner endorsements demonstrate support for this LPA.

There were two opponents to the adoption of the Montgomery Park Area Plan:

a. The Northwest Industrial Business Association opposed the adoption of the Montgomery Park Area Plan (MPAP) because of impacts to what was industrial land and potential impacts to low-barrier-to-entry middle wage jobs. The MPAP worked to address this by limiting land use changes to the area of greatest potential change and tying the development in the area to

on-site middle-wage jobs in a variety of fields (target requirements with a fee charged if not met as agreed in the adopted Public Benefits Agreement).

b. The Northwest District Neighborhood Association (NWDA) did not outright oppose the project, but opposed the adoption of the overall Montgomery Park Area Plan because they felt the plan did not respond effectively enough to neighborhood input or concerns. The NWDA was critical to the MPAP's process, having representation on the Project Working Group and being part of dozens of conversations over the course of the planning process. A key issue with the project itself for the NWDA is the final alignment; while members varied in their perspective on the best route, there was concern expressed around parking and traffic impacts (which the project and plan sought to address by working to maintain as much parking as possible in the project area and minimizing the number of stations on 23rd Ave).

Extensive technical analysis was conducted to understand the benefits and tradeoffs of different LPA components. The analysis was shared with community members for feedback. Public engagement has been extensive and coordinated with outreach for the Montgomery Park Area Plan, which aims to transition the area from a somewhat underutilized industrial and employment-focused district into a mixed-use employment district that will support both job growth and housing development. More information on public engagement for the project can be found on the Montgomery Park Area Plan website: https://www.portland.gov/bps/planning/mp2h/mpap-recommended-draft.

ANTICIPATED EFFECTS

Approval of this resolution will allow project staff to continue working with City of Portland and TriMet on the project to:

- Amend the 2023 RTP to reflect the LPA and a high-level funding plan
- Pursue federal funding
- Complete federally-required National Environmental Policy Act (NEPA) documentation
- Refine design and costing
- Support the implementation and construction of the project
- Open the streetcar extension in 2030

The project is currently listed in the 2023 RTP. However, the 2023 RTP needs to be amended to reflect the LPA defining the mode, route, and general station locations and a high-level funding plan. The next steps and timeline for that future action include:

- Metro staff will coordinate to prepare amendments to the 2023 Regional Transportation Plan to reflect the Montgomery Park Streetcar Extension LPA, as well as the TV Highway and 82nd Avenue LPAs.
- An RTP amendment is necessary to be eligible for federal funding and action.

- The RTP amendment will require a recommendation from MPAC and adoption by JPACT and Metro Council. The amendment may include the following as needed to reflect the LPA:
    - Amendments to Chapter 3 Transit Network Map
    - Amendments to the Appendix A: Constrained priorities project list
    - Amendments to Appendix W: Status of Current Major Projects
    - Amendments to Appendix V: Future corridor refinement planning
    - Create a new appendix: Montgomery Park Streetcar Extension Locally Preferred Alternative
    - Updates to reflect the RTP funding strategy or any other chapter components, if applicable
- The amendment will be accompanied by findings that demonstrate consistency with:
    - RTP goals, objections, and policies
    - Metro's Public Engagement Guide
    - Federal fiscal constraint requirements
    - Statewide planning goals
- Proposed RTP amendment schedule:
    - Fall 2025: Public comment period
    - Fall/Winter 2025: Review/discuss amendment and public comment at MTAC, TPAC, MPAC, JPACT, Metro Council
    - Spring 2026: Seek adoption of RTP amendment

Budget Impacts: Adoption of this resolution has no budget impact. There will be future costs associated with implementation of the project. These costs will be shared by local, regional, state and federal partners.

LEGAL ANTECEDENTS

Federal laws and actions

- National Environmental Policy Act
- Clean Air Act, as amended [42 U.S. C. 7401 and 23 U.S.C. 109(j)], as amended]
- U.S. EPA transportation conformity rules (40 CFR, parts 51 and 93)
- Fixing America's Surface Transportation Act (FAST Act), signed into law in 2015
- Infrastructure Investment and Jobs Act (IIJA), signed into law in 2021
- FTA Small Starts Process

State laws and actions

- Statewide Planning Goals
- Oregon Transportation Planning Rules (OAR Chapter 660, Division 12)
- Oregon Transportation Plan and implementing modal plans, including the Oregon Public Transportation Plan Oregon Administrative Rules for Transportation Conformity, (OAR Chapter 340, Division 252)
- Oregon Clean Air Act State Implementation Plan (SIP), amended in January 2021

Metro Council Actions

- Resolution No. 09-4025 (For the Purpose of Adopting the Regional High Capacity Transit System Plan Screened Corridor Map and Evaluation Criteria), adopted by the Metro Council on February 12, 2009.

- Resolution No. 09-4052 (For the Purpose of Accepting the Regional High Capacity Transit System Tiers and Corridors, System Expansion Policy Framework and Policy Amendments), adopted by the Metro Council on July 9, 2009.

- Ordinance No. 10-1241B (For the Purpose of Amending the 2004 Regional Transportation Plan to Comply with State Law; To Add the Regional Transportation Systems Management and Operations Action Plan, the Regional Freight Plan and the High Capacity Transit System Plan; To Amend the Regional Transportation Functional Plan and Add it to the Metro Code; To Amend the Regional Framework Plan; And to Amend the Urban Growth Management Functional Plan), adopted by the Metro Council on June 10, 2010

- Ordinance No. 14-1346B (For the Purpose of Adopting the Climate Smart Communities Strategy and Amending the Regional Framework Plan to Comply with State Law), adopted by the Metro Council on December 18, 2014.

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

- Ordinance No. 23-1496 (For the purpose of Amending the 2018 Regional Transportation Plan (RTP) to Comply with Federal and State Law and Amending the Regional Framework Plan), adopted by the Metro Council on November 30. 2023.

- Resolution No. 23-5348 (For the Purpose of Adopting the 2023 High Capacity Transit Strategy), adopted by the Metro Council on November 30, 2023.

- Ordinance No. 25-1522 (For the Purpose of Amending the Industrial and Other Employment Areas Map of Title 4 of the Urban Growth Management Functional Plan for the Montgomery Park Area of the City of Portland), adopted by the Metro Council on January 16, 2025.

Local Jurisdiction Actions

- The Portland City Council adopted Ordinance No. 192000 to adopt the Montgomery Park Area Plan including amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Zoning Code, Citywide Design Guidelines, and related amendments to the Guild's Lake Industrial Sanctuary and Northwest District plans (amend Code Title 33)

- The Portland City Council adopted Resolution No. 37692 to adopt the Locally Preferred Alternative for the Montgomery Park Transit Project

- The Portland City Council adopted Ordinance No. 192001 to authorize Agreement between the City, Portland Streetcar Inc, and 1535-A1 LLC for public benefits related to the Montgomery Park Area Plan

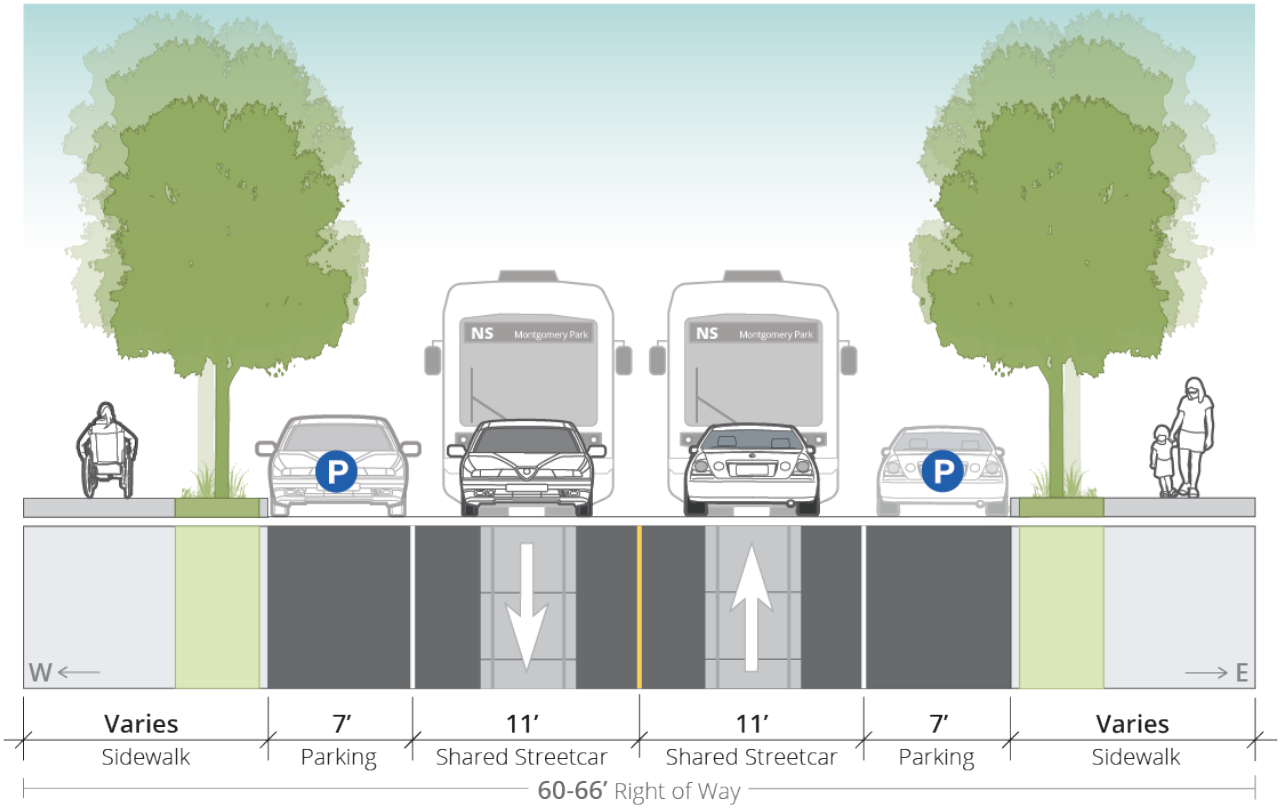
ATTACHMENT
Attachment 1: City of Portland Resolution No. 37692 and Exhibits A-C

Montgomery Park Transit Project

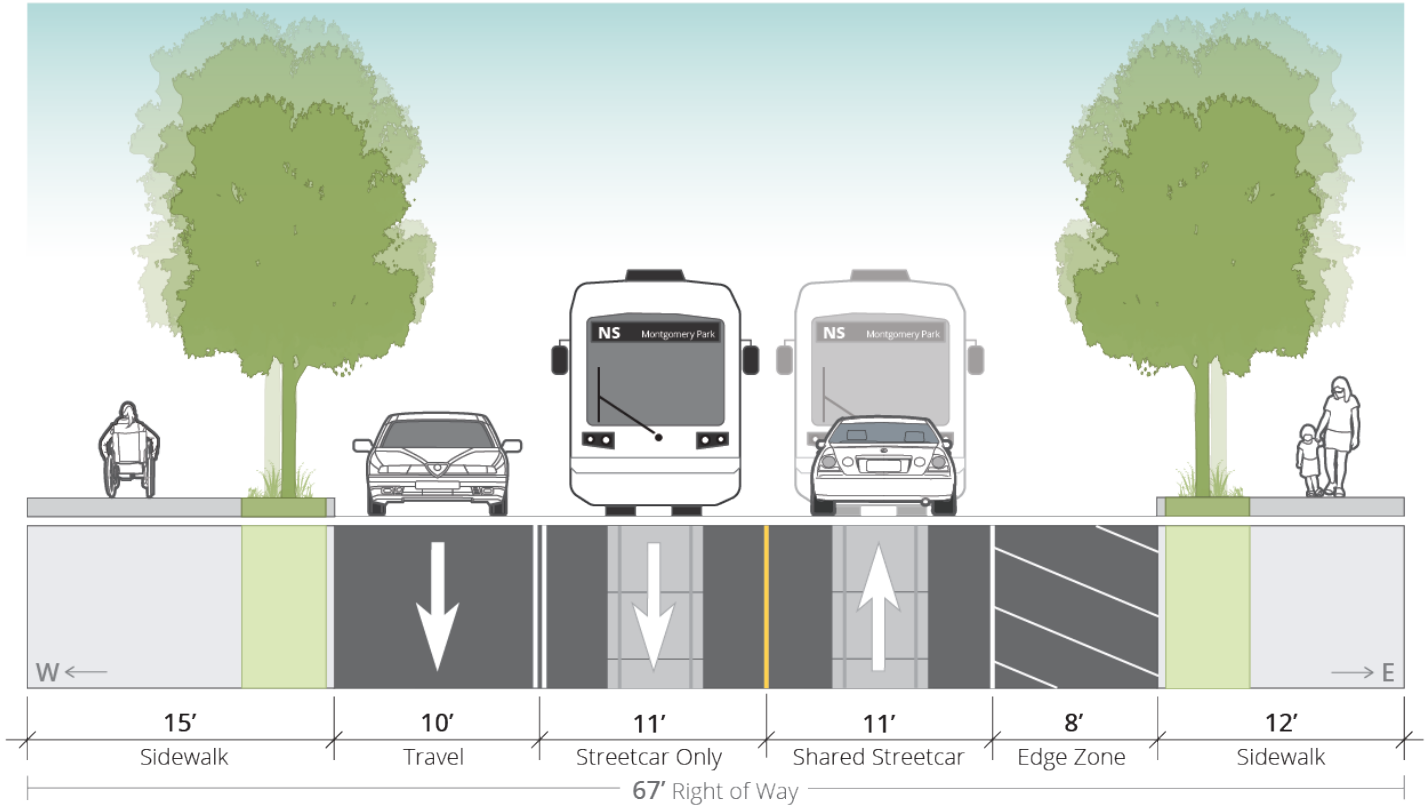
PROPOSED PRELIMINARY CROSS SECTIONS

PBOT
PORTLAND BUREAU OF TRANSPORTATION

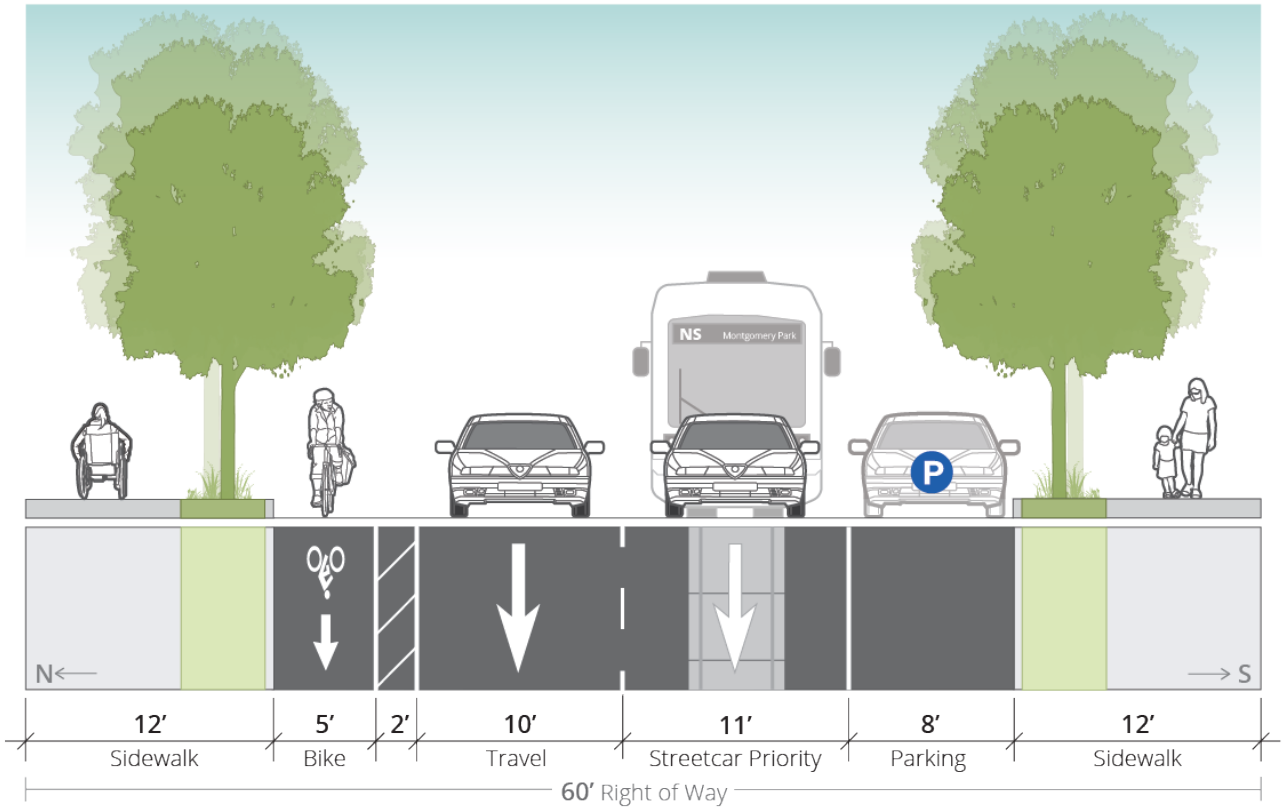
NW 23rd Avenue Typical Cross Section | NW Vaughn St to NW Northrup St



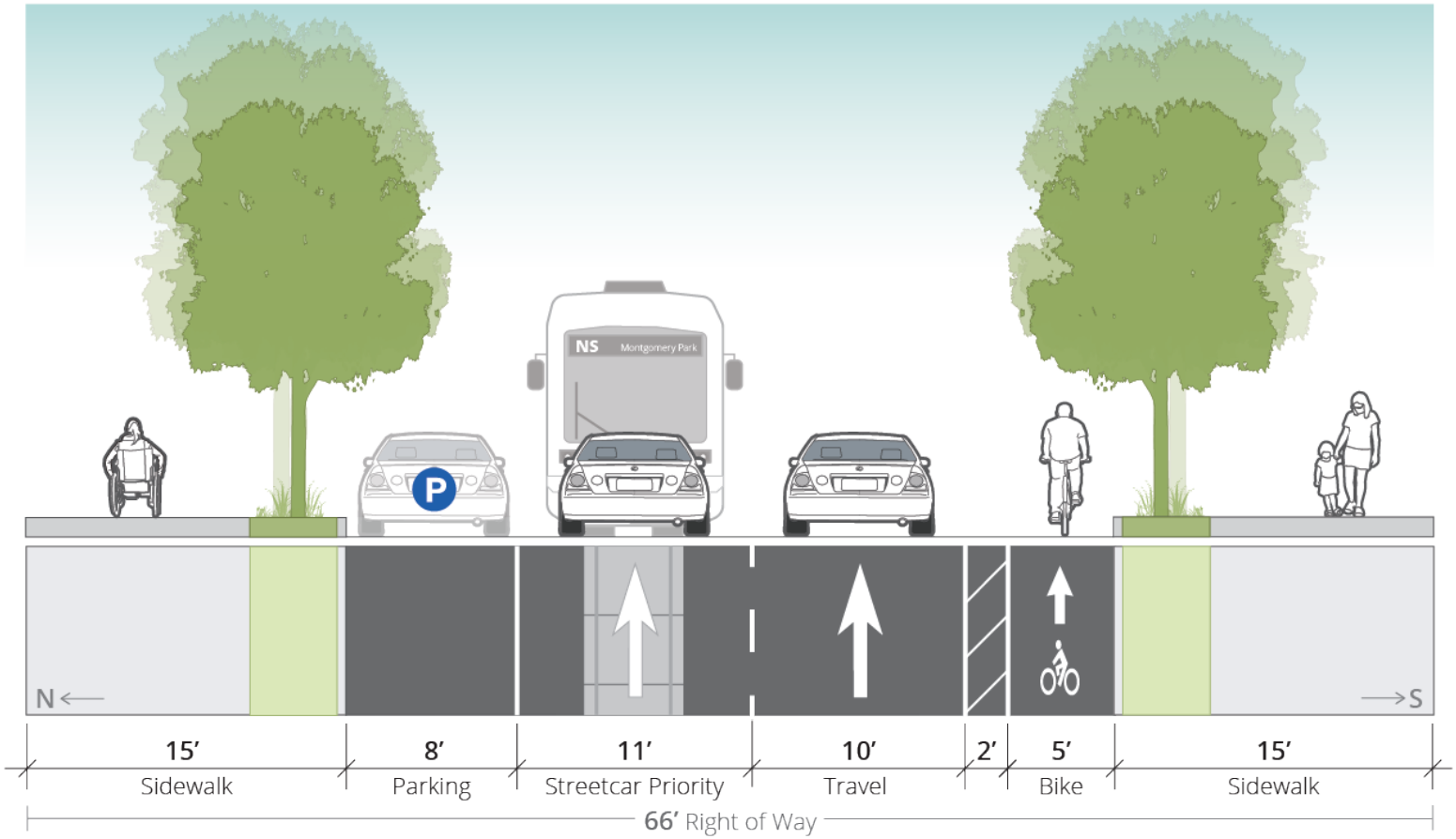
NW 23rd Avenue | NW Wilson St to NW Vaughn St



NW Roosevelt St | NW 23rd Ave to NW 26th Ave



NW Wilson St | NW 23rd Ave to NW 26th Ave



Proposed amendments to the 2023 RTP to reflect the **Montgomery Park Streetcar Extension**

oregonmetro.gov/rtp

This exhibit documents proposed amendments to the 2023 Regional Transportation Plan to reflect the Montgomery Park Streetcar Extension Project Locally Preferred Alternative endorsed by the Joint Policy Advisory Committee on Transportation and the Metro Council in July 2025.

The amendments are shown in red ~~strikethrough~~ and underscore and include:

- Appendix CC: Montgomery Park Streetcar Extension Project LPA ***(new)***
- Chapter 3: System Policies to Achieve Our Vision
- Chapter 5: Our Transportation Funding Outlook
- Chapter 6: Regional Programs Projects to Achieve Our Vision
- Appendix A: Financially Constrained List of Projects and Programs
- Appendix W: Status of current major projects
- Appendix V: Future corridor refinement planning

Metro and regional partners have made significant progress on this project and are ready to take the next step in moving forward into project development and pursuing funding opportunities. To be eligible for federal and state funding, the Locally Preferred Alternative (LPA) must be adopted in the RTP. The requested amendments will bring the Montgomery Park Streetcar Project LPA into the 2023 RTP to support the project moving forward into project development and make the project eligible to compete for federal and state funding opportunities now.

Photo courtesy of the Portland Bureau of Transportation (PBOT)

APPENDIX CC

2023 Regional Transportation Plan

Montgomery Park Streetcar Extension Locally Preferred Alternative

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Montgomery Park Transit Project

Recommended Locally Preferred Alternative | September 2024

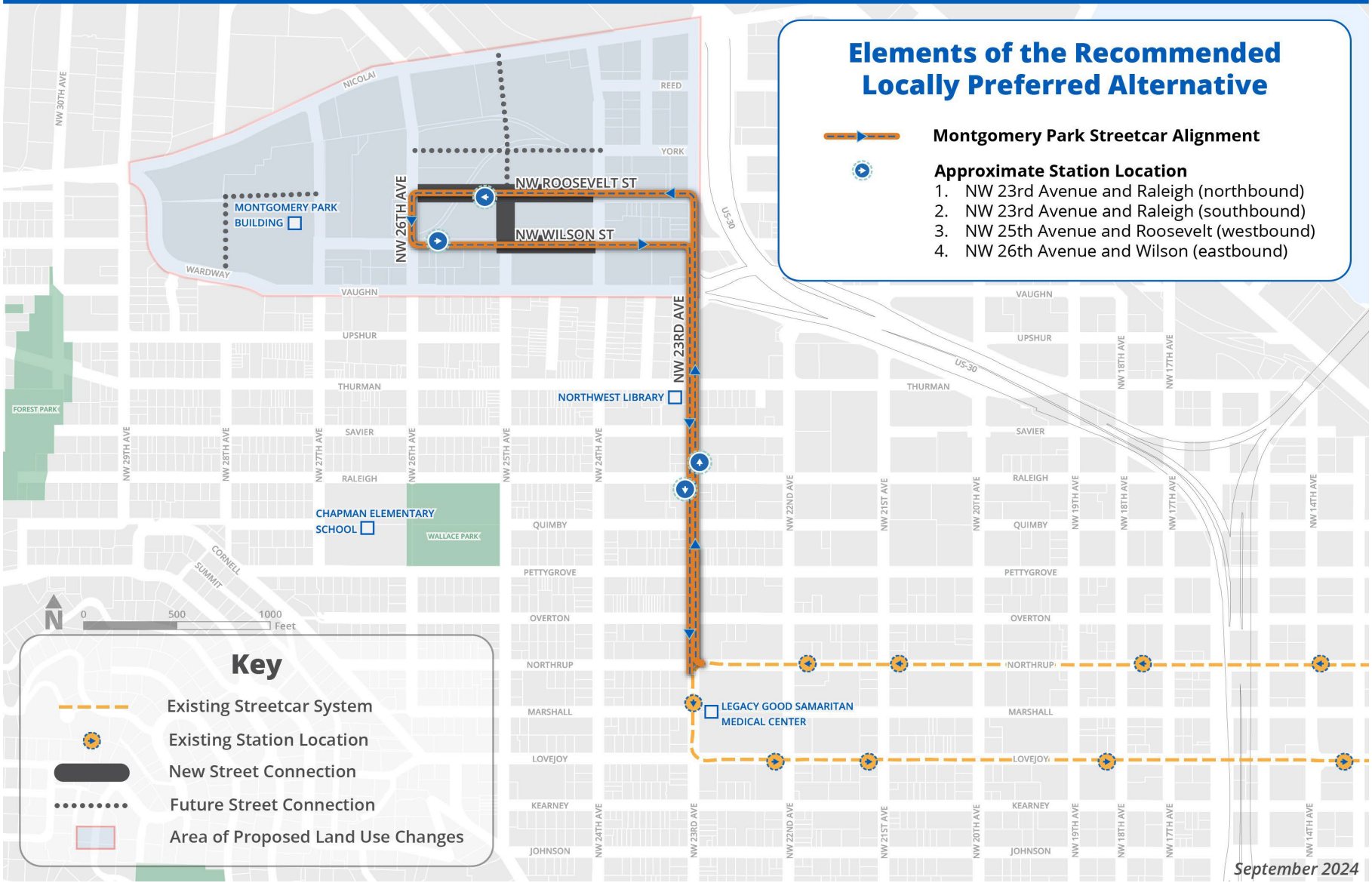
PBOT
PORTLAND BUREAU OF TRANSPORTATION

The recommended Locally Preferred Alternative for high capacity transit to the Montgomery Park Area is streetcar transit with stations at the locations indicated on the attached map, operating as a .65 one-way route mile extension of the existing Portland Streetcar North-South (NS) Line from its existing terminus at NW 23rd Avenue and NW Northrup Street to a new terminus at NW 26th Avenue and NW Wilson Street near the Montgomery Park building in Northwest Portland. This extension will allow the NS Line to operate between the Montgomery Park Building and the South Waterfront. The route extension will operate on NW 23rd Avenue, as well as on a new one-way parallel couplet using NW Roosevelt Street, NW 26th Avenue, and NW Wilson Street.

Montgomery Park Transit Project

RECOMMENDED LOCALLY PREFERRED ALTERNATIVE

PBOT
PORTLAND BUREAU OF TRANSPORTATION



September 2024

Proposed amendments to 2023 Regional Transportation Plan Chapter 3

Amend Figure 3.24 Regional Transit Network Map to:

Revise the extent of Montgomery Park Streetcar to include NW Roosevelt Street between NW 26th Avenue and NW 23rd Avenue and on NW 23rd Avenue and NW 26th Avenue between NW Roosevelt and NW Wilson Streets to match the Locally Preferred Alternative.

Proposed amendments to 2023 Regional Transportation Plan Chapter 5

- Update **Figure 5.2 Flow of transportation revenues into the greater Portland region** to:
    - add $57,500,000 to assumed "Regional and Local Sources $39 billion",
    - add $57,500,000 to assumed "Federal Sources $15 billion", and
    - add $115,000,000 to the "Transit Capital $4.6B" total
    - add to figure "Source" note "*additional Federal, state, and local dedicated funding from new revenue sources identified as part of the transit project Locally Preferred Alternative(s) (not accounted for in the revenue forecast)*".
- Update **Figure 5.4: Federal transportation revenue sources in the 2023 RTP** to add $57,500,000.
- Update **Figure 5.6: Regional transportation revenue sources in the 2023 RTP** to add $10,000,000.
- Update **Figure 5.7: Local transportation revenue sources in the 2023 RTP** to add $48,500,000.
- Update **Table 5.5 RTP constrained revenue forecast for capital projects, 2023 to 2045 (YOE$)** to reflect the addition of $115,000,000 in revenue:
    - add a new row "*Additional Federal, state, and local dedicated funding from new revenue sources available identified as part of recent transit project Locally Preferred Alternative processes (not accounted for above)*",
    - update "Total revenues available for capital projects in the 2023 RTP: $28,130.45", and
    - update page 5-26 paragraph 1 text to reflect updates to Table 5.5 totals.
- Update **Figure 5.9 2023 RTP total anticipated spending by investment category (YOE$)** to add $115,000,000 to "27.9B Capital Project Spending" and "69.3B Total RTP anticipated spending".
- Update **Figure 5.10 Total anticipated capital and O&M investment spending, FY 2024 to FY 2045 (YOE$)** to add $115,000,000 to "69.3 billion 2023-2045 RTP Constrained List".
- Update **Table 5.7 Estimated costs for RTP Constrained Project List in YOE$, 2023-2045** to:
    - add $115,000,000 to:
        - "Transit Capital Investments (YOE$) Near Term 2023-2030: 1,575,610,000",

        - "Transit Capital Investments (YOE$) Total 2023-2045: 4,647,590,000",
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Near Term 2023-2030: 8.57 billion",
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Total 2023-2045: 27.87 billion",
        - "Total estimated RTP Costs (YOE$) Near Term 2023-2030: 19.07 billion", and
        - "Total estimated RTP Costs (YOE$) Total 2023-2045: 69.3 billion".
- Update **Figure 5.11: Cost and number of RTP constrained capital projects by investment area (YOE$)** to add $115,000,000 to "Transit Capital $4.6B"
- Update **Figure 5.12: Number and type of RTP constrained capital projects by project cost (YOE$)** to reflect the $115,000,000 project cost increase (show one less project at $25-$100M and one more project at $100M - $1B).
- Update **Table 5.8: Demonstration of financial constraint of the 2023 RTP, 2023-2045 (YOE$)** to add $115,000,000:
    - to "Capital projects Constrained revenues: $28,130,454,000",
    - to "Capital projects Constrained costs: $27,872,866,000",
    - to "Total Constrained revenues: $70,385,197,000",
    - to "Total Constrained costs: $69,320,668,000",
    - by updating the table note to reflect the new revenue sources, and
    - by updating page 5-34 paragraph 1 text to reflect updates to Table 5.8 totals.
- Update **Table 5.10: Transit-related revenue forecast compared to total costs, 2023 - 2045 (YOE$)** to add $115,000,000:
    - to "Capital projects Constrained revenues: $4,852,550,000",
    - to "Capital projects Constrained costs: $4,647,590,000",
    - to "Total Constrained revenues: $31,067,993,000",
    - to "Total Constrained costs: $30,810,703,000", and
    - by updating the table note to reflect the new revenue sources.

Proposed amendments to 2023 Regional Transportation Plan Chapter 6

- Update **Figure 6.3: Map of RTP Financially Constrained Projects, 2023-2045** to add $115,000,000 to "27.9B Capital Project Spending" and reflect the $115,000,000 project cost increase (show one less project at $25-$100M and one more project at $100M - $1B in the table and in project #11319 symbology).
- Update **Table 6.3 : Estimated costs for Constrained RTP Project List** to:
    - add $115,000,000 to:
        - "Transit Capital Near Term 2023-2030: $1.58 billion",
        - "Transit Capital Total 2023-2045: $4.65 billion",
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Near Term 2023-2030: 8.57 billion",
        - "RTP Capital Projects and Programs (YOE$) Total Estimated RTP Costs (YOE$) Total 2023-2045: 27.87 billion",
        - "Total estimated RTP Costs (YOE$) Near Term 2023-2030: 19.07 billion", and
        - "Total estimated RTP Costs (YOE$) Total 2023-2045: 69.3 billion".
- Update **Figure 6.4: Total estimated investment by 2045 (YOE$)** to add $115,000,000 to "27.9B Capital Project Spending" and "69.3B Total RTP anticipated spending".
    - Update page 6-16 paragraph 1 to reflect these updates to Figure 6.4 totals.
- Update **Figure 6.5: Greater Portland region: Cost range of RTP constrained list projects by investment category, 2023-2045** to reflect the $115,000,000 project cost increase (show one less project at $25-$100M and one more project at $100M - $1B)
- Update **Figure 6.6: Greater Portland region: Cost and number of RTP constrained list projects by investment category, 2023-2045** to add $115,000,000 to "Transit Capital $4.6B"
- Update **Figure 6.8: TriMet: Cost and number of RTP constrained list capital projects by investment category, 2023-2045** to add $115,000,000 to "$4.33B total constrained capital RTP spending [YOE $]"
- Update **Figure 6.14: Map of RTP constrained list capital projects in Multnomah County, 2023-2045** to reflect the $115,000,000 project cost increase (in project #11319 symbology).
- Update **Table 6.5: Summary of RTP constrained list transit capital projects and planned service** to add $115,000,000 to "Estimated capital cost in YOE dollars Near-term Constrained List (2023-2030): $1.58 billion".

- Update **Figure 6.18: Greater Portland region: Map of RTP constrained list transit capital projects and planned service, 2030** to revise the extent of project #11319 to include NW Roosevelt Street between NW 26th Avenue and NW 23rd Avenue and on NW 23rd Avenue and NW 26th Avenue between NW Roosevelt and NW Wilson Streets to match the Locally Preferred Alternative.
- Update **Figure 6.19: Greater Portland region: Map of RTP constrained list transit capital projects and planned service, 2045** to revise the extent of project #11319 to include NW Roosevelt Street between NW 26th Avenue and NW 23rd Avenue and on NW 23rd Avenue and NW 26th Avenue between NW Roosevelt and NW Wilson Streets to match the Locally Preferred Alternative.
- Update **Figure 6.26: Greater Portland region: Map of RTP constrained project list equity priorities, 2023-2045** to reflect the $115,000,000 project cost increase (in project #11319 symbology).
- Update **6.28: Greater Portland region: Map of RTP constrained project list climate pollution reduction priorities, 2023-2045** to reflect the $115,000,000 project cost increase (in project #11319 symbology).
- Update **Figure 6.29: Greater Portland region: Map of RTP constrained project list mobility priorities, 2023-2045** to reflect the $115,000,000 project cost increase (in project #11319 symbology).
- Update **Figure 6.30: Greater Portland region: Map of RTP constrained project list economic development priorities, 2023-2045** to reflect the $115,000,000 project cost increase (in project #11319 symbology).

Proposed Amendments to Appendix A to the 2023 Regional Transportation Plan
(shown in red ~~strikethrough~~ and underscore)
Financially Constrained List of Projects and Programs

RTP Investment Category	County or counties	Nominating Agency	Primary Owner	RTP ID	Project Name	Start Location	End Location	Description	Estimated cost (in YOE dollars)	Time Period	Financially Constrained
Transit - High Capacity	Multnomah County	TriMet	City of Portland ~~Streetcar, inc~~	11319	HCT: Streetcar Montgomery Park Extension	NW Lovejoy/Northrup	Montgomery Park	Extend streetcar from NW Lovejoy/Northrup to Montgomery Park, construct associated local street improvements, and purchase streetcar vehicles.	$ ~~80,000,000~~ 195,000,000	2023-2030	Yes

Projects submitted to RTP by nominating agency.

Download the project data in excel at: www.oregonmetro.gov/rtp

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Proposed Amendments to Appendix W to the 2023 Regional Transportation Plan (shown in red ~~strikethrough~~ and underscore)

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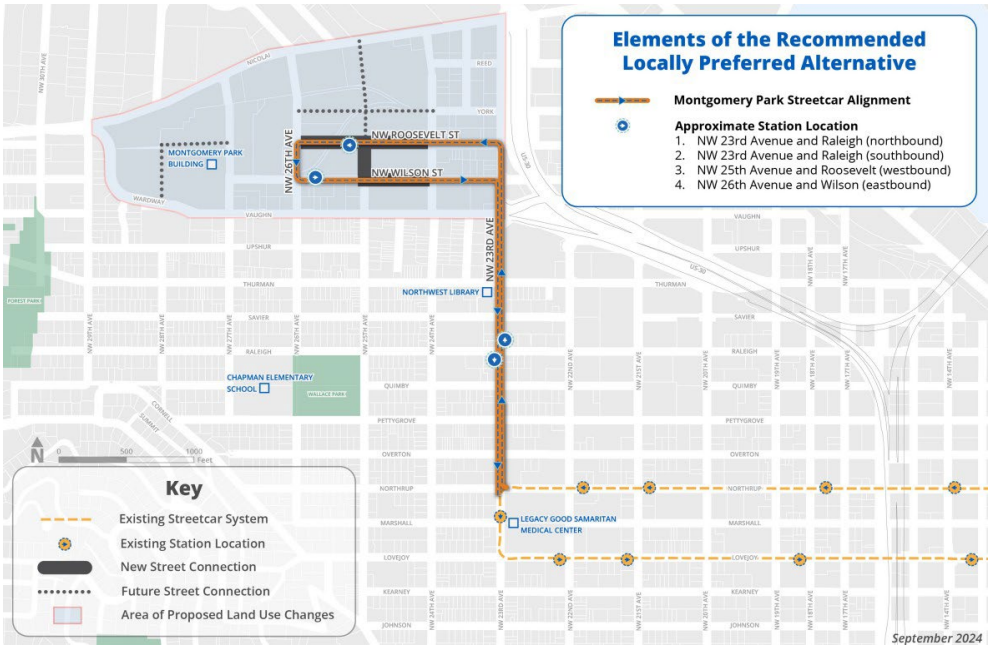
Montgomery Park Streetcar Extension

In 2019, a Federal Transit Administration transit-oriented development planning grant helped fund the City of Portland's Montgomery Park Area Plan. That plan identified the Montgomery Park Streetcar Extension Project which will extend the existing Portland Streetcar North-South Line 0.65 miles one-way (1.3 miles round trip) from its existing terminus at NW 23rd Avenue and NW Northrup Street to a new terminus at NW 26th Avenue and NW Wilson Street near Montgomery Park in Northwest Portland. In addition to spurring transit-oriented development, the project is intended to serve as a critical single occupancy vehicle trip demand mitigation tool as the area redevelops over time. As such, it also includes improvements to the pedestrian and bicycle network to support non-driving options within, to, from, and through the new district.

The project will support dense, equitable transit-oriented development west of US-30 between NW Nicolai and NW Vaughn streets, where predominantly vacant, low-density industrial land recently underwent land use changes to employment- and housing-focused mixed uses. The project will also support several indirect public benefits for the area through a Public Benefits Agreement between the City of Portland, property owners in the area, and Portland Streetcar, Inc, including new affordable housing, new middle-wage jobs on-site, a new public park, affordable commercial opportunities, and the commemoration of York through public art.

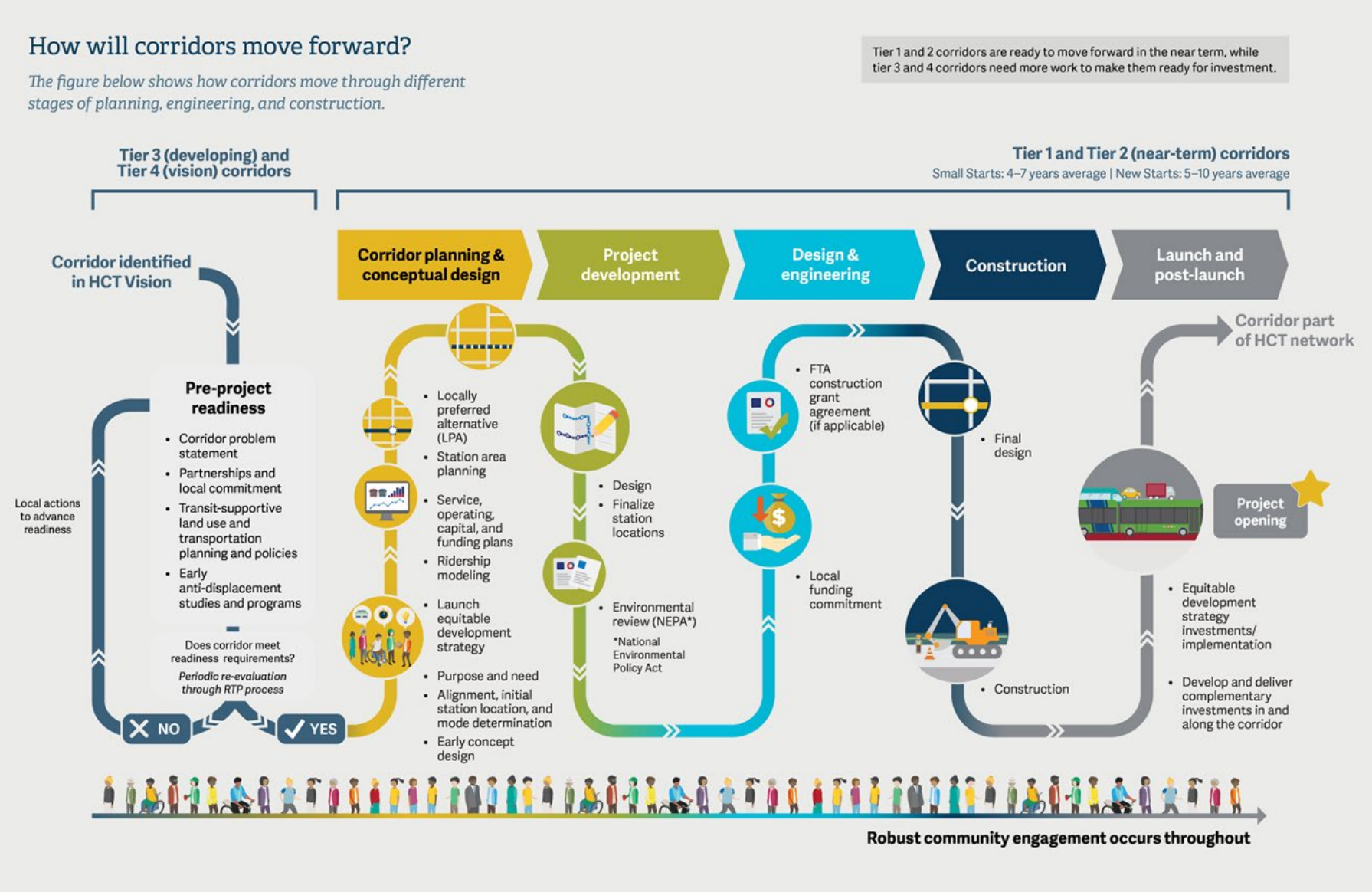
The Portland City Council unanimously endorsed the LPA in December 2024 and as recommended by JPACT, Metro Council also endorsed the LPA in July 31, 2025. Next steps for the project include completing NEPA environmental review, advancing preliminary engineering and design, developing a finance plan, and preparing construction documents. Based on the current timeline, the project is estimated to open in Summer 2030.

Figure W.11: Montgomery Park Streetcar Extension Locally Preferred Alternative



Attachment 5

High Capacity Transit Project Development Lifecycle



Agenda #: 5.1

File #: ORD 25-1535 **Agenda Date:**12/18/2025

Ordinance No. 25-1535 For the Purpose of Amending Metro Code Chapters 3.07 and 3.09 to Make Housekeeping Updates, Modernize Public Notice Methods, Incorporate Plain Language Best Practices, and Implement New Statutory Metro District Annexation Requirements

Glen Hamburg (he/him), Senior Regional Planner

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 3.07 AND 3.09 TO MAKE HOUSEKEEPING UPDATES, MODERNIZE PUBLIC NOTICE METHODS, INCORPORATE PLAIN LANGUAGE BEST PRACTICES, AND IMPLEMENT NEW STATUTORY METRO DISTRICT ANNEXATION REQUIREMENTS	)))))))	ORDINANCE NO. 25-1535 Introduced by Chief Operating Officer Marissa Madrigal with the Concurrence of Council President Lynn Peterson

WHEREAS, Metro Code chapter 3.07, *Urban Growth Management Functional Plan* (UGMFP), has requirements and recommendations for partner cities and counties, as well as for Metro itself, that advance land use policies of the Regional Framework Plan; and

WHEREAS, Metro Code chapter 3.09, *Local Government Boundary Changes*, has requirements for changes to various types of boundaries in the region, including annexations to the "Metro boundary," which is the jurisdictional boundary for Metro as a metropolitan service district under state law; and

WHEREAS, a review of these two chapters identified minor typographic errors, outdated citations, inconsistencies, and opportunities for clarification and better organization that have accumulated since the last package of "housekeeping" amendments to chapter 3.07 was adopted in 2015, and since chapter 3.09 was last amended in 2012; and

WHEREAS, Metro Council Resolution No. 22-5293 directs that, whenever a Metro Code chapter is amended for any purpose, the chapter also be amended as necessary to incorporate inclusive and plain language best practices that emphasize accessibility and readability, appropriately address all audiences, and remove biases; and

WHEREAS, the Oregon Land Conservation and Development Commission recently adopted amendments to Oregon Administrative Rules chapter 660, division 23 requiring Metro to provide notice of hearings on proposed amendments to Metro's urban growth boundary (UGB) directly to Tribes, and those procedural requirements warrant codification in UGMFP Title 14, *Urban Growth Boundary*; and

WHEREAS, other UGMFP titles, including Title 7, *Housing Choice*, Title 11, *Planning for New Urban Areas*, and Title 13, *Nature in Neighborhoods*, include provisions that were either time-limited and already no longer in force, or that have been made redundant by recent changes in state law, and should therefore be repealed; and

WHEREAS, amendments to chapter 3.09 can further clarify that Metro Code does not prohibit hookups to utility lines that already exist outside the UGB, or extension of lines that already exist outside the UGB to serve rural properties, while deferring to state restrictions on and allowances for extension of utility services to and through areas outside of the UGB; and

WHEREAS, chapter 1, section 3 of the Metro Charter states that changes to the Metro boundary are not effective unless approved by ordinance; and

WHEREAS, Oregon House Bill 2356 of the 2025 legislative session amended Oregon Revised Statutes chapter 268 to provide that, when a city within the Metro UGB annexes a territory on or after January 1, 2026, and that territory is within the Metro UGB, the territory is annexed to the Metro district without further proceedings; and

WHEREAS, public awareness of proposed UGB amendments and Metro boundary annexations can be improved by requiring notice of such actions be posted on Metro's website, while costs, including those borne by applicants for annexation to the Metro boundary, can be reduced by repealing certain requirements for printing and posting of plastic notice signs and publication of notices in a newspaper; and

WHEREAS, the amendments to the Metro Code shown in Exhibit A are consistent with applicable state and Metro requirements, for the reasons detailed in the findings included in Exhibit B; and

WHEREAS, the Metro Technical Advisory Committee voted on October 15, 2025, to recommend to the Metro Policy Advisory Committee (MPAC) that the amendments in Exhibit A be recommended for adoption by the Metro Council; and

WHEREAS, MPAC voted on November 19, 2025, to recommend that the amendments in Exhibit A be adopted by the Metro Council; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code chapter 3.07, *Urban Growth Management Functional Plan*, and chapter 3.09, *Local Government Boundary Changes*, are hereby amended as shown in Exhibit A, attached to and incorporated into this ordinance.

2. As provided by ORS chapter 268, when a city within the Metro UGB annexes a territory on or after January 1, 2026, and that territory is within the Metro UGB, the territory is annexed to the Metro boundary without further proceedings.

3. The Findings of Fact and Conclusions of Law in Exhibit B, attached to and incorporated into this ordinance, demonstrate compliance with applicable state and Metro requirements.

ADOPTED by the Metro Council this ___ day of December 2025.

_____
Lynn Peterson, Council President

Attest:

_____
Georgia Langer, Recording Secretary

Approved as to form:

_____
Carrie MacLaren, Metro Attorney

Chapters 3.07 and 3.09 of the Metro Code are amended as follows, with underlined text representing inserted text and ~~strikethrough~~ representing deleted text:

Chapter 3.07 – Title 1, *Housing Capacity*

~~**REGIONAL FUNCTIONAL PLAN REQUIREMENTS**~~

Title 1: ~~Housing Capacity~~HOUSING CAPACITY

3.07.110 Purpose and Intent

The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of ~~Title 1~~this title to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120. [Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 1. Ord. 10-1244B, Sec. 2.]

3.07.120 Housing Capacity

(a) A city or county may reduce the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection (d) or (e) of this section. A city or county may reduce its minimum zoned capacity in other locations under subsections (c), (d) or (e) of this section.

(b) Each city and county ~~shall~~ must adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(gg). If a city or county has not adopted a minimum density for such a zone prior to March 16, 2011, the city or county ~~shall~~ must adopt a minimum density that is at least 80 percent of the maximum density.

(c) A city or county may reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned capacity by an equal or greater amount in other places where the increase is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS ~~197.299~~197A.350:

(1) Reduce the minimum dwelling unit density, described in subsection (b) of this section, for one or more zones;

(2) Revise the development criteria or standards for one or more zones; or

(3) Change its zoning map such that the city's or county's minimum zoned capacity would be reduced.

Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity.

(d) A city or county may reduce the minimum zoned capacity of a zone without increasing minimum zoned capacity in another zone ~~for one or more of the following purposes~~:

(1) To re-zone the area to allow industrial use under Title 4 of this chapter, *Industrial and Other Employment Areas*, or an educational or medical facility similar in scale to those listed in section 3.07.1340(d)(5)(B)(i) ~~of Title 13 of this chapter~~; or

(2) To protect natural resources pursuant to Title~~s~~ 3 ~~or 13~~ of this chapter, *Water Quality and Flood Management*, or pursuant to section 3.07.1330(h).

(e) A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.

(f) A city or county may amend its comprehensive plan and land use regulations to transfer minimum zoned capacity to another city or county upon a demonstration that:

(1) A transfer between designated Centers, Corridors or Station Communities does not result in a net reduction in the minimum zoned capacities of the Centers, Corridors or Station Communities involved in the transfer; and

(2) The increase in minimum zoned capacity is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197A.~~299~~362.

(g) A city or county ~~shall~~ must authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes. [Ord. 97-715B, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 02-969B, Sec. 1. Ord. 07-1137A, Sec. 1. Ord. 10-1244B, Sec. 2. Ord. 15-1357.]

Title 3: ~~Water Quality And Flood Management~~WATER QUALITY AND FLOOD MANAGEMENT

3.07.310 Purpose and Intent

The Regional Framework Plan calls for maintaining watershed health to benefit people, fish and wildlife. It is the purpose and intent of this title to ~~To~~ protect ~~the~~ beneficial water uses, and functions and values of water resources, within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 05-1077C, Sec. 6.]

3.07.320 Applicability

(a) ~~Title 3~~This title applies to:

(1) Development in Water Quality Resource and Flood Management Areas.

(2) Development which may cause temporary or permanent erosion on any property within the Metro ~~Boundary~~boundary.

(b) ~~Title 3~~This title does not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with the performance standards in ~~Section~~ section 3.07.340. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 05-1077C, Sec. 6.]

3.07.330 Implementation Alternatives for Cities and Counties

(a) Cities and counties ~~shall~~ must comply with this title in one of the following ways:

(1) Amend their comprehensive plans and implementing ordinances or regulations to: adopt all or part of the *Title 3 Model Ordinance* (adopted as Exhibit C to Metro Council Ordinance No. 98-730C) or code language that substantially complies with the performance standards in ~~Section~~ section 3.07.340 and the intent of this title~~,~~; and adopt either the *Metro Water Quality and Flood Management Area Map* (adopted as Exhibit D to Metro Council Ordinance No. 98-730C) or a map ~~which~~ that is substantially ~~complies with the Metro map~~similar to that map. Cities and counties may choose one of the following options for applying this section:

(A) Adopt code language implementing this title which prevails over the ~~map~~ *Metro Water Quality and Flood Management Area Map* and uses the map as reference; or

(B) Adopt a city or county field verified map of Water Quality and Flood Management Areas based on the *Metro Water Quality and Flood*

Management ~~map~~ Map implementing this title which prevails over adopted code language.

Field verification is a process of identifying or delineating Protected Water Features, Water Quality Resource Areas and Flood Management Areas shown on the *Metro Water Quality and Flood Management Areas ~~map~~Map*. This process includes examination of information such as site visit reports, wetlands inventory maps, aerial photographs, and public input and review. The field verification process ~~shall~~ must result in a locally adopted ~~W~~water ~~Q~~quality and ~~F~~flood ~~M~~management ~~A~~areas map ~~which~~ that:

(i) Applies the ~~Title 10~~ definitions of "Protected Water Feature," "Water Quality Resource Areas" and "Flood Management Areas" in Title 10 of this chapter, *Urban Growth Management Functional Plan Definitions*, to all those protected areas on the *Metro Water Quality and Flood Management Areas ~~map~~ Map* to show the specific boundaries of those protected areas on ~~the~~ a locally adopted ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Areas~~ areas map; and

(ii) Is subject to amendment by applying adopted code language to add Protected Water Features, Water Quality Resource Areas and ~~and~~ to correct errors in ~~the~~ a locally adopted ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Areas~~ areas map consistent with ~~Section~~ section 3.07.330(d).

(2) Demonstrate that existing city and county comprehensive plans and implementing ordinances or regulations substantially comply with the performance standards in ~~Section~~ section 3.07.340 and the intent of this title.

(3) Any combination of paragraphs (1) and (2) above that substantially complies with all performance standards in ~~Section~~ section 3.07.340.

(b) Cities and counties ~~shall~~ must hold at least one public hearing prior to adopting comprehensive plan amendments, ordinances or regulations and maps implementing the performance standards in ~~Section~~ section 3.07.340 ~~of this title~~ or demonstrating that existing city or county comprehensive plans and implementing ordinances or regulations substantially comply with ~~Section~~ section 3.07.340, to add ~~Protected~~ protected ~~Water~~ water ~~Features~~features~~,~~ and wetlands ~~which~~ that meet the criteria in ~~Section~~ section 3.07.340(e)(3), to their ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Area~~ areas map. The proposed comprehensive plan amendments, implementing ordinances or regulations and maps shall be available for public review at least 45 days prior to the public hearing.

(c) Cities and counties ~~shall~~ must conduct a review of their ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Areas~~ areas map concurrent with local periodic review required by ORS 197.629.

(d) Some areas which would otherwise be mapped as Protected Water Features, Water Quality Resource Areas and Flood Management Areas do not appear on the *Metro Water Quality and Flood Management Areas ~~map~~ Map* because streams had been culverted, wetlands had been filled or a fill permit had been approved, or the area was demonstrated to have existing conflicting water dependent uses, or existing plans or agreements for such uses, or the area was developed or committed to other uses.

Notwithstanding any other provision of this title, cities and counties are not required to establish Protected Water Features, Water Quality Resource Areas and Flood Management Areas through adopted code provisions or mapping for areas which were examined but not included on the *Metro Water Quality and Flood Management Areas ~~map~~ Map*~~adopted by the Metro Council~~. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 15-1357.]

3.07.340 Performance Standards

(a) Flood Management Performance Standards.

(1) The purpose of ~~these standards~~ this subsection (a) is to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

(2) All development, excavation and fill in the Flood Management Areas ~~shall~~ must conform to the following performance standards:

(A) Development, excavation and fill ~~shall~~ must be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(B) All fill placed at or below the design flood elevation in Flood Management Areas ~~shall~~ must be balanced with at least an equal amount of soil material removal.

(C) Excavation ~~shall~~ must not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(D) Minimum finished floor elevations for new habitable structures in the Flood Management Areas ~~shall~~ must be at least one foot above the design flood elevation.

(E) Temporary fills that were permitted during construction ~~shall~~ must be removed.

(F) Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (DEQ) in the Flood Management Area ~~shall~~ must be prohibited.

(3) The following uses and activities are not subject to the requirements of this subsection ~~(2)~~:

(A) Excavation and fill necessary to plant new trees or vegetation.

(B) Excavation and fill required for the construction of detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees ~~shall~~ must not be used to create vacant buildable lands.

(C) New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects or designed to not significantly raise the design flood elevation. Such projects ~~shall~~ must be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossing ~~shall~~ must be as close to perpendicular to the stream as practicable. Bridges ~~shall~~ must be used instead of culverts wherever practicable.

(b) Water Quality Performance Standards.

(1) The purpose of ~~these standards~~ this subsection (b) is to: ~~1)~~ protect and improve water quality to support ~~the~~ designated beneficial water uses as defined in Title 10, *Urban Growth Management Functional Plan Definitions*, of this chapter; and ~~2)~~ protect the functions and values of ~~the~~ Water Quality Resource Areas which include, but are not limited to:

(A) Providing a vegetated corridor to separate Protected Water Features from development;

(B) Maintaining or reducing stream temperatures;

(C) Maintaining natural stream corridors;

(D) Minimizing erosion, nutrient and pollutant loading into water;

(E) Filtering, infiltration and natural water purification; and

(F) Stabilizing slopes to prevent landslides contributing to sedimentation of water features.

(2) Local codes ~~shall~~ must require all development in Water Quality Resource Areas to conform to the following performance standards:

(A) The Water Quality Resource Area is the vegetated corridor and the ~~Protected~~ protected ~~Water~~ water ~~Feature~~feature. The width of the vegetated corridor is specified in Table 3.07-3, *Protected Water Features*. At least three slope measurements along the water feature, at no more than 100-foot increments, ~~shall~~ must be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary.

(B) Water Quality Resource Areas ~~shall~~ must be protected, maintained, enhanced or restored as specified in ~~Section 3.07.340(b)(2)~~this paragraph (2).

(C) Prohibit development that will have a significant negative impact on the functions and values of the Water Quality Resource Area, which

cannot be mitigated in accordance with ~~subsection~~ paragraph (2)(F) of this subsection.

(D) Native vegetation ~~shall~~ must be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area. Invasive non-native or noxious vegetation may be removed from the Water Quality Resource Area. Use of native vegetation ~~shall~~ must be encouraged to enhance or restore the Water Quality Resource Area. This ~~shall~~ does not preclude construction of energy dissipaters at outfalls consistent with watershed enhancement, and as approved by local surface water management agencies.

(E) Uncontained areas of hazardous materials as defined by DEQ in ~~the~~ a Water Quality Resource Area ~~shall~~ must be prohibited.

(F) Cities and counties may allow development in Water Quality Resource Areas provided that the governing body, or its designate, implements procedures which:

(i) Demonstrate that no practicable alternatives to the requested development exist which will not disturb the Water Quality Resource Area; and

(ii) If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use; and

(iii) Where the development occurs, require mitigation to ensure that the functions and values of the Water Quality Resource Area are restored.

(G) Cities and counties may allow development for repair, replacement or improvement of utility facilities so long as the Water Quality Resource Area is restored consistent with ~~Section~~ paragraph (2)(D) ~~3.07.340(b)(2)(D)~~of this subsection.

(H) The performance standards of ~~Section~~ paragraph ~~3.07.340(b)~~(2) of this subsection do not apply to routine repair and maintenance of existing structures, roadways, driveways, utilities, accessory uses and other development.

(3) For lots or parcels which are fully or predominantly within the Water Quality Resource Area and are demonstrated to be unbuildable by the vegetative corridor regulations, cities and counties ~~shall~~ must reduce or remove vegetative corridor regulations to assure the lot or parcel will be buildable while still providing the maximum vegetated corridor practicable. Cities and counties ~~shall~~ must encourage landowners to voluntarily protect these areas through various means, such as conservation easements and incentive programs.

(c) Erosion and Sediment Control.

(1) The purpose of this subsection (c) is to require erosion prevention measures and sediment control practices during and after construction to prevent the discharge of sediments.

(2) Erosion prevention techniques ~~shall~~ must be designed to prevent visible and measurable erosion as defined in Title 10 of this chapter, *Urban Growth Management Functional Plan Definitions*.

(3) To the extent erosion cannot be completely prevented, sediment control measures ~~shall~~ must be designed to capture, and retain on-site, soil particles that have become dislodged by erosion.

(d) Implementation Tools to Protect Water Quality and Flood Management Areas.

(1) Cities and counties ~~shall~~ must either: adopt land use regulations~~,~~ which authorize transfer of permitted units and floor area to mitigate the effects of development restrictions in Water Quality and Flood Management Areas~~,~~; or adopt other measures that mitigate the effects of development restrictions.

(2) Metro encourages ~~local governments~~cities and counties to require that approvals of applications for partitions, subdivisions and design review actions be conditioned upon one of the following:

(A) Protection of Water Quality and Flood Management Areas with a conservation easement;

(B) Platting Water Quality and Flood Management Areas as common open space; or

(C) Offer of sale or donation of property to public agencies or private non-profits for preservation where feasible.

(3) Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development in the Water Quality and Flood Management Area may be allowed provided that:

(A) The addition, alteration, rehabilitation or replacement is not inconsistent with applicable city and county regulations~~,~~; ~~and~~

(B) The addition, alteration, rehabilitation or replacement does not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways or accessory uses and development~~,~~; and

(C) The addition, alteration, rehabilitation or replacement satisfies ~~Section~~ the requirements in subsection (c) ~~3.07.340(c)~~ of this section~~title~~.

(D) In determining appropriate conditions of approval, the affected city or county ~~shall~~ must require the applicant to:

(i) Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; ~~and~~

(ii) If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and

(iii) Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

(4) Cities and counties may choose not to apply the Water Quality and Flood Management Area performance standards of ~~Section 3.07.340~~this section to development necessary for the placement of structures when it does not require a grading or building permit.

(5) Metro encourages cities and counties to provide for restoration and enhancement of degraded Water Quality Resource Areas through conditions of approval when development is proposed, or through incentives or other means.

(6) Cities and counties ~~shall~~ must apply the performance standards of this title to Title 3 Wetlands ~~as~~ shown on the *Metro Water Quality and Flood Management Areas Map* and locally adopted ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Areas~~ areas maps. Cities and counties may also apply the performance standards of this title to other wetlands.

(e) Map Administration.

Cities and counties ~~shall~~ must amend their comprehensive plans and implementing ordinances or regulations to provide a process for each of the following:

(1) Amendments to city- and ~~county~~ county-adopted ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Area~~ area maps to correct the location of Protected Water Features, Water Quality Resource Areas and Flood Management Areas. Amendments ~~shall~~ must be initiated within 90 days of the date the city or county receives information establishing a possible map error.

(2) Modification of the Water Quality Resource Area upon demonstration that the modification will offer the same or better protection of water quality, the ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Area~~ area and ~~Protected~~ protected ~~Water~~ water ~~Feature~~feature.

(3) Amendments to city and county adopted ~~Water~~ water ~~Quality~~ quality and ~~Flood~~ flood ~~Management~~ management ~~Area~~ area maps to add Title 3

Wetlands when the city or county receives significant evidence that a wetland meets any one of the following criteria:

(A) The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or

The wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

(B) The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or

The wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

(C) The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited" water body in Oregon Administrative Rules (OAR) ~~Chapter~~ chapter 340, ~~Division~~ division 41.

Examples of significant evidence that a wetland exists that may meet the criteria above are a wetland assessment conducted using the 1996 Oregon Freshwater Wetland Assessment Methodology, or correspondence from the Oregon Division of State Lands that a wetland determination or delineation has been submitted or completed for property in the city or county.

(4) Cities and counties are not required to apply the criteria in ~~Section~~ paragraph ~~3.07.340(e)~~(3) of this subsection to water quality or stormwater detention facilities. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 05-1077C, Sec. 6. Ord. 15-1357.]

3.07.350 Fish and Wildlife Habitat Conservation Area [Repealed Ord. 05-1077C, Sec. 6.]

3.07.360 Metro Model Ordinance Required

Metro ~~shall~~ must adopt a *Water Quality and Flood Management Areas Model Ordinance* and *Water Quality and Flood Management Areas ~~map~~Map*. The *Model Ordinance* ~~shall~~ must represent one method of complying with this title. The *Model Ordinance* ~~shall~~ must be advisory, and cities and counties are not required to adopt the *Model Ordinance*, or any part thereof, to substantially comply with this title. However, cities and counties which adopt the *Model Ordinance* in its entirety and ~~a~~ the *Water Quality and Flood Management Areas Map* ~~shall~~ must be deemed to have substantially complied with the requirements of this title. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 2. Ord. 00-839, Sec. 1. Ord. 05-1077C, Sec. 6.)

3.07.370 Variances [Repealed, Ord. 05-1077C, Sec. 6]

Table 3.07-3, – *Protected Water Features*

(~~Section~~ Referenced in paragraph (2)(A) of subsection 3.07.340(b)~~(2)(A)~~)

Protected Water Feature Type (see definitions in footnotes)	**Slope Adjacent to Protected Water Feature**	**Starting Point for Measurements from Water Feature**	**Width of Vegetated Corridor**
Primary Protected Water Features[1]	< 25~~%~~ percent	• Edge of bankfull flow or ~~2~~two-year storm level; • Delineated edge of Title 3 ~~w~~Wetland	50 feet
Primary Protected Water Features[1]	≥ 25~~%~~ percent for 150 feet or more[5]	• Edge of bankfull flow or ~~2~~two-year storm level; • Delineated edge of Title 3 ~~w~~Wetland	200 feet
Primary Protected Water Features[1]	≥ 25~~%~~ percent for less than 150 feet[5]	• Edge of bankfull flow or ~~2~~two-year storm level; • Delineated edge of Title 3 ~~w~~Wetland	Distance from starting point of measurement to top of ravine (break in ≥25~~%~~ percent slope)[3], plus 50 feet.[4]
Secondary Protected Water Features[2]	< 25~~%~~ percent	• Edge of bankfull flow or ~~2~~two-year storm level; • Delineated edge of Title 3 ~~w~~Wetland	15 feet
Secondary Protected Water Features[2]	≥ 25~~%~~percent[5]	• Edge of bankfull flow or ~~2~~two-year storm level; • Delineated edge of Title 3 ~~w~~Wetland	50 feet

1 Primary Protected Water Features include: all rivers, perennial streams, and streams draining greater than 100 acres, Title 3 ~~w~~Wetlands, natural lakes and springs.

2 Secondary Protected Water Features include intermittent streams draining 50-100 acres.

3 Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the ≥ 25~~%~~ percent slope (see slope measurement in the Appendix to Exhibit A to Metro Council Ordinance No. 98-730C).

4 A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25~~%~~ percent (top of ravine).

[5] Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the *uphill* direction from the protected water feature. [Ord. 98-730C, Sec. 1.]

Title 6: ~~Centers, Corridors, Station Communities and Main Streets~~CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS

3.07.610 Purpose and Intent

The Regional Framework Plan (RFP) identifies three types of Centers – the Central City, Regional Centers and Town Centers – Corridors, Main Streets and Station Communities throughout the region on the 2040 Growth Concept Map and recognizes them as the principal centers of urban life in the region. Pursuant to Oregon Administrative Rules (OAR) 660-012-0012(4)(d), ~~Title 6~~this title requires cities and counties to define the boundaries of Centers for which they have adopted urban land use plan designations in their comprehensive plans. To enhance the intended role of the Centers, Corridors, Main Streets and Station Communities in the region, ~~Title 6~~this title also calls for voluntary actions and investments by cities and counties, complemented by regional investments. A "regional investment" is: an investment in a new high-capacity transit line; or a designated regional investment in a grant or funding program that is either administered by Metro or subject to Metro's approval. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5. Ord. 24-1523.]

3.07.615 Adoption of Boundaries for Centers

(a) By December 31, 2025, each city and county must adopt boundaries for all Centers identified on the 2040 Growth Concept Map for which the city or county has adopted urban land use designations in their comprehensive plan, unless portions of the Center have boundaries already adopted by another city or county with planning jurisdiction for the Center.

(b) Each city and county must adopt boundaries for any other Center identified on Metro's 2040 Growth Concept Map when the city or county designates the area of that Center for urban land uses in their comprehensive plan, unless portions of the Center have boundaries already adopted by another city or county with planning jurisdiction for the Center.

(c) Identified boundaries for Centers that are adopted pursuant to ~~Section~~ this section ~~3.07.615~~ must be located in the general area of the Center as identified on the 2040 Growth Concept Map.

(d) By February 1, 2026, cities and counties must identify to Metro the boundaries of each Center that they have adopted pursuant to ~~Section~~ this section ~~3.07.615~~ as of December 31, 2025. After December 31, 2025, cities and counties must notify Metro of any new or revised Center boundaries within 31 days of adopting those new or revised Center boundaries.

(e) Cities and counties must comply with the requirements of this section notwithstanding the generally applicable two-year ~~functional plan~~Urban Growth Management Functional Plan compliance deadline in ~~Sub~~section 3.07.810(b). [Ord. 24-1523.]

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

(a) In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county must take the following actions:

(1) Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to ~~Sub~~section 3.07.620(b);

(2) Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to ~~Sub~~section 3.07.620(c); and

(3) Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to ~~Sub~~section 3.07.620(d).

(b) The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, must:

(1) Be consistent with the general location shown in the 2040 Growth Concept Map except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;

(2) For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;

(3) For a Corridor designated for future high-capacity transit in the Regional Transportation Plan (RTP), include the area identified during the system expansion planning process in the RTP; and

(4) Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and to Metro in the manner set forth in ~~Subsection~~ section 3.07.820(a) ~~of this chapter~~.

(c) An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, must analyze the following:

(1) Physical and market conditions in the area;

(2) Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;

(3) The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;

(4) Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and

(5) For Corridors and Station Communities in areas shown as ~~Industrial Area or~~ Regionally Significant Industrial Area or Industrial Area ~~under Title 4~~on the

Title 4 Industrial and Other Employment Areas Map, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.

(d) A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street must consider the assessment completed under ~~Subsection~~ subsection ~~3.07.620~~(c) of this section and include at least the following elements:

(1) Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;

(2) Revisions to its comprehensive plan and land use regulations, if necessary, to allow:

(A) In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in ~~Section~~ section 3.07.640; and

(B) In Corridors and those Station Communities in areas shown as ~~Industrial Area or~~ Regionally Significant Industrial Area or Industrial Area~~in Title 4 of this chapter~~ on the *Title 4 Industrial and Other Employment Areas Map*, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;

(3) Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and

(4) A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to ~~Subsections~~ sections 3.08.230(a) and (b) of chapter 3.08, *the* ~~RTFP~~*Regional Transportation Functional Plan*, that includes:

(A) The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1, *Transportation System Design*, of ~~the RTFP~~chapter 3.08;

(B) A transportation system or demand management plan consistent with ~~Section~~ section 3.08.160 of ~~the RTFP~~chapter 3.08; and

(C) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with ~~Section~~ section 3.08.410 of ~~the RTFP~~chapter 3.08.

(e) A city or county that has completed all or some of the requirements of ~~Subsections~~ subsections ~~3.07.620~~(b), (c), and (d) of this section may seek recognition of that compliance from Metro by written request to the COO.

(f) Compliance with the requirements of this section is not a prerequisite to:

(1) Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or

(2) Investments in areas other than Centers, Corridors, Station Communities and Main Streets. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5. Ord. 24-1523.]

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

(a) A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:

(1) Established a boundary pursuant to ~~Subsection~~ section 3.07.620(b); and

(2) Adopted land use regulations to allow the mix and intensity of uses specified in ~~Section~~ section 3.07.640.

(b) A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:

(1) Established a boundary pursuant to ~~Subsection~~ section 3.07.620(b);

(2) Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in ~~Section~~ section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and

(3) Adopted a plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to ~~Subsections~~ sections 3.08.230(a) and (b)of ~~the RTFP~~chapter 3.08, that includes:

(A) Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1, *Transportation System Design*, of ~~the RTFP~~chapter 3.08;

(B) A transportation system or demand management plan consistent with ~~Section~~ section 3.08.160 of ~~the RTFP~~chapter 3.08; and

(C) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of ~~the RTFP~~chapter 3.08. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5. Ord. 24-1523.]

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

(a) Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:

(1) Central City - 250 persons

(2) Regional Centers - 60 persons

(3) Station Communities - 45 persons

(4) Corridors - 45 persons

(5) Town Centers - 40 persons

(6) Main Streets - 39 persons

(b) Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:

(1) The amenities identified in the most current version of the *State of the Centers: Investing in Our Communities*, such as grocery stores and restaurants;

(2) Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;

(3) Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.

(c) Centers, Corridors, Station Communities and Main Streets need a mix of housing~~s~~ types to be vibrant and successful. The following mix of housing types is recommended for each:

(1) The types of housing identified as "needed housing" in ORS 197.303(1)(a)~~–~~ to (e);

(2) The types of housing identified in the city's or county's housing need analysis completed pursuant to ORS 197.296 or Statewide Planning Goal 10, ~~(~~*Housing*~~)~~; and

(3) Accessory dwellings pursuant to ~~Section~~ section 3.07.120~~ of this chapter~~. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5. Ord. 15-1357. Ord. 24-1523.]

3.07.650 Title 6 Centers, Corridors, Station Communities and Main Streets Map

(a) The 2040 Growth Concept Map's depiction of Centers, Corridors, Station Communities and Main Streets ~~Map~~ is incorporated in this title as the ~~"~~*Title 6 Centers, Corridors, Station Communities and Main Street Map*~~"~~ and is Metro's representation of their boundaries. The map shows the boundaries established pursuant to this title.

(b) A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP and the revision is made consistent with all other requirements of this title. The city or county must provide notice of its proposed revision as prescribed in ~~Subsection~~ section 3.07.620(b).

(c) The COO must revise the *Title 6 Centers, Corridors, Station Communities and Main Streets Map*, as well as the 2040 Growth Concept Map and any other relevant maps, by order to conform such maps to establishment or revision of a boundary under this title. [Ord. 02-969B, Sec. 7; Ord. 10-1244B, Sec. 5; Ord. 11-1264B, Sec. 1. Ord. 24-1523.]

Title 6Centers, Corridors, Station Communities and Main Streets Map as of March 5, 2025 [COO Order 12-073. COO Order 21-001.]

HELD FOR TITLE 6 MAP

Title 7: ~~Housing Choice~~HOUSING CHOICE

3.07.710 Purpose and Intent

The Regional Framework Plan (RFP) calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the purpose and intent of ~~Title 7~~this title to implement these policies of the ~~Regional Framework Plan~~RFP. [Ord. 97-715B, Sec. 1. Ord. 00-882C, Sec. 2. Ord. 06-1129B, Sec. 2. ~~3.07.720 Voluntary Affordable Housing Production Goals~~

~~Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7, as amended over time, as a guide to measure progress toward increasing housing choices and meeting the affordable housing needs of households with incomes between 0 percent and 50 percent of the regional median family income.~~Ord. 97-715B, Sec. 1. Ord. 00-882C, Sec.2. Ord. 03-1005A. Ord. 06-1129B, Sec. 2. Ord. 00-882C, Sec. 2.] ~~]~~

~~Table 3.07-7~~

~~Five-Year Voluntary Affordable Housing Production Goals~~

~~(Section 3.07.720)~~

~~Jurisdiction~~	~~2001-2006 Affordable Housing Production Goals~~		
	~~**Needed new housing units for households earning less than 30% of median household income**~~	~~**Needed new housing units for households earning 30-50% of median household income**~~	~~**Total**~~
~~**Beaverton**~~	~~**427**~~	~~**229**~~	~~**656**~~
~~**Cornelius**~~	~~**40**~~	~~**10**~~	~~**50**~~
~~**Durham**~~	~~**6**~~	~~**4**~~	~~**10**~~
~~**Fairview**~~	~~**42**~~	~~**31**~~	~~**73**~~
~~**Forest Grove**~~	~~**55**~~	~~**10**~~	~~**65**~~
~~**Gladstone**~~	~~**43**~~	~~**10**~~	~~**53**~~
~~**Gresham**~~	~~**454**~~	~~**102**~~	~~**556**~~
~~**Happy Valley**~~	~~**29**~~	~~**28**~~	~~**57**~~
~~**Hillsboro**~~	~~**302**~~	~~**211**~~	~~**513**~~
~~**Johnson City**~~	~~**0**~~	~~**0**~~	~~**0**~~
~~**King City**~~	~~**5**~~	~~**0**~~	~~**5**~~
~~**Lake Oswego**~~	~~**185**~~	~~**154**~~	~~**339**~~
~~**Maywood Park**~~	~~**0**~~	~~**0**~~	~~**0**~~
~~**Milwaukie**~~	~~**102**~~	~~**0**~~	~~**102**~~
~~**Oregon City**~~	~~**123**~~	~~**35**~~	~~**158**~~
~~**Portland**~~	~~**1,791**~~	~~**0**~~	~~**1,791**~~
~~**Rivergrove**~~	~~**1**~~	~~**1**~~	~~**2**~~
~~**Sherwood**~~	~~**67**~~	~~**56**~~	~~**123**~~
~~**Tigard**~~	~~**216**~~	~~**103**~~	~~**319**~~
~~**Troutdale**~~	~~**75**~~	~~**56**~~	~~**131**~~
~~**Tualatin**~~	~~**120**~~	~~**69**~~	~~**189**~~

~~Jurisdiction~~	~~2001-2006 Affordable Housing Production Goals~~		
	~~**Needed new housing units for households earning less than 30% of median household income**~~	~~**Needed new housing units for households earning 30-50% of median household income**~~	~~**Total**~~
~~**West Linn**~~	~~**98**~~	~~**71**~~	~~**169**~~
~~**Wilsonville**~~	~~**100**~~	~~**80**~~	~~**180**~~
~~**Wood Village**~~	~~**16**~~	~~**1**~~	~~**17**~~
~~**Clackamas County, Urban, Unincorporated**~~	~~**729**~~	~~**374**~~	~~**1,103**~~
~~**Multnomah County, Urban, Unincorporated***~~	~~**81**~~	~~**53**~~	~~**134**~~
~~**Washington County, Urban Unincorporated**~~	~~**1,312**~~	~~**940**~~	~~**2,252**~~
~~**Total**~~	~~**6,419**~~	~~**2,628**~~	~~**9,047**~~

~~*** Strategies and implementation measures addressing these housing goals are in the Progress Reports of the Cities of Portland, Gresham and Troutdale.**~~

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance or Regulation Changes

Cities and counties within the Metro region ~~shall~~ must ensure that their comprehensive plans and implementing ordinances or regulations:

(a) Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.

(b) Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.

(c) Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing. [Ord. 97-715B, Sec. 1. Ord. 00-882, Sec. 2. Ord. 03-1005A, Sec. 1. Ord. 06-1129B, Sec. 2.]

3.07.740 Inventory and Progress Reports on Housing Supply

(a) Local governments ~~shall~~ must assist Metro in the preparation of a biennial affordable housing inventory by fulfilling the reporting requirements in subsection (b) of this section.

(b) Local governments ~~shall~~ must report their progress on increasing the supply of affordable housing to Metro on a form ~~-~~provided by Metro, to be included as part of the biennial housing inventory described in subsection (a) of this section. Local governments ~~shall~~ must submit their first progress reports on July 31, 2007, and by April 15 every two years following that date. Progress reports ~~shall~~ must include, at least, the following information:

(1) The number and types of units of affordable housing preserved and income groups served during the reporting period, as defined ~~in~~ on Metro's form;

(2) The number and types of units of affordable housing built and income groups served during the reporting period;

(3) Affordable housing built and preserved in Centers and Corridors; and

(4) City or county resources committed to the development of affordable housing, such as fee waivers and property tax exemptions. [Ord. 00-882C, Sec. 2. Ord. 03-005A, Sec. 1. Ord. 06-1129B, Sec. 2. Ord. 15-1357.]

3.07.750 Technical Assistance

Cities and counties are encouraged to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal of increased production and preservation of housing choices and affordable housing and to help fulfill the monitoring and reporting requirements of this title. [Ord. 00-882C, Sec. 2. Ord. 03-1005A, Sec. 1. Ord. 06-1129B, Sec. 2.]

3.07.760 Recommendations to Implement Other Affordable Housing Strategies

[Repealed, Ord. 06-1129B, Sec. 2.]

Title 8: ~~Compliance Procedures~~COMPLIANCE PROCEDURES

3.07.810 Compliance ~~With~~ with the Urban Growth Management Functional Plan

(a) The purposes of this ~~chapter~~ title are to: establish a process for ensuring city or county compliance with requirements of this chapter ~~the *Urban Growth Management Functional Plan*~~; and for evaluating and informing the region about the effectiveness of those requirements. Where the terms "compliance" and "comply" appear in this title, the terms ~~shall~~ have the meaning given to "substantial compliance" in section 3.07.1010.

(b) Cities and counties ~~shall~~ must amend their comprehensive plans and land use regulations to comply with ~~the functional plan~~this chapter, ~~or~~ and to an amendment to ~~the functional plan~~this chapter, within two years after acknowledgement of the ~~functional plan~~this chapter or its amendment, or after any later date specified by the Metro Council in the ordinance adopting or amending ~~the functional plan~~this chapter. The COO ~~shall~~ must notify cities and counties of the acknowledgment date and compliance dates described in subsections (c) and (d) of this section.

(c) After one year following acknowledgment of a ~~functional plan~~ requirement of this chapter, cities and counties that amend their comprehensive plans and land use regulations ~~shall~~ must make such amendments in compliance with the new ~~functional plan~~ requirement of this chapter.

(d) Cities and counties whose comprehensive plans and land use regulations do not yet comply with the new functional plan requirement ~~shall~~must, after one year following acknowledgment of the requirement, make land use decisions consistent with the requirement. The COO ~~shall~~ must notify cities and counties of the date upon which ~~functional plan~~Urban Growth Management Functional Plan (UGMFP) requirements become applicable to land use decisions at least 120 days before that date. For the purposes of ~~this~~ subsection (d) of this section, "land use decision" ~~shall have~~has the meaning of that term as defined in ORS 197.015(10).

(e) An amendment to a city or county comprehensive plan or land use regulation ~~shall be~~is deemed to comply with ~~the functional plan~~this chapter upon the expiration of the appropriate appeal period specified in ORS 197.830 or 197.650 or, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the ~~functional plan~~ requirement of this chapter ~~shall~~ will no longer apply to land use decisions made in conformance with the amendment.

(f) An amendment to a city or county comprehensive plan or land use regulation ~~shall be~~is deemed to comply with ~~the functional plan~~this chapter as provided in subsection (e) of this section only if the city or county provided notice to the COO as required by ~~subsection (a) of~~ section 3.07.820(a). [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 4. Ord. 00-839, Sec. 1. Ord. 00-882C, Sec. 2. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 05-1077C, Sec. 6. Ord. 10-1244B, Sec. 7.]

3.07.820 Review by the Chief Operating Officer

(a) A city or county proposing an amendment to a comprehensive plan or land use regulation ~~shall~~ must submit the proposed amendment to the COO at least 35 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county ~~shall~~ must submit, an analysis of compliance of the amendment with ~~the functional plan~~this chapter. If the COO submits comments on the proposed amendment to the city or county, the comment ~~shall~~ must include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with ~~the functional plan~~this chapter. The COO ~~shall~~ must send a copy of their comment to those persons who have requested a copy.

(b) If the COO concludes that the proposed amendment does not comply with ~~the functional plan~~this chapter, the COO ~~shall~~ must advise the city or county that it may:

(1) Revise the proposed amendment as recommended in the COO's analysis;

(2) Seek an extension of time, pursuant to section 3.07.830, to bring the proposed amendment into compliance with ~~the functional plan~~this chapter; or

(3) Seek an exception pursuant to section 3.07.840. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 5, 6, 7. Ord. 98-727C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 00-882C, Sec. 2. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 10-1244B, Sec. 7. Ord. 15-1357.]

3.07.830 Extension of Compliance Deadline

(a) A city or county may seek an extension of time for compliance with a ~~functional plan~~ requirement of this chapter. The city or county ~~shall~~ must file an application for an extension on a form provided by the COO. Upon receipt of an application, the COO ~~shall~~ must notify the city or county and those persons who request notification of applications for extensions. Any person may file a written comment in support of or opposition to the extension.

(b) The COO may grant an extension by order if the city or county is making progress toward compliance or there is good cause for failure to meet the deadline for compliance. Within 30 days after the filing of a complete application for an extension, the COO ~~shall~~ must issue an order granting or denying the extension. The COO ~~shall~~ may not grant more than two time extensions ~~of time~~. The COO ~~shall~~ must send the order to the city or county and any person who filed a written comment.

(c) The COO may establish terms and conditions for the extension in order to ensure that compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the ~~functional plan~~ requirement of this chapter. A term or condition must relate to the requirement of ~~the functional plan~~this chapter to which the COO has granted the extension.

(d) The city or county, ~~applicant~~ or any person, ~~who~~ that filed written comment on the extension may appeal the COO's order to the Metro Council within 15 days after

receipt of the order. If an appeal is filed, the Metro Council ~~shall~~ must hold a hearing to consider the appeal. After the hearing, the Metro Council ~~shall~~ must issue an order granting or denying the extension and ~~shall~~ must send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Metro Council's order as a land use decision described in ORS 197.015(10)(a)(A). [Ord. 97-715B, Sec. 1. Ord. 98-727C, Sec. 2. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7.]

3.07.840 Exception from Compliance

(a) A city or county may seek an exception from compliance with a ~~functional plan~~ requirement of this chapter by filing an application on a form provided by the COO. Upon receipt of an application, the COO ~~shall~~ must notify the city or county and those persons who request notification of requests for exceptions. Any person may file a written comment in support of or opposition to the exception.

(b) Except as provided in subsection (c) of this section, the COO may grant an exception by order if:

(1) It is not possible to ~~achieve~~ satisfy the requirement due to topographic or other physical constraints or due to an existing development pattern;

(2) ~~This~~ The exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;

(3) The exception will not reduce the ability of another city or county to comply with the requirement; and

(4) The city or county seeking the exception has adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.

(c) The COO may grant an exception to the housing capacity requirements in section 3.07.120 by order if:

(1) The city or county has completed the analysis of capacity for dwelling units required by section 3.07.120;

(2) It is not possible to comply with the requirements due to topographic or other physical constraints, an existing development pattern, or protection of natural resources pursuant to Title~~s~~ 3, *Water Quality and Flood Management*, or Title 13, *Nature in Neighborhoods*, ~~of this chapter~~; and

(3) ~~This~~ The exception and other similar exceptions will not render the ~~targets~~ objective of the requirement unachievable region-wide.

(d) The COO may establish terms and conditions for ~~the~~ an exception granted pursuant to section 3.07.840 in order to ensure that ~~it~~ a requirement of this chapter does not undermine the ability of the region to achieve the purposes of the requirement. A term or condition in the COO order granting an exception must relate to the

requirement of ~~the functional plan~~this chapter to which the COO grants the exception. The COO ~~shall~~ must ~~incorporate~~ identify the terms and conditions ~~into the order on the exception~~in the exception order.

(e) The city or county~~,~~ ~~applicant~~ or any person~~,~~ ~~who~~ that filed a written comment on the requested exception may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Metro Council ~~shall~~ must hold a hearing to consider the appeal. After the hearing, the Metro Council ~~shall~~ must issue an order granting or denying the exception and send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Metro Council's order as a land use decision described in ORS 197.015(10)(a)(A). -[Ord. 97-715B, Sec. 1. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7.]

3.07.850 Enforcement of ~~Functional Plan~~the UGMFP

(a) The Metro Council may initiate enforcement of a requirement of this chapter if a city or county has failed to meet a deadline for compliance with ~~a functional plan~~the requirement or if the Metro Council has good cause to believe that a city or county is engaged in a pattern or a practice of decision-making that is inconsistent with ~~the functional plan~~this chapter, ordinances or regulations adopted by the city or county to implement ~~the plan~~this chapter, or the terms or conditions in an extension or an exception granted pursuant to sections 3.07.830 or 3.07.840, respectively. The Metro Council may consider whether to initiate enforcement proceedings upon the request of the COO or a Metro Councilor. The Metro Council ~~shall~~ must consult with the city or county before it determines there is good cause to proceed to a hearing under subsection (b) of this section.

(b) If the Metro Council decides there is good cause, the Metro Council President ~~shall~~ must set the matter for a public hearing before the Metro Council within 90 days of its decision. The COO ~~shall~~ must publish notice of the hearing ~~in a newspaper of general circulation in the city or county~~on Metro's website and send notice to the city or county, MPAC and any person who requests a copy of such notices.

(c) The COO ~~shall~~ must prepare a report and recommendation on the pattern or practice, with a proposed order, for consideration by the Metro Council. The COO ~~shall~~ must publish the report at least 14 days prior to the public hearing and send a copy to the city or county and any person who requests a copy.

(d) At the conclusion of the hearing, the Metro Council ~~shall~~ must adopt an order that dismisses the matter if it decides the city or county complies with the requirement. If the Metro Council decides the city or county has failed to meet a deadline for compliance with a ~~functional plan~~ requirement of this chapter or has engaged in a pattern or a practice of decision-making that is inconsistent with ~~the functional plan~~this chapter, ordinances or regulations adopted by the city or county to implement ~~the plan~~this chapter, or terms or conditions of an extension or an exception granted pursuant to sections 3.07.830 or 3.07.840, respectively, the Metro Council may adopt an order that:

(1) Directs changes in the city or county ordinances or regulations necessary to remedy the pattern or practice; or

(2) Includes a remedy authorized in ORS 268.390(7).

(e) The Metro Council ~~shall~~ must issue its order not later than 30 days following the hearing and send copies to the city or county, MPAC and any person who requests a copy. [Ord. 97-715B, Sec. 1. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7.]

3.07.860 ~~Citizen~~ Public Involvement in Compliance Review

(a) Any person may contact Metro staff or the COO or appear before the Metro Council to raise issues regarding ~~local functional plan~~ compliance with this chapter, to request Metro participation in ~~the local~~a city or county process, or to request the COO ~~to~~ appeal a ~~local~~ city or county enactment for which notice is required pursuant to ~~subsection (a) of~~ section 3.07.820(a). Such contact may be oral or in writing and may be made at any time.

(b) In addition to considering requests as described in subsection (a) of this section ~~above~~, the Metro Council ~~shall~~ must at every regularly scheduled meeting provide an opportunity for people to address the Metro Council on any matter related to this functional plan. The COO ~~shall~~ must maintain a list of persons who request notice in writing of COO reviews, reports and orders and proposed actions under this chapter and ~~shall~~ must send requested documents as provided in this chapter.

(c) Cities, counties and the Metro Council ~~shall~~ must comply with their own adopted and acknowledged public involvement requirements, such as those adopted pursuant to Statewide Land Use Planning Goal 1 "Citizen Involvement", ~~Requirements (Citizen Involvement)~~ in all decisions, determinations and actions taken to implement and comply with this ~~functional plan~~chapter. The COO ~~shall~~ must publish a ~~citizen~~ public involvement fact sheet, after consultation with the Metro Public Engagement Review Committee (PERC), that describes opportunities for ~~citizen~~ public involvement in Metro's growth management procedures as well as the implementation and enforcement of this ~~functional plan~~chapter. [Ord. 97-715B, Sec. 1. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7. Ord. 15-1357.]

3.07.870 Compliance Report

(a) The COO ~~shall~~ must submit a report to the Metro Council by ~~March 1~~January 31 of each calendar year on the status of compliance by cities and counties with the requirements of the ~~Urban Growth Management Functional Plan~~this chapter. The COO ~~shall~~ must send a copy of the report to MPAC, JPACT, PERC and each city and county within Metro.

(b) A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Metro Council by written request to the COO. The Metro Council ~~shall~~ must notify the requestor, all cities and counties, MPAC, JPACT, PERC, the Department of Land Conservation and

Development and any person who requests notification of the review. The notification ~~shall~~ must state that the Metro Council does not have jurisdiction to:

(1) Determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with ~~functional plan~~ requirements of this chapter if those amendments already comply pursuant to ~~subsections (e) and (f) of~~ sections 3.07.810(e) and (f); or

(2) Reconsider a determination in a prior order issued under this section that a city or county complies with a requirement of ~~the functional plan~~this chapter.

(c) Following its review at a public hearing, the Metro Council ~~shall~~ must adopt an order that determines whether the city or county complies with the ~~functional plan~~ requirement of this chapter raised in the request. The order ~~shall~~ must be based upon the COO's compliance report and testimony received at the public hearing. The COO ~~shall~~ must send a copy of the order to cities and counties and any person who testifies, orally or in writing, at the public hearing.

(d) A city or county or a person who participated, orally or in writing, at the public hearing~~,~~ may seek review of the Metro Council's order as a land use decision described in ORS 197.015(10)(a)(A). -[Ord. 01-925E, Sec. 2. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7. Ord. 15-1357.]

3.07.875 Title 4 Industrial and Other Employment Areas Report

By January 31 of each year, the COO must submit a written report to the Metro Council and MPAC regarding the cumulative effects on industrial and other employment lands in the region of the amendments to the *Title 4 Industrial and Other Employment Areas Map* made pursuant to section 3.07.450 during the preceding year. The report must include any recommendations the COO deems appropriate on measures the Metro Council might take to address the effects.

TITLE 10: URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN DEFINITIONS

3.07.1010 Definitions

For the purpose of this ~~functional plan~~chapter, the following definitions ~~shall~~ apply:

Archaeological site has the meaning provided in Oregon Administrative Rules (OAR) 660-023-0210(1)(a).

Balanced cut and fill means no net increase in fill within the floodplain.

COO means Metro's Chief Operating Officer.

Comprehensive plan means the ~~all~~ all-inclusive, generalized, coordinated land use map and policy statement of cities and counties defined in ORS 197.015(5).

Cultural areas has the meaning provided in OAR 660-023-0210(1)(b).

DBH means the diameter of a tree measured at breast height.

Design flood elevation means the elevation of the 100-year storm as defined in Federal Emergency Management Agency (FEMA) Flood Insurance Studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

Design ~~type~~Type means the conceptual areas described in the Metro 2040 Growth Concept ~~text and m~~Map in ~~Metro's regional goals and objectives~~the Regional Framework Plan (RFP), and includes~~ing~~ the ~~c~~Central ~~c~~City, ~~r~~Regional ~~c~~Centers, ~~t~~Town ~~c~~Centers, ~~s~~Station ~~c~~Communities, ~~c~~Corridors, ~~m~~Main ~~s~~Streets, ~~n~~Neighborhoods, Regionally Significant Industrial Areas (RSIAs), ~~i~~Industrial ~~a~~Areas~~,~~ and ~~e~~Employment ~~a~~Areas.

Designated beneficial water uses means the same as the term as defined by the Oregon Department of Water Resources, which is: an instream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife uses.

Development means any man-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ~~ten (~~10~~)~~ cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in the Water Quality Resource Area on the lot is defined as development, for the purpose of Title 3 of this chapter, *Water Quality and Flood Management*, except that less than 10 percent removal of vegetation on a lot must comply with section 3.07.340(c)~~, - *Erosion and Sediment Control*~~. In addition, any other activity that results in the removal of more than either 10 percent or 20,000 square feet of the vegetation in the Habitat Conservation Areas (HCAs) on the lot is defined as development, for the purpose of Title 13 of this chapter, *Nature in Neighborhoods*. Development does not include the following: (1) Stream enhancement or restoration projects approved by cities and counties; (2) Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are

subject to the requirements of Title~~s~~ 3, *Water Quality and Flood Management*, and Title 13, *Nature in Neighborhoods*~~,~~ ~~of this functional plan~~; and (3) Construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

Development application means an application for a land use decision, limited land decision including expedited land divisions, but excluding partitions as defined in ORS 92.010(7) and ministerial decisions such as a building permit.

Division means a partition or a subdivision as those terms are defined in ORS chapter 92.

Ecological functions means the biological and hydrologic characteristics of healthy fish and wildlife habitat. Riparian ecological functions include microclimate and shade, streamflow moderation and water storage, bank stabilization and sediment/pollution control, sources of large woody debris and natural channel dynamics, and organic material sources. Upland wildlife ecological functions include size of habitat area, amount of habitat with interior conditions, connectivity of habitat to water resources, connectivity to other habitat areas, and presence of unique habitat types.

Emergency means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Enhancement means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

Fill means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed in a wetland or floodplain for the purposes of development or redevelopment.

Flood Areas means those areas contained within the 100-year floodplain and floodway as shown on the ~~Federal Emergency Management Agency~~FEMA Flood Insurance Maps and all lands that were inundated in the February 1996 flood.

Flood Management Areas means all lands contained within the 100-year floodplain, flood area and floodway as shown on the ~~Federal Emergency Management Agency~~FEMA Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.

Floodplain means land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

Growth Concept Map means the ~~conceptual map demonstrating the~~ 2040 Growth Concept ~~design types attached to this plan~~of the RFP[1].

Habitat Conservation Area ~~or~~ and **HCA** mean~~s~~ an area identified on the *Habitat Conservation Areas Map* (adopted as Exhibit C, Attachment 1 to Metro Council Ordinance

[1] ~~On file in the Metro Council office.~~

No. 05-1077C with any subsequent amendments) and subject to the performance standards and best management practices described in ~~Metro Code~~ section 3.07.1340.

Habitat-friendly development means a method of developing property that has less detrimental impact on fish and wildlife habitat than does traditional development methods. Examples include clustering development to avoid habitat, using alternative materials and designs such as pier, post, or piling foundations designed to minimize tree root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, collecting rooftop water in rain barrels for reuse in site landscaping and gardening, and reducing the amount of effective impervious surface created by development.

Habitats of Concern means the following unique or unusually important wildlife habitat areas, as identified based on cite specific information provided by local wildlife or habitat experts: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

Hazardous materials means materials described as hazardous by Oregon Department of Environmental Quality.

Implementing ordinances or regulations means any city or county land use regulation as defined by ORS 197.015(11) which includes zoning, land division or other ordinances or regulations which establish standards for implementing a comprehensive plan.

Invasive non-native or noxious vegetation means plants listed as nuisance plants or prohibited plants on the *Metro Native Plant List*, as adopted by Metro Council ~~resolution~~ Resolution No. 98-2708 and any subsequent amendments, because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.

Land Conservation and Development Commission ~~or~~ and **LCDC** mean~~s~~ the Oregon Land Conservation and Development Commission.

Land use regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance or regulation establishing standards for implementing a comprehensive plan, as defined in ORS 197.015.

Large-format retail commercial buildings means a building intended for retail commercial use with more than 60,000 square feet of gross leasable area, or that amount or more of retail sales area on a single lot or parcel, or that amount or more on contiguous lots or parcels including lots or parcels separated only by a transportation right-of-way.

Local program effective date means the effective date of a city's or county's new or amended comprehensive plan and implementing ordinances or regulations adopted to comply with ~~Title 13 of the Urban Growth Management Functional Plan, Metro Code~~ sections 3.07.1310 to 3.07.1370. If a city or county is found to be in substantial compliance with Title 13, *Nature in Neighborhoods*, without making any amendments to its comprehensive plan or land use regulations, then the local program effective date ~~shall be~~is December 28, 2005. If a city or county amends its comprehensive plan or land use regulations to comply with Title 13, then the local program effective date ~~shall be~~is the effective date of the city's or county's amendments to its comprehensive plan or land use

regulations, but in no event ~~shall~~ may the local program effective date be later than two years after Title 13 is acknowledged by LCDC. For territory brought within ~~the~~ Metro's UGB after December 28, 2005, the local program effective date ~~shall be~~is the effective date of the ordinance adopted by the Metro Council to bring such territory within the ~~Metro~~ UGB.

Metro means the regional government of the metropolitan area, the elected Metro Council as the policy setting body of the government.

Metro boundary means the ~~jurisdictional~~ boundary of Metro~~, the elected regional government of the metropolitan area~~ as a metropolitan service district.

MPAC means the Metro~~politan~~ Policy Advisory Committee established pursuant to Metro Charter, ~~C~~chapter V, ~~S~~section ~~27~~26.

Mitigation means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas or ~~habitat conservation areas~~ HCAs.

Mixed use means comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Mixed-use development includes areas of a mix of at least two of the following land uses and includes multiple tenants or ownerships: residential, retail and office. This definition excludes large, single-use land uses such as colleges, hospitals, and business campuses. Minor incidental land uses that are accessory to the primary land use should not result in a development being designated as "mixed-use development." The size and definition of minor incidental, accessory land uses allowed within large, single-use developments should be determined by cities and counties through their comprehensive plans and implementing ordinances or regulations.

Native vegetation ~~or~~ and **native plant** mean~~s~~ any vegetation listed as a native plant on the Metro Native Plant List as adopted by Metro Council resolution and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the Metro Native Plant List.

Net acre means an area measuring 43,560 square feet which excludes:

- Any developed road rights-of-way through or on the edge of the land; and
- Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under ~~statewide~~ Statewide ~~planning~~ Planning Goal 5, *Natural Resources, Scenic and Historic Areas, and Open Spaces*, in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and removal permit under Section 404 of the Clean Water Act. These excluded areas do not include lands for which the local zoning code provides a density bonus or other mechanism which allows the

transfer of the allowable density or use to another area or to development elsewhere on the same site; and
- All publicly-owned land designated for park and open spaces uses.

Net developed acre consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses.

Net vacant buildable land means all vacant land less all land that is: (1) within Water Quality Resource Areas; (2) within ~~Habitat Conservation Area~~HCAs; (3) publicly owned by a local, state or federal government; (4) burdened by major utility easements; and (5) necessary for the provision of roads, schools, parks, churches, and other public facilities.

Perennial streams means all primary and secondary perennial waterways as mapped by the U.S. Geological Survey.

Performance measure means a measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.

Person-trips means the total number of discrete trips by individuals using any mode of travel.

Persons per acre means the intensity of building development by combining residents per acre and employees per acre.

Practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. As used in Title 13 of this chapter, *Nature in Neighborhoods*~~, of this functional plan~~, "practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions.

Primarily developed means areas where less than 10~~%~~ percent of parcels are either vacant or underdeveloped.

Property owner means a person who owns the primary legal or equitable interest in the property.

Protected Water Features. Primary Protected Water Features ~~shall~~ include:

- Title 3 ~~w~~Wetlands; and
- Rivers, streams, and drainages downstream from the point at which 100 acres or more are drained to that water feature (regardless of whether it carries year-round flow); and
- Streams carrying year-round flow; and
- Springs which feed streams and wetlands and have year-round flow; and
- Natural lakes.
- Secondary Protected Water Features ~~shall~~ include intermittent streams and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.

Public facilities and services means sewers, water service, stormwater services and transportation.

Redevelopable land means land on which development has already occurred, which due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period.

Regionally significant fish and wildlife habitat means those areas identified on the *Regionally Significant Fish and Wildlife Habitat Inventory Map*~~,~~ (adopted as Exhibit A to Metro Council Ordinance No. 05-1077C, subsequently amended and described in ~~Metro Code~~ section 3.07.1320) as regionally significant natural resource sites.

Restoration means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

Retail means activities which include the sale, lease or rent of new or used products to the general public or the provision of product repair or services for consumer and business goods.

Riparian area means the water influenced area adjacent to a river, lake or stream consisting of the area of transition from a hydric ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics.

Rural reserve means an area designated rural reserve by Clackamas, Multnomah or Washington County pursuant to OAR chapter 660, ~~Division~~ division 27.

Significant negative impact means an impact that affects the natural environment, considered individually or cumulatively with other impacts on ~~the~~ a Water Quality Resource Area, to the point where existing water quality functions and values are degraded.

Straight-line distance means the shortest distance measured between two points.

Stream means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

Substantial compliance means a city and county comprehensive plan~~s~~ and implementing ordinances or regulations, on the whole, conform~~s~~ with the purposes of the performance standards in ~~the functional plan~~this chapter and any failure to meet individual performance standard requirements is technical or minor in nature.

Title 3 Wetlands means wetlands of metropolitan concern as shown on the *Metro Water Quality and Flood Management Area Map*, as adopted as Exhibit D to Metro Council Ordinance No. 98-730C, and other wetlands added to city or county adopted ~~W~~water ~~Q~~quality and ~~F~~flood ~~M~~management ~~A~~area maps consistent with the criteria in ~~Title 3,~~

section 3.07.340(e)(3). Title 3 ~~w~~Wetlands do<u>es</u> not include artificially constructed and managed stormwater and water quality treatment facilities.

Top of bank means the same as "bankfull stage" defined in OAR 141-085-0510(~~5~~6).

Urban development value means the economic value of a property ~~lot or parcel~~ as determined by analyzing three separate variables: <u>its</u> assessed land value, <u>its</u> value ~~as a property that could~~<u>for</u> ~~generate~~ <u>generating</u> jobs (<u>i.e., its</u> "employment value"), and ~~the Metro 2040~~ <u>is</u> design type ~~designation of property~~<u>according to the 2040 Growth Concept Map</u>. The urban development value of all properties containing regionally significant fish and wildlife habitat is depicted on the ~~Metro~~ *Habitat Urban Development Value Map* <u>adopted as Exhibit C, Attachment 4 to Metro Council Ordinance No. 05-1077C, with any subsequent amendments and</u> referenced in ~~Metro Code~~ section 3.07.1340(e).

~~"UGB" means an urban growth boundary adopted pursuant to ORS chapter 197.~~

Underdeveloped parcels means those parcels of land with less than 10 percent of the net acreage developed with permanent structures.

<u>**Urban growth boundary** and **UGB** mean the urban growth boundary adopted pursuant to ORS chapter 197A.</u>

Urban reserve means an area designated urban reserve by the Metro Council pursuant to OAR <u>chapter</u> 660<u>,</u> ~~Division~~ <u>division</u> 27.

Utility facilities means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television.

Vacant land means land identified in ~~the~~ <u>a</u> Metro or local government inventory as undeveloped land.

Variance means a discretionary decision to permit modification of the terms of an implementing ordinance <u>or regulation</u> based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property.

Visible or measurable erosion includes, but is not limited to:

- Deposits of mud, dirt sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
- Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
- Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

Water feature means all rivers, streams (regardless of whether they carry year-round flow, i.e., including intermittent streams), springs which feed streams and wetlands and

have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.

Water Quality and Flood Management Area means an area defined on the *Metro Water Quality and Flood Management Area Map*~~, to be attached hereto~~[2] adopted as Exhibit D to Metro Council Ordinance No. 98-730C. These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with flood-prone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25 percent slope, and 200 feet from top of bank on either side of the stream for areas greater than 25 percent slope, and 50 feet from the edge of a mapped wetland.

Water Quality Resource Areas means vegetated corridors and the adjacent water feature as established in Title 3, *Water Quality and Flood Management*.

Wetlands mean those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), (May 2010).

Zoned capacity means the highest number of dwelling units or jobs that are allowed to be contained in an area by zoning and other city or county jurisdiction regulations. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 98-730C, Sec. 10. Ord. 00-839, Sec. 1. Ord. 00-869A, Sec. 2. Ord. 02-972A, Sec. l. Ord. 05-1077C, Sec. 6. Ord. 10-1244B, Sec. 9. Ord. 15-1357.]

[2] ~~On file in Metro Council office.~~

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of ~~Title 11~~this title to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of ~~Title 11~~this title to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas. [Ord. 99-818A, Sec. 3. Ord. 02-969B, Sec. 11. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1.)

3.07.1110 Planning for Areas Designated Urban Reserve

(a) The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, ~~shall~~must, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

(b) A local government, in creating a concept plan to comply with this section, ~~shall~~ must consider actions necessary to achieve the following outcomes:

(1) If the plan proposes a mix of residential and employment uses:

(A) A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection (c) of this section;

(B) A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;

(C) A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

(D) Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

(E) Well-connected systems of streets, bikeways, parks, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;

(F) A well-connected system of parks, natural areas and other public open spaces;

(G) Protection of natural ecological systems and important natural landscape features; and

(H) Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

(2) If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

(A) A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county~~,~~ and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

(B) Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

(C) Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;

(D) Protection of natural ecological systems and important natural landscape features; and

(E) Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

(c) A concept plan ~~shall~~must:

(1) Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph (2) of this subsection;

(2) For proposed sewer, park and trail, water and stormwater systems and transportation facilities, provide the following:

(A) The general locations of proposed sewer, park and trail, water and stormwater systems;

(B) The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;

(C) The proposed connections of these systems and facilities, if any, to existing systems;

(D) Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;

(E) Proposed methods to finance the systems and facilities; and

(F) Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

(3) If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;

(4) If the area subject to the concept plan calls for designation of land for residential use, ~~the concept plan will~~ describe the goals for meeting the housing needs for the concept planning area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available. As part of this statement of objectives, the concept plan ~~shall~~ must identify the general number, price and type of market and nonmarket-provided housing. The concept plan ~~shall~~ must also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection (b) of this section;

(5) Show ~~w~~Water ~~q~~Quality ~~r~~Resource ~~a~~Areas, ~~f~~Flood ~~m~~Management ~~a~~Areas and ~~habitat~~ Habitat ~~conservation~~ Conservation ~~areas~~ Areas that will be subject to performance standards under Title~~s~~ 3, *Water Quality and Flood Management*, and Title 13, *Nature in Neighborhoods* of this chapter;

(6) Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;

(7) Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;

(8) Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

(9) Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations applying an

urban land use plan designation to the area ~~intended to comply with subsection (c) of section 3.07.1120~~; ~~and~~

(10) Be coordinated with schools districts, including coordination of demographic assumptions~~.~~; and

(11) Include written findings demonstrating how the concept plan satisfies the relevant requirements of this subsection (c).

(d) Concept plans ~~shall~~ must guide, but not bind:

(1) The designation of 2040 Growth Concept ~~design~~ Design ~~types~~ Types by the Metro Council;

(2) Conditions in the Metro ordinance that adds the area to the UGB; or

(3) Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

(e) If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection (a) of this section, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS chapter 197A~~.299~~ to ensure the UGB has sufficient capacity to accommodate forecasted growth. -[Ord. 98-772B, Sec. 2. Ord. 99-818A, Sec. 3. Ord. 02-969B, Sec. 11. Ord. 06-1110A, Sec. 1. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1. Ord. 15-1357.]

3.07.1120 Planning for Areas Added to the UGB

(a) The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110(c)(7) or the ordinance that added the area to the UGB, ~~shall~~ must adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection (c) of this section by the date specified by the ordinance or by section 3.07.1455(b)(4) ~~of this chapter~~.

(b) If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments ~~shall~~ must provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

(c) Comprehensive plan provisions for the area ~~shall~~ must include:

(1) Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

(2) Provision for annexation to a city and to any necessary service districts, including Metro as a metropolitan service district, prior to, or simultaneously with, application of city land use regulations ~~intended to comply with this subsection~~applying an urban land use plan designation;

(3) Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455(b)(2) ~~of this chapter~~;

(4) Provision for affordable housing consistent with Title 7 of this chapter, *Housing Choice*, ~~of this chapter~~ if the comprehensive plan authorizes housing in any part of the area.

(5) Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

(6) Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

(7) A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan ~~shall~~ must meet the standards for street connections in Metro Code chapter 3.08, *the Regional Transportation Functional Plan*; and

(8) Provision for the financing of local and state public facilities and services; and

(9) A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges. ~~(d) The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using a method consistent with a Goal 14 analysis, within 30 days after adoption of new land use regulations for the area.~~ [Ord. 98-772B, Sec. 2. Ord. 99-818A, Sec. 3. Ord. 01-929A, Sec. 8. Ord. 02-964, Sec. 5. Ord. 05-1077C, Sec. 6. Ord. 05-1089A, Sec. 2. Ord. 07-1137A, Sec. 3. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1. Ord. 15-1357.]

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB ~~shall~~ may not adopt or approve:

(a) A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;

(b) A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

(c) A land division ~~or partition~~ that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010 of this chapter, or for a new public school;

(d) In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:

(1) A commercial use that is not accessory to industrial uses in the area; and

(2) A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area. -[Ord. 98-772B, Sec. 2. Ord. 99-818A, Sec. 3. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1.]

Title 12: ~~Protection of Residential Neighborhoods~~PROTECTION OF RESIDENTIAL NEIGHBORHOODS

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of ~~Title 12 of the Urban Growth Management Functional Plan~~ this title is to protect the region's residential neighborhoods. The purpose of ~~Title 12~~this title is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services. -[Ord. 02-969B, Sec. 3.]

3.07.1220 Residential Density

Metro ~~shall~~ may not require any city or county to authorize an increase in the residential density ~~of a single-family neighborhood~~ in an area ~~mapped solely as~~with a 2040 Growth Concept Map Design Type of Neighborhood. -[Ord. 02-969B, Sec. 3. Ord. 15-1357.]

3.07.1230 Access to Commercial Services

(a) In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of Neighborhoods, a city or county may designate in its comprehensive plan and land use ordinances or regulations one or more Neighborhood Centers within or in close proximity to Neighborhoods to serve as a convenient location of commercial services.

(b) To ensure that commercial development serves the needs of the residents of Neighborhoods but does not generate excessive traffic, noise or air pollution, a city or county that designates a Neighborhood Center ~~shall~~ must adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county ~~shall~~ may not approve:

(1) A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or

(2) Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel. -[Ord. 02-969B, Sec. 3. Ord. 15-1357.]

3.07.1240 Access to Parks and Schools

(a) Each city and county ~~shall~~must, within two years following adoption by the Metro Council of a process and criteria for such standards, establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.

(b) To make parks and greenspaces more accessible to residents of Neighborhoods and all residents of the region, each city and county ~~shall~~ must provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned.

(c) To make parks and schools more accessible to neighborhood residents, to reduce traffic, and to use land more efficiently, cities, counties, park providers and school districts ~~shall~~must, where appropriate, provide for shared use of school facilities for park purposes and of park facilities for school purposes.

(d) To make public schools more accessible to neighborhood residents, cities, counties a~~-~~nd school districts ~~shall~~ must prioritize school sites that are near concentrations of population and are connected to those concentrations by safe and convenient walking, biking and, where transit is available or planned, transit facilities. -[Ord. 02-969B, Sec. 3. Ord. 15-1357.]

Title 13: ~~Nature In Neighborhoods~~NATURE IN NEIGHBORHOODS

3.07.1310 Purpose and Intent

The purpose and intent~~s~~ of this ~~program~~this title are to: (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) ~~to~~ control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region. This program:

(a) Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements;

(b) Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable ~~Region 2040~~ communities, supporting a strong economy, controlling and preventing water pollution for the protection of the public health and safety, and complying with federal laws including the Clean Water Act and the Endangered Species Act;

(c) Includes provisions to monitor and evaluate program performance over time to determine whether the program is achieving the program's objectives and targets, to determine whether cities and counties are in substantial compliance with this title, and to provide sufficient information to determine whether to amend or adjust the program in the future; and

(d) Establishes minimum requirements and is not intended to repeal or replace existing requirements of city and county comprehensive plans and implementing ordinances and regulations to the extent those requirements already meet the minimum requirements of this title, nor is it intended to prohibit cities and counties from adopting and enforcing fish and wildlife habitat protection and restoration programs that exceed the requirements of this title. -[Ord. 05-1077C, Sec. 5.]

3.07.1320 Inventory and Habitat Conservation Areas

The purpose of this section is to describe the geographic information system (GIS) data and maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. ~~This~~ These data and maps are referenced in various ways in this title, but may or may not be relevant within a city or county depending upon which implementation alternative the city or county chooses pursuant to ~~Metro Code Section~~ section 3.07.1330~~(b)~~. The maps referred to in this title are representations of data contained within Metro's GIS system, operated by the Metro Data Resource Center, and references to such maps ~~shall~~ must be interpreted as references to the maps themselves and to the underlying GIS data that the maps represent.

(a) The *Regionally Significant Fish and Wildlife Habitat Inventory Map* (hereinafter the "*Metro Habitat Inventory Map*"), attached hereto[1] adopted as Exhibit A to Metro Council Ordinance No. 05-1077C with any subsequent amendments, identifies the areas that have been determined to contain regionally significant fish and wildlife habitat. The *Metro Habitat Inventory Map* divides habitat into two general categories, riparian and upland wildlife, and further differentiates each habitat category into low, medium, and high value habitats.

(b) The *Habitat Conservation Areas Map*, attached hereto[2] adopted as Exhibit C, Attachment 1 to Metro Council Ordinance No. 05-1077C with any subsequent amendments, identifies the areas that are subject to the performance standards and best management practices described in Metro Code Ssection 3.07.1340, to the extent that a city or county chooses to comply with Metro Code Ssection 3.07.1330 by using the *Habitat Conservation Areas ~~map~~Map*, or a map that substantially complies with the *Habitat Conservation Areas ~~map~~Map*. For such cities and counties, the *Habitat Conservation Areas Map* further identifies, subject to the map verification process described in Metro Code Ssections 3.07.1330(g) and 3.07.1340(d), which areas will be subject to high, moderate, and low levels of habitat conservation based on Metro Council's consideration of the results of the economic, social, environmental, and energy (ESEE) consequences of protecting or not protecting the habitat, public input, and technical review, and the Metro Council's subsequent decision to balance conflicting uses in habitat areas.

(1) Table 3.07-13a, *Method for Identifying Habitat Conservation Areas (HCAs)*, describes how ~~(1)~~ Class I and II riparian habitat areas, and ~~(2)~~ Class A and B upland wildlife habitat areas within publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, located within the Metro boundary on December 28, 2005, were designated as high, moderate, and low Habitat Conservation Areas (HCAs).

(2) Table 3.07-13b, *Method for Identifying Habitat Conservation Areas (HCAs) in Future Metro UGB Expansion Areas*, describes how Class I and II riparian habitat areas and Class A and B upland wildlife areas brought within the Metro UGB after December 28, 2005, will be designated as high, moderate, and low Habitat Conservation AreasHCAs. Metro Code Ssection 3.07.1360 describes the procedures for how Table 3.07-13b and Metro Code Ssection 3.07.1340 shall must be applied in such areas.

(c) Exempt International Marine Terminals

(1) Marine dependent properties which would otherwise have been mapped as Habitat Conservation AreasHCAs do not appear on the *Habitat Conservation Areas Map* because the Metro Council concluded, based on its analysis of the economic, social, environmental, and energy implications of its decision, that

[1] On file in the Metro Council office and copies available from the Metro Data Resource Center.
[2] On file in the Metro Council office and copies available from the Metro Data Resource Center.

the economic importance of such properties far outweighed the environmental importance of the properties as fish and wildlife habitat. The Metro Council applied the criteria described in ~~subsection~~ paragraph (2) ~~(c)(2)~~ of this subection to conclude that the following properties should not be considered ~~Habitat Conservation Areas~~HCAs:

(A) The International Terminal property, located at 12005 N. Burgard Way, Portland, Oregon, 97203;

(B) Port of Portland Marine Terminal 4;

(C) Port of Portland Marine Terminal 5; and

(D) Port of Portland Marine Terminal 6.

(2) The Metro Council may, at its discretion, consider and adopt ordinances to exempt from the provisions of this title any additional properties along the Willamette and Columbia Rivers, or portions of such properties, where it can be demonstrated that:

(A) The property is currently developed for use as an international marine terminal capable of mooring ocean-going tankers or cargo ships; and

(B) The property is substantially without vegetative cover. -[Ord. 05-1077C, Sec. 5.]

3.07.1330 Implementation Alternatives for Cities and Counties

(a) Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties wholly or partly within the Metro boundary ~~shall~~ must apply the requirements of this title with respect to areas identified as riparian habitat on the *Metro Habitat Inventory Map* and areas identified as upland wildlife habitat on the *Metro Habitat Inventory Map*, according to the compliance deadlines established in ~~Metro Code S~~section 3.07.810, rather than applying the requirements of ~~division 23 of chapter 660 of the~~ Oregon Administrative Rules (~~"~~OAR~~"~~) chapter 660, division 23~~, promulgated by LCDC~~, except that:

(1) A city or county shall apply the requirements of ~~division 23 of~~ OAR chapter 660, division 23 in order to adopt comprehensive plan amendments or land use regulations that: (~~i~~A) would otherwise require compliance with ~~division 23 of~~ OAR chapter 660, division 23 but for the adoption of this title (i.e., amendments or regulations adopted to protect Statewide Planning Goal 5 resources~~), ~~); and (~~ii~~B) will limit development in areas not identified as riparian habitat on the *Metro Habitat Inventory Map*, unless such provisions: (~~a~~A) are part of a program intended to comply with ~~Metro Code Section~~ section 3.07.1330(b)(3) and apply only to areas identified as upland wildlife habitat on the *Metro Habitat Inventory Map* (i.e., they do not apply to areas not identified as habitat); or (~~b~~B) apply to areas identified as Class A or B upland wildlife habitat on the *Metro Habitat Inventory Map* that are brought

within the UGB after December 28, 2005. Such a city or county shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197;

(2) A city or county that, prior to December 28, 2005, adopted any comprehensive plan amendments or land use regulations that: (~~a~~A) apply to areas identified as upland wildlife habitat on the *Metro Habitat Inventory Map* but not identified as riparian habitat on the *Metro Habitat Inventory Map*~~,~~; (~~b~~B) limit development in order to protect fish or wildlife habitat~~,~~; and (~~c~~C) were adopted in compliance with ~~division 23 of~~ OAR chapter 660, division 23, ~~shall~~ may not repeal such amendments or regulations, nor ~~shall~~ may it amend such provisions in a manner that would allow any more than a de minimis increase in the amount of development that could occur in areas identified as upland wildlife habitat; and

(3) After a city or county has demonstrated that it is in substantial compliance with the requirements of this title, if the city or county wishes to adopt comprehensive plan amendments or land use regulations applicable to areas identified as riparian habitat on the *Metro Habitat Inventory Map* that have the effect of imposing greater limits on development than those imposed by provisions that are in substantial compliance with the requirements of this title, such a city or county shall comply with the provisions of ~~division 23 of~~ OAR chapter 660, division 23, and ~~shall~~ must seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197.

(b) Each city and county in the region ~~shall~~ must either:

(1) Amend its comprehensive plan and implementing ordinances or regulations to adopt the *Title 13 Model Ordinance* adopted as Exhibit E to Metro Council Ordinance No. 05-1077C and the ~~Metro~~ *Habitat Conservation Areas Map*, and demonstrate compliance with the provisions of: (~~a~~A) ~~Metro Code Section~~ section 3.07.1340(a)(5), related to enhanced fish and wildlife protection and management of publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development~~,~~; and (~~b~~B) ~~Metro Code Section~~ section 3.07.1340(a)(8), related to the restoration of ~~Habitat Conservation Area~~HCAs when developed property is undergoing significant redevelopment;

(2) Demonstrate that its existing or amended comprehensive plan and existing, amended, or new implementing ordinances or regulations substantially comply with the performance standards and best management practices described in ~~Metro Code S~~section 3.07.1340, and that maps that it has adopted and uses substantially comply with the ~~Metro~~ *Habitat Conservation Areas Map*;

(3) Demonstrate that it has implemented a program based on alternative approaches that will achieve protection and enhancement of Class I and II riparian habitat areas, and of Class A and B upland wildlife habitat areas in

territory added to the ~~Metro~~ UGB after December 28, 2005, substantially comparable with the protection and restoration that would result from the application of a program that complied with ~~Metro Code Sections 3.07.1330(b)~~ paragraphs (b)(1) or ~~(b)~~(2) of this subsection. A city or county developing such a program:

(A) ~~Shall~~ Must demonstrate that its alternative program will provide a certainty of habitat protection and enhancement to achieve its intended results, such as by using proven programs and demonstrating stable and continuing funding sources sufficient to support elements of the program that require funding;

(B) May assert substantial compliance with this provision by relying on either or both the city's or county's comprehensive plan and implementing ordinances or regulations and on the use of incentive based, voluntary, education, acquisition, and restoration programs, such as:

(i) An existing tree protection ordinance or regulation;

(ii) A voluntary program for tree protection, tree replacement, and habitat restoration;

(iii) Habitat preservation incentive programs, such as programs that provide reduced development or storm water management fees and property taxes in return for taking measures to protect and restore habitat (including, for example, the Wildlife Habitat Special Tax Assessment Program, ORS 308A.400 through 308A.430, and the Riparian Habitat Tax Exemption Program, ORS 308A.350 through 308A.383);

(iv) Habitat-friendly development standards to reduce the detrimental impact of storm water run-off on riparian habitat;

(v) A local habitat acquisition program; and

(vi) Maintaining and enhancing publicly-owned habitat areas, such as by:

a) Using habitat-friendly best management practices, such as integrated pest management programs, in all regionally significant habitat areas within publicly-owned parks and open spaces;

b) Ensuring that publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development are managed to maintain and enhance the quality of fish and wildlife habitat that they provide; and

c) Pursuing funding to support local park, open space, and habitat acquisition and restoration, such as with local

bond measures, ~~System~~ system ~~Development~~ development ~~Charge~~ charge ~~(SDC)~~ programs, Federal Emergency Management Act (FEMA) grants, or other funding mechanisms.

(4) District Plans

(~~a~~A) Adopt one or more district plans that apply over portions of the city or county, and demonstrate that, for the remainder of its jurisdiction, the city or county has a program that complies with either ~~Metro Code Section~~paragraphs ~~3.07.1330(b)~~(b)(1) or ~~Metro Code Section 3.07.1330(b)~~(2) of this subsection. If a city or county adopts one or more district plans pursuant to this paragraph (4), it ~~shall~~ must demonstrate that, within each district plan area, the district plan complies with ~~Metro Code Section~~paragraph ~~3.07.1330(b)~~(b)(3) of this subsection. District plans ~~shall~~ must be permitted under this ~~subsection~~ paragraph (4) only for areas within a common watershed, or which are within areas in adjoining watersheds that share an interrelated economic infrastructure and development pattern. Cities and counties that choose to develop district plans are encouraged to coordinate such district plans with other entities whose activities impact the same watershed to which the district plan applies, including other cities and counties, special districts, state and federal agencies, watershed councils, and other governmental and non-governmental agencies.

(~~b~~B) The City of Portland ~~shall~~ must develop a ~~District~~ district ~~Plan~~ plan that complies with ~~Metro Code Section~~paragraph ~~3.07.1330(b)~~(b)(4)(~~a~~A) of this subsection, in cooperation with the Port of Portland, that applies to West Hayden Island; or

(5) For a city or county that is a member of the Tualatin Basin Natural Resources Coordinating Committee (~~the "~~TBNRCC~~,"~~) – which includes Washington County and the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard, and Tualatin) – ~~,~~amend its comprehensive plan and implementing ordinances or regulations to comply with the maps and provisions of the TBNRCC Statewide Planning Goal 5 Program, ~~attached hereto[3] and~~ incorporated herein by reference, adopted by the TBNRCC on April 4, 2005 (the "Tualatin Basin Program"), subject to the intergovernmental agreement entered into between Metro and the TBNRCC. All other provisions of this ~~Metro Code S~~section ~~3.07.1330~~, as well as ~~Metro Code S~~section 3.07.1360, ~~shall~~ must still apply to each city and county that is a member of the TBNRCC. In addition, in order for a city or county that is a member of the TBNRCC to be in compliance with this ~~functional plan~~chapter, the following conditions must be satisfied:

~~[3] On file in the Metro Council office and copies available from the Metro Planning, Development and Research Department.~~

(~~a~~A) Within the compliance timeline described in ~~Paragraph~~ paragraph 6 of the Intergovernmental Agreement entered into between Metro and the TBNRCC, the TBNRCC and its members comply with the six ~~(6)~~ steps identified in section B of ~~Chapter~~ chapter 7 of the Tualatin Basin Program;

(~~b~~B) Clean Water Services approves and begins implementing its Healthy Streams Plan;

(~~c~~C) The TBNRCC members agree to renew and extend their partnership to implement the projects on the Healthy Streams Project List and target projects that protect and restore Class I and II Riparian Habitat, including habitat that extends beyond the Clean Water Services "vegetated corridors," and the TBNRCC ~~shall~~ must continue to coordinate its activities with Metro and cooperate with Metro on the development of regional public information about the Nature in Neighborhoods Initiative;

(~~d~~D) The city or county has adopted provisions to facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the ~~Metro Regionally Significant Fish and Wildlife Habitat~~ *Metro Habitat Inventory Map*. Table 3.07-13c, *Habitat-Friendly Development Practices*, provides examples of the types of habitat-friendly development practices that ~~shall~~ must be encouraged and considered;

(~~e~~E) The city or county has adopted provisions to allow for the reduction of the density and capacity requirements of Title 1 of this chapter, *Housing Capacity*, ~~of the Urban Growth Management Functional Plan, Metro Code Sections 3.07.110 to 170,~~ consistent with ~~Metro Code Section~~ section 3.07.1330(h). Particularly, the provisions ~~shall~~ must: (~~1~~i) apply only to properties that were within the ~~Metro urban growth boundary~~UGB on January 1, 2002; (~~2~~ii) require the protection of regionally significant habitat on the property, such as via a public dedication or restrictive covenant; and (~~3~~iii) allow only for a reduction in the minimum number of units required to be built based on the amount of area protected as provided in preceding part (~~2~~ii) of this paragraph~~. In addition, cities and counties will be required to report to Metro as provided in Metro Code Section 3.07.1330(h)(3)~~;

(~~f~~F) The city or county complies with the provisions of ~~Metro Code Section~~paragraphs ~~3.07.1330(b)~~(b)(1) to (b)(3) of this subsection as those provisions apply to upland wildlife habitat in territory added to the ~~Metro urban growth boundary~~UGB after December 28, 2005. For example, ~~(1)~~ each city and county ~~shall~~ must either: (i) adopt and apply ~~Metro's~~ the *Title 13 Model Ordinance* to upland wildlife habitat in new urban areas~~,~~; (~~2~~ii) substantially comply with the requirements

of ~~Metro Code S~~section 3.07.1340 as it applies to upland wildlife habitat in new urban areas~~,~~; or (~~3~~iii) demonstrate that it has implemented an alternative program that will achieve protection and enhancement of upland wildlife habitat in new urban areas comparable with the protection and restoration that would result from one of the two previous approaches described in this sentence; and

(~~g~~G) The TBNRCC and the city or county complies with the monitoring and reporting requirements of ~~Metro Code S~~section 3.07.1360.

(c) The comprehensive plan and implementing ordinances or regulations relied upon by a city or county to comply with this title ~~shall~~ must contain clear and objective standards. A standard ~~shall be~~is considered clear and objective if it ~~meets any one of the following criteria~~is:

(1) ~~It is a~~A fixed numerical standard, such as fixed distance (e.g. "50 feet") or land area (e.g. "~~1~~ one acre");

(2) ~~It is a~~A nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(3) ~~It is a~~A performance standard that describes the outcome to be achieved, specifies the objective criteria to be used in evaluating outcome or performance~~,~~ and provides a process for application of the performance standard, such as a conditional use or design review process.

(d) In addition to complying with subsection (c) of this section, the comprehensive plan ~~and~~ or implementing ordinances or regulations that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective, provided that ~~the comprehensive plan and implementing ordinance provisions of~~ such a discretionary approval process:

(1) ~~Specify~~ Specifies that property owners have the choice of proceeding under either the clear and objective approval process, which each city or county must have pursuant to subsection (c) of this section, or under the alternative, discretionary approval process; and

(2) Requires a level of protection for, or enhancement of, the fish and wildlife habitat that meets or exceeds the level of protection or enhancement that would be achieved by following the clear and objective standards ~~described in~~required by subsection (c) of this section.

(e) Use of Habitat-Friendly Development Practices ~~In~~ in Regionally Significant Fish ~~And~~ and Wildlife Habitat.

(1) Each city and county in the region ~~shall~~must:

(A) Identify provisions in the city's or county's comprehensive plan and implementing ordinances or regulations that prohibit or limit the use

of the habitat-friendly development practices, such as those described in Table 3.07-13c; and

(B) Adopt amendments to the city's or county's comprehensive plan and implementing ordinances or regulations to remove the barriers identified pursuant to ~~subsection (e)(1)(a)of this section~~paragraph (1)(A) of this subsection~~, and shall remove such barriers~~ so that ~~such~~ habitat-friendly development practices may be used, where practicable, in all regionally significant fish and wildlife habitat; provided, however that such practices ~~shall~~ may not be permitted if their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit.

(2) Metro ~~shall~~ must provide technical assistance to cities and counties to comply with the provisions of this subsection (e)~~ of this section~~.

(f) Cities and counties ~~shall~~ must hold at least one public hearing prior to adopting comprehensive plan amendments, implementing ordinances or regulations~~,~~ and maps implementing this title or demonstrating that existing city or county comprehensive plans, implementing ordinances or regulations~~,~~ and maps substantially comply with this title. The proposed comprehensive plan amendments, implementing ordinances or regulations~~,~~ and maps ~~shall~~ must be available for public review at least ~~45~~ 35 days prior to the public hearing.

(g) The comprehensive plan provisions and implementing ordinances or regulations that each city or county amends, adopts, or relies on to comply with this title ~~shall~~ must provide property owners with a reasonable, timely, and equitable process to verify the specific location of habitat areas subject to the provisions of the city's or county's comprehensive plan and implementing ordinances or regulations. It is the intent of this requirement that, in the majority of cases, the process be as simple and straightforward as possible and not result in a change that would require an amendment to the city's or county's comprehensive plan. Such a process ~~shall~~must:

(1) Allow a property owner, or another person with the property owner's consent, to confirm the location of habitat on a lot or parcel at any time, whether or not the property owner has submitted a specific request for a development permit, provided, however, that a city or county may impose a fee to cover the actual staff, equipment and other administrative costs of providing such a service;

(2) As often as reasonably possible, provide a simple, default approach that allows a property owner to verify the location of habitat on a lot or parcel without having to hire an environmental consultant and without having to pay a significant processing or application fee;

(3) Allow a property owner to present detailed documentation to verify the location of habitat on a lot or parcel, such as information collected and analyzed by an environmental consultant; and

(4) Ensure that the process provides adequate opportunities for appeals and a fair and equitable dispute resolution process, consistent with state law.

(h) Reducing Regional Density and Capacity Requirements to ~~Allow~~ Facilitate Habitat Protection.

(1) Notwithstanding ~~the~~ any contrary provision~~s~~ of ~~Metro Code S~~section 3.07.120, cities and counties may approve a ~~subdivision~~ land division or development application for a property that will result in a density below the minimum density otherwise required ~~for~~ in the zoning district if:

(A) The property ~~lot or parcel~~ was within the Metro UGB on January 1, 2002;

(B) An area of the property ~~lot or parcel to be developed~~ has been identified as having regionally significant fish and wildlife habitat on the ~~Metro~~ *Metro Habitat* Inventory Map or as having a significant resource on a local Statewide Planning Goal 5 riparian, wetlands, or wildlife resource inventory map that had been acknowledged by the LCDC prior to December 28, 2005; and

(C) Such a decision will directly result in the protection of the remaining undeveloped regionally significant fish and wildlife habitat or significant resource located on the property ~~lot or parcel~~, such as ~~via~~ by way of a public dedication or a restrictive covenant.

(2) The amount of reduction in the minimum density requirement that may be approved under this subsection (h) of this section ~~shall be~~is calculated by subtracting the number of square feet of regionally significant fish and wildlife habitat or significant resource that is permanently protected under ~~subsection~~ paragraph ~~(h)~~(1)(C) of this subsection from the total number of square feet that the city or county otherwise would use to calculate the minimum density requirement for the property.

~~(3) If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection (h)(1) of this section, then such city or county shall:~~

~~(A) Be permitted an offset against the capacity specified for that city or county in Table 3.07-1 of the Metro Code. The amount of such offset shall be calculated by subtracting the difference between the number of dwelling units that the city or county approved to be built pursuant to subsection (h)(1) of this section and the minimum number of dwelling units that would have otherwise been required to be built on the property pursuant to the applicable minimum density requirements for~~

~~**the zoning district where the property is located; and**~~

~~**(B) Report to Metro by April 15 of every year the number of approvals made pursuant to this subsection (h) of this section, including documentation that the factors in subsection (h)(1) had been satisfied for each such approval, and the capacity offsets that the city or county shall be afforded as a result of such approvals. [Ord. 05-1077C, Sec. 5. Ord. 15-1357.]**~~

3.07.1340 Performance Standards and Best Management Practices for Habitat Conservation Areas

The following performance standards and best management practices apply to all cities and counties that choose to adopt or rely upon their comprehensive plans and implementing ordinances or regulations to comply, in whole or in part, with ~~Metro Code Section~~ section 3.07.1330(b)(2):

(a) City and county comprehensive plans and implementing ordinances or regulations ~~shall~~ must conform to the following performance standards and best management practices:

(1) ~~Habitat Conservation Area~~HCAs ~~shall~~ must be protected, maintained, enhanced, and restored as specified in this ~~Metro Code S~~section ~~3.07.1340~~, and city and county development codes shall include provisions for enforcement of these performance standards and best management practices.

(2) In addition to requirements imposed by this title, the requirements of ~~Title 3 of the Urban Growth Management Functional Plan, Metro Code S~~sections 3.07.310 to 3.07.360 ~~shall~~ continue to apply.

(3) ~~The~~ However, the performance standards and best management practices of this ~~Metro Code S~~section ~~3.07.1340 shall~~ do not apply:

(A) When the application of such standards and practices would restrict or regulate farm structures or farming practices in violation of ORS 215.253 or ORS 561.191; or

(B) In areas outside of the ~~Metro~~ UGB but within the Metro boundary at the effective date of this title:

(i) When such standards and practices violate ORS 527.722 by prohibiting, limiting, regulating, subjecting to approval, or in any other way affecting forest practices on forestlands located outside of an acknowledged urban growth boundary, except as provided in ORS 527.722(2), (3) and (4); or

(ii) Pursuant to ORS 196.107, in areas within Multnomah County and the Columbia River Gorge National Scenic Area, provided that Multnomah County has adopted and implements ordinances or regulations that are approved pursuant to

sections 7(b) and 8(h) through 8(k) of the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §§ 544e(b) and 544f(h) through 544f(k).

(4) The performance standards and best management practices of this ~~Metro Code S~~section ~~3.07.1340 shall~~ also do not apply to any use of residential properties if, as of the local program effective date:

(A) Construction of the residence was completed in compliance with all applicable local and state laws and rules for occupancy as a residence or the residence had been occupied as a residence for the preceding ~~ten~~ 10 years; and

(B) Such uses would not have required the property owner to obtain a land use approval or a building, grading, or tree removal permit from their city or county.

(5) ~~Habitat Conservation Area~~HCAs within publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development ~~shall~~ must be protected and managed so that the quality of fish and wildlife habitat that they provide is maintained and enhanced, and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas.

(6) Invasive non-native or noxious vegetation ~~shall~~ may not be planted in any ~~Habitat Conservation Area~~HCA. The removal of invasive non-native or noxious vegetation from ~~Habitat Conservation Area~~HCAs ~~shall~~ must be allowed. The planting of native vegetation ~~shall~~ must be encouraged in ~~Habitat Conservation Area~~HCAs.

(7) Except as provided in ~~subsection~~ paragraph ~~(a)~~(8) of this subsection, routine repair, maintenance, alteration, rehabilitation, or replacement of existing structures, roadways, driveways, utilities, accessory uses, or other development within ~~Habitat Conservation Area~~HCAs may be allowed provided that:

(A) The project is consistent with all other applicable local, state, and federal laws and regulations;

(B) The project will not permanently or irreparably result in more developed area within a ~~Habitat Conservation Area~~HCA than the area of the existing development; and

(C) Native vegetation is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with vegetation other than invasive non-native or noxious vegetation; and the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged.

(8) Notwithstanding ~~subsection~~ paragraph ~~(a)~~(7) of this subsection, when a city or county exercises its discretion to approve zoning changes to allow a

developed property that contains an ~~Habitat Conservation Area~~HCA to ~~(1)~~ change from an industrial or heavy commercial zoning designation to a residential or mixed-use/residential designation, or ~~(2)~~to increase the type or density and intensity of development in any area, then the city or county ~~shall~~ must apply the provisions of this ~~Metro Code S~~section ~~3.07.1340~~, or provisions that will achieve substantially comparable habitat protection and restoration as do the provisions of this section. This provision will help to insure that, when developed areas are redeveloped in new ways to further local and regional urban and economic development goals, property owners should restore regionally significant fish and wildlife habitat as part of such redevelopment.

(9) Any activity within ~~Habitat Conservation Area~~HCAs that is required to implement a Federal Aviation Administration (FAA)-compliant Wildlife Hazard Management Plan (WHMP) on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, ~~shall~~ may be allowed provided that mitigation for any such projects is completed in compliance with mitigation requirements adopted pursuant to ~~subsections~~ paragraphs ~~(b)~~(1), ~~(b)~~(2)(C), and ~~(b)~~(3) of this section 3.07.1340(b). In addition, habitat mitigation for any development within ~~Habitat Conservation Area~~HCAs on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, ~~shall~~ may be permitted at any property located within the same 6th Field Hydrologic Unit Code subwatershed as delineated by the Unites States Department of Agriculture's Natural Resources Conservation Service (NRCS) without having to demonstrate that on-site mitigation is not practicable, feasible, or appropriate.

(10) Within ~~Habitat Conservation Area~~HCAs located in Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage District No. 2, and the area managed by the Sandy Drainage Improvement Company, routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS ~~Chapters~~ chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, ~~shall~~ may be allowed provided that:

(A) The project is consistent with all other applicable local, state, and federal laws and regulations;

(B) The project does not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development;

(C) Disturbed areas are replanted with vegetation and no bare soils remain after project completion; the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; and invasive non-native or noxious vegetation shall not be planted; and

(D) Each district submits an annual report, to all local permitting agencies in which the district operates, describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.

(b) City and county comprehensive plans and implementing ordinances or regulations ~~shall~~ must contain review standards applicable to development in all ~~Habitat Conservation Area~~HCAs that include:

(1) Clear and objective development approval standards consistent with ~~Metro Code S~~section 3.07.1330(c) that protect ~~Habitat Conservation Area~~HCAs but which allow limited development within ~~High Habitat Conservation Area~~HCAs, slightly more development in Moderate ~~Habitat Conservation Area~~HCAs, and even more development in Low ~~Habitat Conservation Area~~HCAs. Such standards ~~shall~~ must allow: (~~a~~A) property owners to consider reduced building footprints and the use of minimal excavation foundation systems (e.g., pier, post or piling foundation~~),~~); and (~~b~~B) the flexible application of local code requirements that may limit a property owner's ability to avoid development in ~~Habitat Conservation Area~~HCAs, such as setback and landscaping requirements or limits on clustering and the transfer of development rights on-site. The habitat-friendly development practices described in Table 3.07-13c, which are intended to minimize the magnitude of the impact of development in ~~Habitat Conservation Area~~HCAs, ~~shall~~ must be allowed, encouraged, or required to the extent that cities and counties can develop clear and objective standards for their use, unless their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit. The clear and objective development standards required by this paragraph also ~~shall~~ must require that all development in ~~Habitat Conservation Area~~HCAs be mitigated to restore the ecological functions that are lost or damaged as a result of the development. Standards that meet the requirements of this ~~subsection~~ paragraph and ~~Metro Code S~~section 3.07.1330(c) are provided in ~~Section~~ section (7) of the ~~Metro~~ *Title 13 Model Ordinance*[4]; and

[4] ~~On file in the Metro Council office and copies available from the Metro Planning, Development and Research~~

(2) Discretionary development approval standards consistent with ~~Metro Code S~~section 3.07.1330(d) that comply with ~~subsections~~ paragraphs ~~(b)~~(2)(A), ~~(b)~~(2)(B), and ~~(b)~~(2)(C) of this subsection (b). Standards that meet the requirements of ~~this subsection~~ paragraph (b)(2) and ~~Metro Code S~~section 3.07.1330(d) are provided in ~~Section~~ section (8) of the ~~Metro~~ *Title 13 Model Ordinance*. In the alternative to adopting the model ordinance, the local approval standards must achieve the following~~.~~:

(A) Avoid ~~Habitat Conservation Area~~HCAs, as follows:~~.~~

(i) Development may occur within an ~~Habitat Conservation Area~~HCA only if a property owner demonstrates that no practicable alternatives to the requested development exist which will not disturb the ~~Habitat Conservation Area~~HCA;

(ii) When implementing this requirement to determine whether a practicable alternative exists, cities and counties ~~shall~~ must include consideration of the type of ~~Habitat Conservation Area~~HCA that will be affected by the proposed development. For example, High ~~Habitat Conservation Area~~HCAs have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, while Low ~~Habitat Conservation Area~~HCAs have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat; and

(iii) Cities and counties ~~shall~~ must allow flexibility in the application of local code requirements that may limit a property owner's ability to avoid development in ~~Habitat Conservation Area~~HCAs, such as setback and landscaping requirements or limits on clustering and the transfer of development rights on-site. Property owners ~~shall~~ must also consider reduced building footprints and use of minimal excavation foundation systems (e.g., pier, post or piling foundation). The use of the techniques described in this paragraph ~~shall~~ must be part of the alternatives analysis to determine whether any alternative to development within the ~~Habitat Conservation Area~~HCA is practicable; and

(B) Minimize Impacts on ~~Habitat Conservation Area~~HCAs and ~~Water~~ water ~~Quality~~, as follows:

(i) If there is no practicable alternative, limit the development to minimize, to the extent practicable, the detrimental impacts on ~~Habitat Conservation Area~~HCAs associated with the proposed development;

~~Department.~~

(ii) When implementing this requirement to determine whether development has been minimized to the extent practicable, cities and counties ~~shall~~ must include consideration of the type of ~~Habitat Conservation Area~~HCA that will be affected by the proposed development. For example, High ~~Habitat Conservation Area~~HCAs have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, while Low ~~Habitat Conservation Area~~HCAs have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat; and

(iii) The techniques described in ~~subsection~~ paragraph ~~(b)~~(2)(A)~~(iii)~~ of this subsection (b) ~~shall~~must be used to demonstrate that development within an ~~Habitat Conservation Area~~HCA has been minimized. In addition, the magnitude of the impact of development within ~~Habitat Conservation Area~~HCAs also ~~shall~~ must be minimized, such as by use of the habitat-friendly development practices described in Table 3.07-13c, unless the use of such practices is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit; and

(C) Mitigate Impacts on ~~Habitat Conservation Area~~HCAs and ~~Water~~ water ~~Quality~~quality, as follows:~~.~~

(i) When development occurs, require mitigation to restore the ecological functions that were lost or damaged as a result of the development, after taking into consideration the property owner's efforts to minimize the magnitude of the detrimental impacts through the use of the techniques described in Table 3.07-13c and through any additional or innovative techniques.

(3) When development occurs within delineated wetlands, then the mitigation required under ~~subsections~~ paragraphs ~~(b)~~(1) and ~~(b)~~(2) of this subsection (b) ~~title~~ ~~shall~~may not require any additional mitigation than the mitigation required by state and federal law for the fill or removal of such wetlands.

(c) City and county comprehensive plans and implementing ordinances or regulations ~~shall~~ must include procedures to consider claims of hardship and to grant hardship variances for any property demonstrated to be converted to an unbuildable lot or parcel by application of any provisions implemented to comply with the requirements of this title.

(d) As for administering the *Habitat Conservation Areas Map* and ~~Site~~site ~~Level~~ level ~~Verification~~ verification of ~~Habitat~~ habitat ~~Location~~location~~.~~:

(1) Each city and county ~~shall be~~is responsible for administering the *Habitat Conservation Areas Map*, or the city's or county's map that has been deemed by Metro to be in substantial compliance with the *Habitat Conservation Areas Map*, within its jurisdiction, as provided in this subsection (d) ~~of this section~~.

(2) The comprehensive plan and implementing ordinances or regulations amended, adopted or relied upon to comply with this subsection (d) ~~of this section~~ shall comply with ~~Metro Code~~ section 3.07.1330(g).

(3) ~~Verification of the Location of Habitat Conservation Areas.~~ Each city and county ~~shall~~ must establish a site-level verification process consistent with ~~subsections~~ paragraphs ~~(d)~~(4) through ~~(d)~~(6) of this subsection. The site-level verification of ~~Habitat Conservation Area~~HCAs is a three-step process. The first step is determining the boundaries of the habitat areas on the property, as provided in ~~subsection~~ paragraph ~~(d)~~(4) of this subsection. The second step is determining the urban development value of the property, as provided in ~~subsection~~ paragraph ~~(d)~~(5) of this subsection. The third step is cross-referencing the habitat classes with the urban development value of the property to determine whether the property contains High, Moderate, or Low ~~Habitat Conservation Area~~HCAs, or none at all, as provided in ~~subsection (d)~~paragraph (6) of this subsection.

(4) As for locating ~~Habitat~~ habitat ~~Boundaries~~boundaries~~.~~:

(A) Locating riparian habitat and determining its habitat class is a five-step process~~.~~, as follows:

(i) Step 1. Locate the water feature that is the basis for identifying riparian habitat:

1) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property;

2) Locate all flood areas within 100 feet of the property (areas that were mapped as flood areas but were filled to a level above the base flood level prior to the local program effective date, consistent with all applicable local, state, and federal laws and regulations shall no longer be considered habitat based on their status as flood areas); and

3) Locate all wetlands within 150 feet of the property based on the ~~Local~~ local ~~Wetland~~ wetland ~~Inventory~~ inventory map (if completed) and on the *Metro 2004 Wetland Inventory Map* adopted as Exhibit C, Attachment 3 to Metro Council Ordinance No. 05-10778B ~~(available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-~~

~~797-1742)~~. Identified wetlands ~~shall~~ must be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

(ii) Step 2. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas:

1) Vegetative cover status ~~shall~~ must be as identified on the *Metro Vegetative Cover Map*, ~~attached hereto[5] and incorporated herein by reference~~originally adopted as Exhibit C, Attachment 5 to Metro Council Ordinance No. 05-1077B. The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs; and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as "forest canopy" the forested area had to be part of a larger patch of forest of at least one acre in size; and

2) In terms of mapping the location of habitat, the only allowed corrections to the vegetative cover status of a property are those based on an area being developed prior to the local program effective date and those based on errors made at the time the vegetative cover status was determined based on analysis of the aerial photographs used to create the *Metro Vegetative Cover Map* (for the original map, the aerial photos used were Metro's summer 2002 photos) and application of the vegetative cover definitions provided in the footnotes to Table 3.07-13d, *Locating Boundaries of Class I and II Riparian Areas*.

(iii) Step 3. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25~~%~~ percent (using the methodology described in the Appendix to Exhibit A to Metro Council Ordinance No. 00-839 re-adopting Title 3 ~~of the Urban Growth Management Functional Plan~~).

(iv) Step 4. Identify the habitat class (Class I, Class II, or none) of the areas within up to 200 feet of the identified water feature, consistent with Table 3.07-13d. Note that areas that have been identified as ~~habitats~~ Habitats of ~~concern~~Concern, as depicted

~~[5] On file in the Metro Council office and copies available from the Metro Data Resource Center.~~

on the ~~Metro~~ *Habitats of Concern Map*, ~~attached hereto[6] and incorporated herein by reference~~adopted as Exhibit C, Attachment 6 to Metro Council Ordinance No. 05-1077B with any subsequent amendments, are all classified as Class I riparian habitat.

(v) Step 5. Confirm that the development and vegetative cover status of areas within up to 200 feet of the identified water feature has not been altered without the required approval of the city or county since the local program effective date and, if it has, then verify the original habitat location using the best available evidence of its location on the local program effective date.

(B) For territory brought within the Metro UGB after December 28, 2005, the location of upland wildlife habitat and its habitat class ~~shall~~ must be as identified ~~in Metro's habitat~~on the ~~inventory~~ *Metro Habitat Inventory Map* of such territory performed pursuant to ~~Metro Code S~~section 3.07.1370. The only factors that may be reviewed to verify the location of upland wildlife habitat ~~shall~~ may be:

(i) For territory that was within the Metro boundary on December 28, 2005, whether regionally significant fish and wildlife habitat was removed, consistent with all other applicable local, state, and federal laws and regulations, prior to the date that the property was brought within the ~~Metro~~ UGB and, if so, then areas where habitat was removed ~~shall~~ may not be identified as ~~Habitat Conservation Area~~HCAs;

(ii) Whether errors were made at the time the vegetative cover status was determined based on: (1) analysis of the aerial photographs used to determine the vegetative cover status~~,~~; and (2) application of the vegetative cover definitions provided in the footnotes to Table 3.07-13d; and

(iii) Whether there are discrepancies between the locations of property lot lines and the location of ~~Habitat Conservation Area~~HCAs, as shown on the *Habitat Conservation Areas Map*.

(e5) ~~Urban Development Value of the Property.~~ The urban development value of property designated as regionally significant habitat is depicted on the ~~Metro~~ *Habitat Urban Development Value Map*~~, attached hereto[7] and incorporated herein by reference~~ adopted as Exhibit C, Attachment 4 to Metro Council Ordinance No. 05-1077B with any subsequent amendments. The ~~Metro~~ *Habitat Urban Development Value Map* is based on an assessment of three variables, the land value of property, the employment value of property, and the Metro 2040 Design Type designation of property. Cities and counties

~~[6] On file in the Metro Council office and copies available from the Metro Data Resource Center.~~
~~[7] On file in the Metro Council office and copies available from the Metro Data Resource Center.~~

~~shall~~ must make an upward adjustment of a property's urban development value designation (i.e., from low to medium or high, or from medium to high) if:

(A) The Metro 2040 Design Type designation has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. Properties in areas designated as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, ~~Other~~ Industrial Areas, and Employment ~~Centers~~ Areas are of medium urban development value; and properties in areas designated as Neighborhoods and Corridors are of low urban development value; or

(B) The property, or adjacent lots or parcels, is owned by a ~~regionally~~ Regionally ~~significant~~ Significant ~~educational~~ Educational or ~~medical~~ Medical ~~facility~~ Facility and, for that reason, should be designated as of high urban development value because of the economic contributions the facility provides to the ~~citizens~~ people of the region.

(i) The following facilities are ~~regionally~~ Regionally ~~significant~~ Significant ~~educational~~ Educational or ~~medical~~ Medical ~~facilities~~Facilities, as further identified on the *Regionally Significant Educational or Medical Facilities Map*~~, attached hereto~~[8] adopted as Exhibit C, Attachment 6 to Metro Council Ordinance No. 05-1077B:

1) Clackamas Community College, 19600 S. Molalla Ave., Oregon City;

2) Lewis &Clark College, 0615 SW Palatine Hill Rd., Portland;

3) Marylhurst University, 17600 Hwy 43, in Lake Oswego;

4) Mt. Hood Community College, 26000 SE Stark St., Gresham;

5) Oregon Health Sciences University, 3181 SW Sam Jackson Park Rd., Portland;

6) Oregon Health Sciences University, Portland South Waterfront, Portland;

7) Oregon Health Sciences University /Oregon Graduate Institute, 20000 NW Walker, Hillsboro;

8) Pacific University, 2043 College Way, Forest Grove;

~~[8] On file in the Metro Council office.~~

9) Portland Community College, Rock Creek Campus, 17865 NW Springdale Rd., Portland;

10) Portland Community College, Sylvania Campus, 12000 SW 49th Ave., Portland;

11) Providence St. Vincent Medical Center, 9115 SW Barnes Rd., Portland;

12) Reed College, 3203 SE Woodstock Blvd., Portland;

13) University of Portland, 5000 N. Willamette Blvd., Portland; and

14) Veterans Hospital, 3710 SW U.S. Veterans Hospital Rd., Portland.

(ii) The Metro Council may add a property to the list of facilities identified in ~~subsection~~ paragraph ~~(d)~~(5)(B)(i) of this subsection in the future by adopting an ordinance amending that section if the Metro Council finds that the use of the property:

1) Supports the 2040 Growth Concept by providing a mixed-use environment that may include employment, housing, retail, cultural and recreational activities, and a mix of transportation options such as bus, bicycling, walking, and auto;

2) Provides, as a primary objective, a service that satisfies a public need rather than just the consumer economy (i.e., producing, distributing, selling or servicing goods);

3) Draws service recipients (e.g., students, patients) from all reaches of the region and beyond;

4) Relies on capital infrastructure that is so large or specialized as to render its relocation infeasible; and

5) Has a long-term campus master plan that has been approved by the city or county in which it is located.

(~~f~~6) ~~Cross-Referencing Habitat Class With Urban Development Value.~~ City and county verification of the locations of High, Moderate, and Low ~~Habitat Conservation Area~~HCAs ~~shall~~ must be consistent with Tables 3.07-13a and 3.07-13b. -[Ord. 05-1077C, Section 5.]

3.07.1350 Claims Pursuant to ORS 195.305 (Ballot Measure 49)

(a) The purpose of this section is to provide for Metro to accept potential liability for claims filed against cities and counties pursuant to ORS 195.305 (Ballot Measure 49) as a result of the cities' and counties' good faith implementation of ~~Metro Code S~~sections 3.07.1310 through 3.07.1370. As a corollary of accepting financial and

administrative responsibility for these claims, Metro seeks the authority and cooperation of cities and counties in the evaluation and settlement of claims.

(b) Provided that cities and counties meet the requirements set out below, Metro ~~shall~~ will indemnify a city or county for any claim made against a city or county based on its implementation of the requirements of ~~Metro Code S~~sections 3.07.1310 through 3.07.1370. In order to receive the benefits of this provision, a city or county must:

(1) Upon receipt of a written demand for compensation pursuant to ORS 195.305, from an owner of private real property located within its jurisdiction alleging that a comprehensive plan amendment or land use regulation adopted or relied upon to comply with the requirements of this title reduces the fair market value of the property, a city or county ~~shall~~ must forward a copy of the demand to Metro no later than seven ~~(7)~~ days following receipt of the demand; and

(2) Reasonably cooperate with Metro throughout Metro's consideration and disposition of the claim, including promptly providing Metro with any information related to the property in question, to an assessment of its fair market value, or to the city's or county's adoption of the comprehensive plan amendment or land use regulation that is the basis of the demand made pursuant to ORS 195.305; and

(3) Substantially concur with Metro's recommendation regarding disposition of the claim, which disposition may include, but not be limited to, a cash payment or other compensation, a decision to modify, remove, or not apply the regulation, dismissal of the claim, and the imposition of appropriate conditions. Metro ~~shall~~ must forward to the city or county Metro's recommended disposition of the claim within 120 days of Metro's receipt of notice of the claim from the city or county; provided, however, that if Metro does not provide such recommendation within the 120 day deadline then the city or county may dispose of the claim as it determines appropriate and Metro will neither indemnify the city or county for the claim nor use the city's or county's decision on the claim as a basis for finding that the city or county is not in compliance with this title. A city or county may also satisfy this requirement by entering into an intergovernmental agreement with Metro in order to grant Metro sufficient authority to implement, on the city or county's behalf, Metro's recommendation regarding the disposition of the claim. -[Ord. 05-1077C, Section 5. Ord. 15-1357~~,~~.]

3.07.1360 Program Objectives, Monitoring and Reporting

This section describes the program performance objectives, the roles and responsibilities of Metro, cities, counties, and special districts in regional data coordination and inventory maintenance, monitoring and reporting~~,~~ and program evaluation.

(a) The following program objectives are established:

(1) Performance objectives:

(A) Preserve and improve streamside, wetland, and floodplain habitat and connectivity;

(B) Preserve large areas of contiguous habitat and avoid habitat fragmentation;

(C) Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat; and

(D) Preserve and improve special habitats of concern, such as native oak habitats, native grasslands, wetlands, bottomland hardwood forests, and riverine islands.

(2) Implementation objectives:

(A) Increase the use of habitat-friendly development throughout the region; and

(B) Increase restoration and mitigation actions to compensate for adverse effects of new and existing development on ecological function.

(b) Program Monitoring and Evaluation.

(1) Metro will monitor the region's progress toward meeting the vision of conserving, protecting, and restoring the region's fish and wildlife habitat and the intent of this title by:

(A) Developing and monitoring regional indicators and targets ~~as set forth in Table 3.07-13e~~ to evaluate progress in achieving the four performance objectives described in subsection (a)(1) of this section;

(B) Developing and monitoring regional indicators ~~as set forth in Table 3.07-13e~~ to evaluate progress in achieving the two implementation objectives described in subsection (a)(2) of this section; and

(C) Collaborating with local, state, and federal agencies and non-governmental organizations in carrying out field studies and data sharing to increase understanding of the health of the region's watersheds and to identify restoration opportunities and priorities~~; and~~.

(D) Preparing and presenting monitoring and program evaluation reports ~~to Metro Council no later than December 31, 2006, and by December 31 of each even-numbered year thereafter~~when directed by the Metro Council.

(2) Metro will practice adaptive management by using the results of monitoring studies and the availability of new information to assess whether the goals, objectives, and targets of this title are being achieved.

(c) Reporting Requirements for Cities and Counties.

~~(1) Cities and counties shall report to Metro no later than December 31, 2007, and by December 31 of each odd-numbered year thereafter on their progress in using voluntary and incentive-based education, acquisition, and restoration habitat protection efforts; and~~

(~~2~~1) At least ~~45~~ 35 days prior to a city's or county's ~~final~~ first public hearing on a proposed new or amended ordinance or regulation relating to protection of, or mitigation of damage to, habitat, trees or other vegetation, cities and counties ~~shall~~ must mail written notice of the proposed ordinance or regulation to Metro. Cities and counties that require applications for land use approvals or building, grading, or tree removal permits to include documentation that the development meets habitat, tree, or vegetation protection and mitigation requirements adopted by a special district, including any county service district established pursuant to ORS chapter 451, ~~shall~~ must mail written notice to Metro of any proposed new or amended ordinance or regulation relating to protection of, or mitigation of damage to, trees or other vegetation that is proposed by such a special district at least ~~45~~ 35 days prior to the special district's ~~final~~ first public hearing on the proposed new or amended ordinance or regulation.

(d) Regional Data Coordination and Maintenance.

(1) Metro will act as the regional coordinator for Geographic Information System (GIS) data used to create and maintain the ~~Regionally Significant Fish and Wildlife Habitat~~ *Metro Habitat Inventory Map* and other data relevant to program implementation, monitoring, and evaluation. To carry out this role cities and counties shall provide Metro with local data in a timely fashion and in a form compatible with Metro's GIS program. To the extent that such data is collected by county service districts established pursuant to ORS chapter 451, then the county in which the county service district operates ~~shall~~ must comply with this section. Such data ~~shall~~ must include:

(A) Adopted and revised ~~L~~local ~~W~~wetland ~~I~~inventories approved by the Division of State Lands and those determined to be locally significant under ORS 197.279(3)(b);

(B) Wetland mitigation sites approved by the Division of State Lands or U.S. Army Corps of Engineers;

(C) For cities and counties that have not carried out ~~L~~local ~~W~~wetland ~~I~~inventories, wetland boundaries delineated using accepted protocols by Division of State Lands or U.S. Army Corps of Engineers;

(D) Revised or updated local surface stream inventories;

(E) Revised or updated 100-year Federal Emergency Management Act (FEMA) flood area maps or revisions to the 1996 area of inundation maps to incorporate FEMA-approved floodplain map revisions or floodplain fills approved by the U.S. Army Corps of Engineers;

(F) Completed restoration and enhancement projects; and

(G) Revised or updated ~~Metro~~ Habitats of Concern data layer.

(2) Metro will periodically update its ~~Regionally Significant Fish and Wildlife Habitat~~ *Metro Habitat Inventory Map* for use in program monitoring and evaluation. Metro will maintain a study area boundary one mile beyond the perimeter of the Metro boundary and ~~Metro Urban Growth Boundary~~UGB. [Ord. 05-1077C, Sec. 5. Ord. 15-1357.)

3.07.1370 Future Metro Urban Growth Boundary Expansion Areas

The *Metro Habitat Inventory Map* identifies regionally significant fish and wildlife habitat within the entire Metro boundary, including areas outside of the ~~Metro~~ UGB at the time this title was adopted. As described in ~~Metro Code S~~section 3.07.1320, the Metro Council has designated as ~~Habitat Conservation Area~~HCAs the regionally significant fish and wildlife habitat that has been identified as riparian Class I and II habitat within the Metro boundary. In addition, the Metro Council has also determined that the regionally significant fish and wildlife habitat identified as upland wildlife Class A and B habitat that is currently outside of the ~~Metro~~ UGB ~~shall~~ must be designated as ~~Habitat Conservation Area~~HCAs at such time that those areas are brought within the ~~Metro~~ UGB. Territory where the ~~Metro~~ UGB may expand includes both areas within the current Metro boundary and areas outside of the current Metro boundary.

(a) New Urban Territory that was Previously Within the Metro Boundary.

The *Metro Habitat Inventory Map* already identifies the regionally significant upland wildlife Class A and B habitat in territory within the current Metro boundary but outside the current ~~Metro~~ UGB. ~~At the time such~~After the territory is brought within the ~~Metro~~ UGB, ~~consistent with Title 11 of this functional plan, Metro Code Sections 3.07.1110 et seq.,~~ and before the area is planned pursuant to section 3.07.1120, Metro, by order of the COO, ~~shall~~ must update its inventory of regionally significant fish and wildlife habitat and *Metro Habitat Inventory Map* for such territory using the same methodology used by Metro to establish the *Metro Habitat Inventory Map*. Based on the updated *Metro Habitat Inventory Map*, Metro, by order of the COO, ~~shall~~ must ~~prepare a~~update the *Habitat Conservation Areas Map* for such new territory, as described in ~~Metro Code S~~section 3.07.1320(b)~~(c)~~, using the 2040 Design Types that are assigned to such territory to determine the area's urban development value.

(b) New Urban Territory that was Previously Outside ~~of~~ the Metro Boundary.

~~At the time~~After such territory is brought within the ~~Metro~~ UGB, ~~consistent with Title 11 of this functional plan, Metro Code Sections 3.07.1110 et seq.,~~ and before the area is planned pursuant to section 3.07.1120, Metro, by order of the COO, ~~shall~~ must ~~prepare an~~update its inventory of regionally significant fish and wildlife habitat and *Metro Habitat Inventory Map* for such territory using the same methodology used by Metro to establish the *Metro Habitat Inventory Map*. ~~Upon adoption of such inventory, Metro shall update its Metro Inventory Map to include such information.~~ Based on the updated *Metro Habitat Inventory Map*, Metro, by order of the COO, ~~shall~~ must ~~prepare a~~update the *Habitat Conservation Areas Map* for such new territory, as described in ~~Metro Code S~~section 3.07.1320(b), using the

2040 Design Types that are assigned to such territory to determine the area's urban development value.

(c) Metro recognizes that the assigned 2040 Design Types may change as planning for territory added to the Metro UGB progresses, and that the relevant ~~Habitat Conservation Area~~HCA designations will also change as a result of the 2040 Design Type changes during such planning. Updates to the *Metro Habitat Inventory Map* or to the *Habitat Conservation Areas Map* may be made by order of the COO in order to reflect changes in 2040 Design Type designations. -[Ord. 05-1077C, Sec. 5.]

Table 3.07-13a: Method for Identifying Habitat Conservation Areas ("HCA~~s~~")

Fish & wildlife habitat classification	**High ~~U~~urban development value[1]**	**Medium ~~U~~urban development value[2]**	**Low ~~U~~urban development value[3]**	**Other areas: Parks and ~~O~~open ~~S~~spaces, no design types outside UGB**
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+[4]
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+[4]
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA[5] / High HCA+[4]
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA[5] / High HCA+[4]

NOTE: The default urban development value of property is as depicted on the ~~Metro~~ *Habitat Urban Development Value Map*. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to ~~Metro Code S~~section 3.07.1340(e)(5).

[1] Primary 2040 ~~design~~ Design ~~types~~Types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

[2] Secondary 2040 ~~design~~ Design ~~types~~Types: Main Streets, Station Communities, ~~Other~~ Industrial Areas, and Employment ~~Centers~~ Areas

[3] Tertiary 2040 ~~design~~ Design ~~types~~Types: Neighborhoods, Corridors

[4] Cities and counties ~~shall~~ must give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas (HCAs), as provided in ~~Metro Code S~~section 3.07.1340(a)(5).

[5] All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, ~~shall be considered~~are High HCAs.

Table 3.07-13b: Method for Identifying Habitat Conservation Areas ("HCAs") in Future Metro ~~Urban Growth Boundary~~UGB Expansion Areas

Fish & wildlife habitat classifi-cation	**High ~~U~~urban development value[1]**	**Medium ~~U~~urban development value[2]**	**Low ~~U~~urban development value[3]**	**Other areas: Parks and ~~O~~open Spaces, no design types outside UGB**
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+[4]
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+[4]
Class A Upland Wildlife	Low HCA	Moderate HCA	Moderate HCA	High HCA / High HCA[5] / High HCA+[4]
Class B Upland Wildlife	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA[5] / High HCA+[4]

NOTE: The default urban development value of property is as depicted on the ~~Metro~~ *Habitat Urban Development Value Map*. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to ~~Metro Code Section~~paragraph ~~3.07.1340(e)~~(5) of subsection 3.07.1340(e).

[1] Primary 2040 ~~design~~ Design ~~types~~Types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas.

[2] Secondary 2040 ~~design~~ Design ~~types~~Types: Main Streets, Station Communities, ~~Other~~ Industrial Areas, and Employment ~~Centers~~Areas.

[3] Tertiary 2040 ~~design~~ Design ~~types~~Types: Neighborhoods, Corridors

[4] Cities and counties ~~shall~~ must give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas (HCAs), as provided in ~~Metro Code S~~section 3.07.1340(a)(5).

[5] All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, ~~shall be considered~~are High HCAs.

Table 3.07-13c. ~~–~~ : Habitat-~~friendly~~ Friendly Development Practices

Part (a):Design and Construction Practices to Minimize Hydrologic Impacts	
1.	Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2.	Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.
3.	Incorporate stormwater management in road rights-of-way~~s~~.
4.	Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5.	Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6.	Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7.	Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8.	Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9.	Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10.	Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11.	Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12.	Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13.	Use shared driveways.
14.	Reduce width of residential streets, depending on traffic and parking needs.
15.	Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16.	Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17.	Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18.	Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19.	Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20.	Allow narrow street rights-of-way~~s~~ through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b):	*Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage*
1.	Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2.	Use bridge crossings rather than culverts wherever possible.
3.	If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4.	Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5.	Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (c):	*Miscellaneous Other Habitat-Friendly Design and Construction Practices*
1.	Use native plants throughout the development (not just in HCA).
2.	Locate landscaping (required by other sections of the code) adjacent to HCA.
3.	Reduce light-spill off into HCAs from development.
4.	Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

Table 3.07-13d: Locating Boundaries of Class I and II Riparian Areas

Distance from Water Feature	Development/Vegetation Status[1]			
	Developed areas not providing vegetative cover[2]	**Low structure vegetation or open soils[3]**	**Woody vegetation (shrub and scattered forest canopy)[4]**	**Forest Canopy (closed to open forest canopy)[5]**
Surface Streams				
0-50’	Class II [6]	Class I [7]	Class I	Class I
50’-100’		Class II [6]	Class I	Class I
100’-150’		Class II if slope > 25% ~~percent~~ [6]	Class II if slope > 25% ~~percent~~ [6]	Class II [6]
150’-200’		Class II if slope > 25% ~~percent~~ [6]	Class II if slope > 25% ~~percent~~ [6]	Class II if slope > 25% ~~percent~~ [6]
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100’		Class II [6]	Class I	Class I
100’-150’				Class II [6]
Flood Areas				
Within 300’ of river or surface stream		Class I	Class I	Class I
More than 300’ from river or surface stream	[8]	Class II [6]	Class II [6]	Class I
0-100’ from edge of flood area			Class II [6, 9]	Class II [6]

[1] Development/vegetative cover status is identified on the *Metro Vegetative Cover Map* ~~(on file in the Metro Council office)~~. The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs; and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged.

[2] "Developed areas not providing vegetative cover" are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping unit for any type of vegetative cover.

[3] "Low structure vegetation or open soils" means areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of

open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

[4] "Woody vegetation" means areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60~~%~~ percent crown closure) located within 300 feet of a surface stream.

[5] "Forest canopy" means areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60~~%~~ percent or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

[6] Areas that have been identified as ~~habitats~~ Habitats of ~~concern~~Concern, as designated on the ~~Metro~~ *Habitats of Concern Map* ~~(on file in the Metro Council office and copies available from the Metro Data Resource Center),~~ ~~shall~~ must be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify ~~habitats~~ Habitats of ~~concern~~ Concern as described in Metro's Technical Report for Fish and Wildlife. Examples of ~~habitats~~ Habitats of ~~concern~~ Concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

[7] Except that areas within 50 feet of surface streams ~~shall~~ must be treated as Class II riparian areas if their vegetation status is "Low structure vegetation or open soils," and if they are high gradient streams. High gradient streams are identified on the *Metro Vegetative Cover Map*. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro's Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to ~~this ordinance~~Metro Council Ordinance No. 05-1077C.

[8] If development prior to the effective date of ~~this title~~Metro Council Ordinance No. 05-1077C within a contiguous, undeveloped flood area (to include contiguous flood areas on adjacent properties) that was not mapped as having any vegetative cover has reduced the size of that contiguous flood area to less than one half of an acre in size, then the remaining flood area ~~shall~~ must also be considered a developed flood area and ~~shall~~ may not be identified as habitat.

[9] Only if within 300 feet of a river or surface stream**.**

Table 3.07-13e: Performance and Implementation Objectives and Indicators

Performance Objectives	**Targets**	**Targeted Condition Based on 2004 Metro Inventory**	**Example Indicators**
Performance Objective 1: Preserve and improve streamside, wetland, and flood area habitat and connectivity.	1a. *10% increase in forest and other vegetated acres within 50 feet* of streams (on each side) and wetlands in each sub-watershed over the next 10 years (2015).	1a. 2004 Baseline Condition (regional data): 64% vegetated 14,000 vegetated acres	Percentage of acres within 50 feet of streams (on each side) and wetlands with any vegetation
		10% increase: 70% vegetated 1,400 acre increase in vegetation over 10 years	Percentage of acres within 50 feet of streams (on each side) and wetlands with forest canopy
	1b. 5*% increase in forest and other vegetated acres within 50 to 150 feet of streams* (on each side) and wetlands in each subwatershed over the next 10 years (2015).	1b. 2004 Baseline Condition (regional data): 59% vegetated 15,250 vegetated acres	Percentage of acres between 50 and 150 feet of streams (on each side) and wetlands with any vegetation
		5% increase: 62% vegetated 760 acre increase in vegetation over 10 years	
	1c. No more than *10% increase in developed flood area acreage* in each subwatershed over the next 10 years (2015).	1c. 2004 Baseline Condition (regional data): 10% of all flood area acres are developed 3,450 total acres of developed flood areas	Percentage of acres between 50 and 150 feet of streams (on each side) and wetlands with forest canopy

Performance Objectives	**Targets**	**Targeted Condition Based on 2004 Metro Inventory**	**Example Indicators**
		10% increase: 3,800 total acres of developed flood areas	Number of acres of Class I and II Riparian Habitat Percentage of flood area acres that are developed* * "Developed" for purposes of this indicator means the methodology used in Metro's Fish and Wildlife Inventory to identify developed flood areas.
Performance Objective 2: Preserve large areas of contiguous habitat and avoid fragmentation.	2a. *Preserve 75% of vacant Class A and B* upland wildlife habitat in each subwatershed over the next 10 years (2015).	2a. 2004 Baseline Condition: 15,500 acres of vacant Class A and B upland wildlife habitat	Number of acres of Class A habitat Number of acres of Class B habitat Number of wildlife habitat patches that contain 30 acres or more of upland wildlife habitat
		5% retention: 11,600 acres of vacant Class A and B upland wildlife habitat remaining	
	2b. Of the upland habitat reserved, retain 80% of the number of patches 30 acres or larger in each subwatershed over the next 10 years (2015).	2b. 2004 Baseline Condition: 23,400 acres of upland habitat in 133 patches that contain 30 acres or more of upland wildlife habitat	

Performance Objectives	**Targets**	**Targeted Condition Based on 2004 Metro Inventory**	**Example Indicators**
		80% retention: 106 upland habitat patches that contain 30 acres or more of upland habitat	
Performance Objective 3: Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat.	3a. *Preserve 90% of forested wildlife habitat acres located within 300 feet of surface streams* in each subwatershed over the next 10 years (2015).	3a. 2004 Baseline Condition: 28,300 acres within 1,453 patches of forested wildlife habitat located within 300 feet of surface streams	Number and miles of all wildlife corridors Corridor quality: % of habitat acres within corridors with a vegetative width of 200 ft Acres of wildlife patches with a connectivity score of 3 or greater Acres and number of forested wildlife habitat patches (forest canopy or wetland with a total combined size greater than 2 acres) within 300 feet of surface streams compared to acres of the patches located outside of 300 feet of surface streams.
		90% retention: 25,500 acres of forested wildlife habitat located within 300 feet of surface streams	

Performance Objectives	**Targets**	**Targeted Condition Based on 2004 Metro Inventory**	**Example Indicators**
Performance Objective 3 (continued):	3b. *Preserve 80% of non-forested wildlife habitat acres located within 300 feet of surface streams* in each subwatershed over the next 10 years (2015).	3b. 2004 Baseline Condition: 14,400 acres within 1,633 patches of non-forested wildlife habitat located within 300 feet of surface streams 80% retention: 11,500 acres of non-forested wildlife habitat located within 300 feet of surface streams	Acres and number of non-forested wildlife patches (shrub or low structure/open soils with a total combined size greater than 2 acres) located within 300 feet of a surface streams.
Performance Objective 4: Preserve and improve special habitats of concern.	4a. *Preserve 95% of habitats of concern acres* in each subwatershed over the next 10 years (2015).	4a. 2004 Baseline Condition: 33% of all habitat designated as HOCs 26,700 total acres of HOCs 95% retention: 25,400 total acres of HOCs	Number of acres of wetland Number of acres of white oak woodland Number of acres of bottomland hardwood forest Number of acres of vegetated riverine islands Number of acres of key connector habitat (list out HOC connectors)
Implementation Objectives	Example Indicators		

Performance Objectives	**Targets**	**Targeted Condition Based on 2004 Metro Inventory**	**Example Indicators**
Implementation Objective A: Increase the use of habitat-friendly development throughout the region	Number of jurisdictions that allow or require LID Number of jurisdictions providing LID incentives Percentage of region in forest canopy Percentage of impervious area B-IBI (benthic index of biological integrity) scores		
Implementation Objective B: Increase restoration and mitigation actions to compensate of adverse effects of new and existing development on ecological function	Number of restoration projects in one year Number of mitigation projects in one year Acres and distribution by resource class of habitat inventory Number of culverts that need improvement Number of watersheds in region with adopted action plans		

[Ord. 05-1077C, Sec. 5.]

TITLE 14: ——URBAN GROWTH BOUNDARY

3.07.1405 Purpose and Intent

The Regional Framework Plan (RFP) calls for a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form. ~~Title 14~~This title prescribes criteria and procedures for amendments to the urban growth boundary (UGB) to achieve these objectives. [Ord. 10-1244B, Sec. 12.]

3.07.1410 Metro Urban Growth Boundary

(a) The Metro UGB ~~for the metropolitan area~~ is incorporated into this title and is depicted on the *Title 14 Urban Growth Boundary and ~~Urban and Rural~~ Reserves Map*. Cities and counties within the Metro boundary ~~shall~~ must depict the portion of the UGB, if any, that lies within their boundaries on their comprehensive plan maps. Within 21 days after acknowledgment of an amendment to the UGB under this title, the COO ~~shall~~ must submit the amended UGB to the city and county in which the amended UGB lies. The city and county ~~shall~~ must amend their comprehensive plan maps to depict the amended UGB within one year following receipt of the amendment from the COO.

(b) Urban and ~~Rural~~ rural ~~Reserves~~ reserves are depicted on the *Title 14 Urban Growth Boundary and ~~Urban and Rural~~ Reserves Map*. Amendments to the UGB made pursuant to this title ~~shall~~ must be based upon this map. [Ord. 10-1244B, Sec. 12. Ord. 11-1264B, Sec. 3. Ord. 15-1357.]

Title 14 Urban Growth Boundary and Reserves Map as of March 5, 2025. [Ord. 79-77. Ord. 02-969B. Ord. 04-1040B. Ord. 10-1244B. Ord. 11-1255. Ord. 11-1264B. Ord. 14-1336. Ord. 17-1407. Ord. 18-1427. Ord. 23-1488. Ord. 24-1520.]

HELD FOR TITLE 14 MAP

3.07.1420 Legislative Amendment to UGB – ~~–~~ Procedures

(a) Legislative amendments follow periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.

(b) Except as otherwise provided in this title, the Metro Council ~~shall~~ must make legislative amendments to the UGB by ordinance in the manner prescribed for ordinances in ~~Chapter~~ chapter VII of the Metro Charter. For each legislative amendment, the Metro Council ~~shall~~ must establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other advisory committees and the general public.

(c) Notice to the public of a proposed legislative amendment of the UGB ~~shall~~ must be provided as prescribed in section 3.07.1465.

(d) Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the COO ~~shall~~ must prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The COO ~~shall~~ must provide copies of the report to all households located within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report ~~shall~~ must address:

(1) Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;

(2) Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and

(3) The cost impacts on existing residents of providing needed public facilities and services, police and fire services, public schools, emergency services and parks and open spaces. [Ord. 10-1244B, Sec. 12.]

3.07.1425 Legislative Amendment to the UGB – ~~–~~ Criteria

(a) This section sets forth the factors and criteria for amendment of the UGB from state law and the ~~Regional Framework Plan~~RFP. Compliance with this section ~~shall~~ constitutes compliance with ~~statewide~~ Statewide ~~planning~~ Planning Goal 14, ~~(~~*Urbanization*~~),~~ and the ~~Regional Framework Plan~~RFP.

(b) The Metro Council ~~shall~~ must determine whether there is a need to amend the UGB. In determining whether a need exists, the Metro Council may specify characteristics, such as lot/parcel size, topography or proximity, necessary for land to be suitable for an identified need. The Metro Council's determination ~~shall~~ must be based upon:

(1) Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments; and

(2) Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph; and

(3) A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot reasonably be accommodated on land already inside the UGB.

(c) If the Metro Council determines there is a need to amend the UGB, the Metro Council ~~shall~~ must evaluate areas designated urban reserve for possible addition to the UGB and ~~shall~~ must determine which areas better meet the need considering the following factors:

(1) Efficient accommodation of identified land needs;

(2) Orderly and economic provision of public facilities and services;

(3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

(5) Equitable and efficient distribution of housing and employment opportunities throughout the region;

(6) Contribution to the purposes of Centers and Corridors;

(7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;

(8) Avoidance of conflict with regionally significant fish and wildlife habitat; and

(9) Clear transition between urban and rural lands, using natural and built features to mark the transition.

(d) If the Metro Council determines there is a need to amend the UGB for housing, in addition to consideration of the factors listed in subsection (c) of this section, the Metro Council ~~shall~~ must also consider the following factors in determining which urban reserve areas better meet the housing need:

~~Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began~~;

(1) Whether the area has been concept planned consistent with section 3.07.1110~~ of this chapter~~;

(2) Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620~~ of this chapter~~ in its existing urban areas;

(3) Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas; and

(4) Whether the city responsible for preparing the concept plan has taken actions to advance Metro's "~~s~~Six ~~desired o~~Outcomes, Characteristics of a Successful Region" set forth in Chapter One of the ~~Regional Framework Plan~~RFP, which are:

(A) People live, work and play in vibrant communities where their everyday needs are easily accessible;

(B) Current and future residents benefit from the region's sustained economic competitiveness and prosperity;

(C) People have safe and reliable transportation choices that enhance their quality of life;

(D) The region is a leader in minimizing contributions to global warming;

(E) Current and future generations enjoy clean air, clean water and healthy ecosystems;

(F) The benefits and burdens of growth and change are distributed equitably.

(e) The Metro Council may not add land designated rural reserve to the UGB.

(f) The Metro Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or an island of rural land inside the UGB. [Ord. 10-1244B, Sec. 12; Ord. 17-1408.]

3.07.1427 Mid-Cycle Amendments – Procedures

(a) The Metro Council may consider a mid-cycle amendment to the UGB for residential needs between legislative UGB amendments, as provided in ORS 197A.~~299~~362(5)~~(6)~~. Cities may initiate a mid-cycle amendment to the UGB for areas adjacent to the city by filing a proposal on a form provided by Metro.

(b) The COO will accept proposals from cities for mid-cycle UGB amendments during the period that is between 24 and 30 months after the date of the Metro Council's adoption of its most recent analysis of the regional buildable land supply under ORS ~~197.296~~197A.350.

(c) The COO ~~shall~~ must provide written notice of the deadline for proposals for mid-cycle amendments not less than 90 days before the first date proposals may be accepted to each city and county within the Metro region and to anyone who has requested notification.

(d) Proposals must indicate that they have the support of the governing body of the city making the proposal.

(e) As part of any proposal, the city ~~shall~~ must provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465.

(f) The proposing city ~~shall~~ must provide a concept plan for the urban reserve area that includes the proposed expansion area consistent with section 3.07.1110.

(g) The proposing city ~~shall~~ must provide written responses to the criteria listed in section 3.07.1428(b).

(h) Proposals from cities under this section ~~shall~~ must be initially reviewed by the COO and the Metro Planning, Development and Research Department. No later than 60 days after the final date for receiving proposals under subsection (b) of this section, the COO ~~shall~~ must submit a recommendation to the Metro Council regarding the merits of each proposal, including consideration of the criteria listed in ~~S~~section 3.07.1428.

(i) The Metro Council is not obligated to take action on proposals submitted by cities or on the recommendation of the COO. If the Metro Council chooses to expand the UGB in accordance with one or more of the proposals, it may add no more than 1,000 acres total.

(j) If the Metro Council elects to amend the UGB under this section, it ~~shall~~ must be accomplished by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each mid-cycle amendment, the Metro Council ~~shall~~ must establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other relevant advisory committees, and the public.

(k) Any decision by the Metro Council to amend the UGB under this section must be adopted not more than four years after the date of the Metro Council's adoption of its most recent analysis of the regional buildable land supply under ORS ~~197.296~~197A.350.

(l) Notice to the public of a proposed amendment to the UGB under this section ~~shall~~ must be provided as prescribed in section 3.07.1465. [Ord. 17-1408.]

3.07.1428 Mid-Cycle Amendments – Criteria

(a) In reviewing city proposals for mid-cycle UGB amendments, the Metro Council ~~shall~~ must determine whether each proposal demonstrates a need to revise the most recent analysis of the regional buildable land supply as described in ORS

~~197.299(5)~~197A.350. The Metro Council's decision ~~shall~~ must include consideration of:

(1) Need to accommodate future population, consistent with the most recently adopted 20-year population range forecast; and

(2) Need for land suitable to accommodate housing and supporting public facilities and services, schools, parks, open space, commercial uses, or any combination thereof.

(b) If, after revising its most recent analysis of the buildable land supply under ~~paragraph~~ subsection (a) of this ~~sub~~section, the Metro Council concludes that expansion of the UGB is warranted, the Metro Council ~~shall~~ must evaluate those areas that have been proposed by cities for possible addition to the UGB. Any expansion(s) under this section may not exceed a total of 1,000 acres. Cities proposing mid-cycle UGB amendments ~~shall~~ must demonstrate that:

~~(1) The city has an acknowledged housing needs analysis that was completed in the last six years and is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began;~~

~~(2)~~(1) The housing planned for the city's proposed UGB expansion area is likely to be built in fewer than 10 years. As part of any proposal, cities must provide a concept plan that is consistent with section 3.07.1110 ~~of this chapter~~. Cities may also provide evidence of property owner support for the proposed UGB expansion, and/or other evidence regarding likelihood of development occurring within 10 years;

~~(3)~~(2) The city has demonstrated progress toward the actions described in section 3.07.620 ~~of this chapter~~ in its existing urban areas;

~~(4)~~(3) The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas. Such practices may include regulatory approaches, public investments, incentives, partnerships, and streamlining of permitting processes; and

~~(5)~~(4) The city has taken actions in its existing jurisdiction as well as in the proposed expansion area that will advance Metro's "~~s~~Six ~~desired o~~Outcomes, Characteristics of a Successful Region" set forth in Chapter One of the ~~Regional Framework Plan~~ RFP and in section 3.07.1425(d)(4).

(c) The land proposed for UGB expansion must be a designated urban reserve area.

(d) Mid-cycle UGB amendments made under this section are exempt from the boundary location requirements described in Statewide Planning Goal 14. [Ord. 17-1408.]

3.07.1430 Major Amendments – ~~–~~Procedures

(a) A city, a county, a special district or a property owner may initiate a major amendment to the UGB by filing an application on a form provided by Metro. The COO will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Metro Council is completing its analysis of buildable land supply under ORS ~~197.299~~197A.350. Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may accept an application at other times by a vote of five members of the Metro Council.

(b) Except for that calendar year in which the Metro Council is completing its analysis of buildable land supply, the COO ~~shall~~ must give notice of the March 15 deadline for applications for major amendments not less than 120 days before the deadline and again 90 days before the deadline on Metro's website ~~in a newspaper of general circulation in Metro~~ and in writing to each city and county in Metro and anyone who has requested notification. The notice ~~shall~~ must explain the consequences of failure to file before the deadline and ~~shall~~ must specify the Metro representative from whom additional information may be obtained.

(c) With the application, the applicant ~~shall~~ must provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465. The list ~~shall~~ must be certified as true and accurate as of the specified date by a title company, a county assessor or designate of the assessor or the applicant.

(d) The applicant ~~shall~~ must provide a written statement from the governing body of each city or county with land use jurisdiction over the area and any special district that has an agreement with that city or county to provide an urban service to the area that it recommends approval or denial of the application. The Metro Council may waive this requirement if the city, county or special district has a policy not to comment on major amendments, or has not adopted a position within 120 days after the applicant's request for the statement. The governing body of a local government may delegate the decision to its staff.

(e) The COO will determine whether an application is complete and will notify the applicant of the determination within seven working days after the filing of the application. The COO will dismiss an application and return application fees if a complete application is not received within the 14 days after the notice of incompleteness.

(f) Within 14 days after receipt of a complete application, the COO will:

(1) Set the matter for a public hearing before a hearings officer for a date no later than 55 days following receipt of a complete application; and

(2) Notify the public of the public hearing as prescribed in section 3.07.1465 ~~of this title~~.

(g) The COO ~~shall~~ must submit a report and recommendation on the application to the hearings officer not less than 15 days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the COO

to be used at the hearing ~~shall~~ must be available to the public at least seven days prior to the hearing.

(h) If the proposed major amendment would add more than 100 acres to the UGB, the COO ~~shall~~ must prepare a report on the effect of the proposed amendment on existing residential neighborhoods in the manner prescribed in ~~subsection (d) of~~ section 3.07.1420(d).

(i) An applicant may request postponement of the hearing within 20 days after filing a complete application. The COO may postpone the hearing for no more than 60 days. If the applicant fails to request rescheduling within 90 days after the request for postponement, the application ~~shall~~ will be considered withdrawn and the COO will return the unneeded portion of the fee deposit assessed pursuant to section 3.07.1460.

(j) Participants at a hearing before a hearings officer need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.

(k) Failure of the applicant to appear at the hearing ~~shall~~ will be grounds for dismissal of the application unless the applicant requests a continuance prior to the hearing. The applicant has the burden of demonstrating that the proposed amendment complies with the criteria.

(l) The hearings officer ~~shall~~ must provide the following information to participants at the beginning of the hearing:

(1) The criteria applicable to major amendments and the procedures for the hearing;

(2) A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal; and

(3) A statement that failure to raise an issue in a manner sufficient to afford the hearings officer and participants an opportunity to respond to the issue precludes appeal of that issue.

(m) The hearing ~~shall~~ must be conducted in the following order:

(1) Presentation of the report and recommendation of the COO;

(2) Presentation of evidence and argument by the applicant;

(3) Presentation of evidence and argument in support of or opposition to the application by other participants; and

(4) Presentation of rebuttal evidence and argument by the applicant.

(n) The hearings officer may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the hearings officer grants a continuance, the hearing ~~shall~~ must be continued to a date, time and place certain at least seven ~~(7)~~ days from the date of the initial evidentiary hearing. A reasonable opportunity ~~shall~~ must be provided at the continued hearing for persons to present and rebut new evidence.

(o) If new evidence is submitted at the continued hearing, the hearings officer may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the hearings officer grants the request, the record ~~shall~~ must be left open for at least seven ~~(7)~~ days. Any participant may respond to new evidence during the period the record is left open.

(p) Cross-examination by parties ~~shall~~ must be by submission of written questions to the hearings officer, who ~~shall~~ must give participants an opportunity to submit such questions prior to closing the hearing. The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

(q) A verbatim record ~~shall~~ must be made of the hearing, but need not be transcribed unless necessary for appeal.

(r) The hearings officer may consolidate applications for hearing after consultation with Metro staff and applicants. If the applications are consolidated, the hearings officer ~~shall~~ must prescribe rules to avoid duplication or inconsistent findings, protect the rights of all participants, and allocate the charges on the basis of cost incurred by each applicant.

(s) Within 15 days following the close of the record, the hearings officer ~~shall~~ must submit a proposed order, with findings of fact and conclusions of law and the record of the hearing, to the COO, who ~~shall~~ must make it available for review by participants.

(t) Within seven ~~(7)~~ days after receipt of the proposed order from the hearings officer, the COO ~~shall~~ must set the date and time for consideration of the proposed order by the Metro Council, which date ~~shall~~ must be no later than 40 days after receipt of the proposed order. The COO ~~shall~~ must provide written notice of the Metro Council meeting to the hearings officer and participants at the hearing before the hearings officer, and ~~shall~~ must post notice of the hearing ~~at~~ on Metro's website, at least 10 days prior to the meeting.

(u) The Metro Council ~~shall~~ must consider the hearings officer's report and recommendation at the meeting set by the COO. The Metro Council will allow oral and written argument by those who participated in the hearing before the hearings officer. Argument must be based upon the record of those proceedings. Final Metro Council action ~~shall~~ must be as provided in section 2.05.045 of the Metro Code. The Metro Council ~~shall~~ must adopt the order, or ordinance if the Metro Council decides

to expand the UGB, within 15 days after the Metro Council's consideration of the hearings officer's proposed order. [Ord. 10-1244B, Sec. 12.]

3.07.1435 Major Amendments – Expedited Procedures

(a) The COO may file an application at any time to add land to the UGB for industrial use~~, pursuant to section 3.07.460,~~ by major amendment following the expedited procedures in this section. The application under this section remains subject to subsections (c), (d), (h), (m) and (q) of section 3.07.1430.

(b) Within 10 days after receipt of a complete application, the Metro Council President will:

(1) Set the matter for a public hearing before the Metro Council for a date no later than 55 days following receipt of a complete application; and

(2) Notify the public of the public hearing as prescribed in section 3.07.1465.

(c) The COO ~~shall~~ must submit a report and recommendation on the application to the Metro Council not less than 15 days before the hearing and send copies to those who have requested copies. Any subsequent report by the COO to be used at the hearing ~~shall~~ must be available to the public at least seven ~~(7)~~ days prior to the hearing.

(d) Participants at the hearing need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.

(e) The Metro Council President ~~shall~~ must provide the following information to participants at the beginning of the hearing:

(1) The criteria applicable to major amendments and the procedures for the hearing;

(2) A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal.

(f) The Metro Council President may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the Metro Council President grants a continuance, the hearing ~~shall~~ must be continued to a date, time and place certain at least seven ~~(7)~~ days from the date of the initial evidentiary hearing. A reasonable opportunity ~~shall~~ must be provided at the continued hearing for persons to present and rebut new evidence.

(g) If new evidence is submitted at the continued hearing, the Metro Council President may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the Metro Council President grants the request, the record ~~shall~~ must be left open for at least seven ~~(7)~~ days. Any participant may respond to new evidence during the period the record is left open.

(h) The Metro Council President may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

(i) Within 15 days following the close of the record, the Metro Council ~~shall~~ must adopt:

(1) An ordinance, with findings of fact and conclusions of law, that amends the UGB to add all or a portion of the territory described in the application; or

(2) A resolution adopting an order, with findings of fact and conclusions of law that denies the application. [Ord. 10-1244B, Sec. 12.]

3.07.1440 Major Amendments – ~~Criteria~~

(a) The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS ~~197.299~~197A.350. Land may be added to the UGB under sections 3.07.1430 and 3.07.1440 only for public facilities and services, public schools, natural areas and other non-housing needs and as part of a land trade under subsection (d) of this section. An applicant under section 3.07.1430 must demonstrate compliance with this purpose and these limitations.

(b) The applicant ~~shall~~ must demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b), (c), (d), (e), and (f) of section 3.07.1425. The applicant ~~shall~~ must also demonstrate that:

(1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;

(2) If the amendment would add land for public school facilities, the coordination required by ~~subsection (c)(5) of~~ section 3.07.1120(c)(5) ~~of this chapter~~ has been completed; and

(3) If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.

(c) If the application was filed under section 3.07.1435, the applicant ~~shall~~ must demonstrate that the amendment is consistent with any concept plan for the area developed pursuant to section 3.07.1110 of this chapter.

(d) To facilitate implementation of the Metropolitan Greenspaces Master Plan of 1992, the Metro Council may add land to the UGB in a trade that removes a nearly equal amount of land from the UGB. If the Metro Council designates the land to be added for housing, it ~~shall~~ must designate an appropriate average density per net developable acre. [Ord. 10-1244B, Sec. 12. Ord. 15-1357.]

3.07.1445 Minor Adjustments – ~~Procedures~~

(a) Minor adjustments make small changes to the UGB so that land within the UGB functions more efficiently and effectively. A city, a county, a special district, Metro

or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application ~~shall~~ must include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application ~~shall~~ must also include the positions on the application of appropriate local governments and special districts, in the manner required by ~~subsection (d) of~~ section 3.07.1430(d).

(b) The COO will determine whether an application is complete and ~~shall~~ must notify the applicant of the determination within ~~ten~~ 10 working days after the filing of the application. If the application is not complete, the applicant ~~shall~~ must complete it within 14 days of notice of incompleteness. -The COO will dismiss an application and return application fees if a complete application is not received within 14 days of the notice of incompleteness.

(c) Notice to the public of a proposed minor adjustment of the UGB ~~shall~~ must be provided as prescribed in section 3.07.1465.

(d) The COO ~~shall~~ must review the application for compliance with the criteria in section 3.07.1450 and ~~shall~~ must issue an order with analysis and conclusions within 90 days of receipt of a complete application. The COO ~~shall~~ must send a copy of the order to the applicant, the city or county with jurisdiction over the land that is the subject of the application, to each member of the Metro Council and any person who requests a copy.

(e) The applicant or any person who commented on the application may appeal the COO's order to the Metro Council by filing an appeal on a form provided by Metro within 14 days after receipt of the order. A member of the Metro Council may request in writing within 14 days of receipt of the order that the decision be reviewed by the Metro Council. The Metro Council ~~shall~~ must consider the appeal or Metro Councilor referral at a public hearing held not more than 60 days following receipt of a timely appeal or referral.

(f) Notice to the public of a Metro Council hearing on a proposed minor adjustment to the UGB ~~shall~~ must be provided as prescribed in section 3.07.1465.

(g) Following the hearing, the Metro Council ~~shall~~ must uphold, deny or modify the COO's order. The Metro Council ~~shall~~ must issue an order with its analysis and conclusions and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy. [Ord. 10-1244B, Sec. 12.]

3.07.1450 Minor Adjustments – Criteria

(a) The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make land within it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and ~~Regional Framework Plan~~RFP policies applicable to minor adjustments.

(b) Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.

(c) To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro ~~shall~~ must find that:

(1) The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;

(2) Adjustment of the UGB will make the provision of public facilities and services easier or more efficient;

(3) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;

(4) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;

(5) The adjustment will help achieve the 2040 Growth Concept;

(6) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and

(7) If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is designated rural reserve or for agriculture or forestry pursuant to a statewide planning goal.

(d) To approve a minor adjustment to make the UGB coterminous with property lines, or natural or built features, Metro ~~shall~~ must find that:

(1) The adjustment will result in the addition of no more than two net acres to the UGB;

(2) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;

(3) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;

(4) The adjustment will help achieve the 2040 Growth Concept; and

(5) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

(e) Where the UGB is intended to be coterminous with the 100-year floodplain, as indicated on the map of the UGB maintained by Metro's Data Resource Center, Metro may adjust the UGB in order to conform it to a more recent delineation of the floodplain. To approve such an adjustment, Metro ~~shall~~ must find that:

(1) The delineation was done by a professional engineer registered by the State of Oregon;

(2) The adjustment will result in the addition of no more than 20 net acres to the UGB;

(3) The adjustment will help achieve the 2040 Growth Concept; and

(4) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

(f) If a minor adjustment adds more than two ~~(2)~~ acres of land available for housing to the UGB, Metro ~~shall~~ must designate an appropriate average density per net developable acre for the area.

(g) The COO ~~shall~~ must submit a report to the Metro Council at the end of each calendar year with an analysis of all minor adjustments made during the year. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept. [Ord. 10-1244B, Sec. 12.]

3.07.1455 Conditions of Approval

(a) Land added to the UGB pursuant to sections 3.07.1420, 3.07.1430 ~~and~~ or 3.07.1435 shall be is subject to the requirements of sections 3.07.1120 and 3.07.1130 ~~of this chapter~~.

(b) If the Metro Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it ~~shall~~must:

(1) In consultation with affected local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB, pursuant to Title 11, *Planning for New Urban Areas*, of this chapter. If local governments have an agreement in a concept plan developed pursuant to Title 11 that establishes responsibility for adoption of amendments to comprehensive plans and land use regulations for the area, the Metro Council ~~shall~~ must assign responsibility according to the agreement~~.~~;

(2) ~~Establish~~ Designate the 2040 Growth Concept ~~design~~ Design ~~type~~ Type ~~designations~~ applicable to the land added to the UGB, ~~including~~ considering the specific land need, if any, that is the basis for the amendment. If the ~~design~~ Design ~~type~~ Type designation authorizes housing, the Metro Council ~~shall~~ must designate an appropriate average density per net developable acre consistent with the need for which the UGB is expanded~~.~~;

(3) Establish the boundaries of the area that ~~shall~~ must be included in the planning required by Title 11. A planning area boundary may include territory designated urban reserve, outside the UGB~~.~~; and

(4) Establish the time period for city or county compliance with the requirements of Title 11, which ~~shall~~ will be two ~~(2)~~ years following the effective date of the ordinance adding the area to the UGB unless otherwise specified.

(c) If the Metro Council amends the UGB pursuant to any of the sections of this title, it may establish other conditions it deems necessary to ensure the addition of land complies with state planning laws and the ~~Regional Framework Plan~~RFP. If a city or county fails to satisfy a condition, the Metro Council may enforce the condition after following the notice and hearing process set forth in section 3.07.850 of this chapter. [Ord. 10-1244B, Sec. 12. Ord. 15-1357.]

3.07.1460 Fees

(a) Each application submitted by a property owner or group of property owners pursuant to this title ~~shall~~ must be accompanied by a filing fee in an amount to be established by the Metro Council. Such fee ~~shall~~ may not exceed Metro's actual cost to process an application. The fee may include administrative costs, and the cost of a hearings officer and ~~of~~ public notice.

(b) The fee for costs ~~shall~~ must be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development (DLCD) and other interested persons.

(c) Before a hearing is scheduled, an applicant ~~shall~~ must submit a fee deposit. In the case of an application for a minor adjustment pursuant to section 3.07.1445, the applicant ~~shall~~ must submit the fee deposit with the application.

(d) The unexpended portion of an applicant's deposit, if any, ~~shall~~ will be returned to the applicant at the time of final disposition of the application. If hearings costs exceed the amount of the deposit, the applicant ~~shall~~ must pay to Metro an amount equal to the costs in excess of the deposit prior to final action by the Metro Council.

(e) The Metro Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant. [Ord. 10-1244B, Sec. 12.]

3.07.1465 Notice Requirements for Proposed Amendments by Amendment Type

(a) For a proposed legislative amendment under section 3.07.1420, the COO ~~shall~~ must provide notice of the public hearing ~~in the following manner~~:

(1) In writing to ~~the Department of Land Conservation and Development~~DLCD and local governments of the Metro region at least 35 days before the first public hearing on the proposal; and

(2) To the general public at least 35 days before the first public hearing ~~by an advertisement no smaller than 1/8 page in a newspaper of general circulation in the Metro area and~~ by posting notice on ~~the~~ Metro's website.

(b) For a proposed mid-cycle amendment under section 3.07.1427, the COO ~~shall~~ must provide notice of the first public hearing on the proposal ~~in the following manner~~:

(1) In writing at least 35 days before the first public hearing on the proposal to:

(A) ~~The Department of Land Conservation and Development~~DLCD;

(B) The owners of property that is being proposed for addition to the UGB; and

(C) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal;

(2) In writing at least 30 days before the first public hearing on the proposal to:

(A) The local governments of the Metro ~~area~~region;

(B) A neighborhood association, community planning organization, or other organization for ~~citizen~~ public involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site; and

(C) Any other person who requests notice of amendments to the UGB.

(3) To the general public by posting notice on ~~the~~ Metro's website at least 30 days before the first public hearing on the proposal.

(c) For a proposed major amendment under ~~the S~~sections 3.07.1430 or 3.07.1435, the COO ~~shall~~ must provide notice of the hearing ~~in the following manner~~:

(1) In writing at least 35 days before the first public hearing on the proposal to:

(A) The applicant;

(B) The director of ~~the Department of Land Conservation and Development~~DLCD;

(C) The owners of property that is being considered for addition to the UGB; and

(D) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property

if it is designed for agriculture or forestry pursuant to a statewide planning goal;

(2) In writing at least 30 days before the first public hearing on the proposal to:

(A) The local governments of the Metro ~~area~~region;

(B) A neighborhood association, community planning organization, or other organization for ~~citizen~~ public involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by cities and counties whose jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and

(C) To the general public by posting notice on ~~the~~ Metro's website at least 30 days before the first public hearing on the proposal.

(d) The notice required by subsections (a), (b) and (c) of this section ~~shall~~must include:

(1) A map showing the location of the area subject to the proposed amendment;

(2) A description of the area subject to the proposed amendment reasonably expected to give notice as to its actual location, with street address or other easily understood geographical reference if available~~The time, date and place of the hearing~~;

(3) A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings~~A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available~~;

(4) The time, date and place of the hearing on the proposed amendment~~A statement that interested persons may testify and submit written comments at the hearing~~;

(5) A statement that interested persons may testify and submit written comments at the hearing~~The name of the Metro staff to contact and telephone number for more information~~;

(6) A statement that a copy of the written report and recommendation of the COO on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and

(7) The name of the Metro staff to contact, an email address and telephone number for more information~~A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings~~;

(8) For proposed major amendments only:

(A) An explanation of the proposed boundary change;

(B) A list of the applicable criteria for the proposal; and

(C) A statement that failure to raise an issue at the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.

(9) For the owners of property described in ~~subsection~~ paragraph (c)(1)(C) of this section, the information required by ORS 268.393(3).

(e) For a proposed minor adjustment under section 3.07.1445, the COO ~~shall~~ must provide notice ~~in the following manner~~:

(1) In writing to the director of ~~the Department of Land Conservation and Development~~DLCD at least 35 days before the issuance of an order on the proposal;

(2) In writing at least 20 days before the issuance of an order on the proposal to:

(A) The applicant and the owners of property subject to the proposed adjustment;

(B) The owners of property within 500 feet of the property subject to the proposed adjustment;

(C) The local governments in whose planning jurisdiction the subject property lies or whose planning jurisdiction lies adjacent to the subject property;

(D) Any neighborhood association, community planning organization, or other organization for ~~citizen~~ public involvement whose geographic area of interest includes the area subject to the proposed amendment and which is officially recognized as entitled to participate in land use decisions by the city or county whose jurisdictional boundary includes the subject property; and

(E) Any other person requesting notification of UGB changes.

(f) The notice required by subsection (e) of this section ~~shall~~must include:

(1) A map showing the location of the area subject to the proposed amendment;

(2) A description of the ~~property~~ area subject to the proposed amendment reasonably ~~calculated~~ expected to give notice as to its actual location, with street address or other easily understood geographical reference if available;

(3) A list of the applicable criteria for the proposal~~A statement that interested persons may submit written comments and the deadline for the comments~~;

(4) A statement that interested persons may submit written comments and the deadline for the comments~~The name of the Metro staff to contact and telephone number for more information~~; and

(5) The name of the Metro staff to contact, an email address and telephone number for more information~~A list of the applicable criteria for the proposal~~.

3.07.1470 Notice of Amendment Hearing to Tribes and Request for Information

(a) At least 45 days prior to the first evidentiary hearing on a proposed amendment to the UGB, notice of the proposed amendment must be provided to Tribes with an ancestral connection to land within the Metro district or the UGB. The Tribes with an ancestral connection to this land are those identified as having ancestral connection to this land on a list obtained from the Legislative Commission on Indian Services.

(b) The notice to Tribes required by subsection (a) of this section must include:

(1) A map showing the location of the area subject to the proposed amendment;

(2) A description of the area subject to the proposed amendment reasonably expected to give notice as to its actual location, with street address or other easily understood geographical reference if available;

(3) A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings;

(4) Information on accessing any concept plan for an area proposed to be added to the UGB as part of the amendment;

(5) A request for information on potential conflicts between future urbanization of a proposed UGB expansion area on cultural areas;

(6) The time, date and place of the hearing on the proposed amendment;

(7) A statement that interested persons may testify and submit written comments at the hearing;

(8) A statement of when any written report and recommendation of the COO on the proposed amendment will be available and how it may be obtained; and

(9) The name of the Metro staff to contact, an email address, and telephone number for more information.

(c) When Metro receives information describing a potential conflict with an archaeological site, it must inform the Oregon State Historic Preservation Office (SHPO) of the information prior to adoption of the UGB amendment and follow SHPO's direction for managing information on known or suspected archaeological sites, including information that is exempt from public records disclosure under ORS 192.345(11). Metro must convey the responses to the notice required by

subsection (a) of this section from a Tribe to the city or county responsible for comprehensive planning of the UGB expansion area consistent with SHPO's direction.

3.07.1475 Notice of Adopted Amendments

The COO ~~shall~~ must notify each county and city in the Metro district of each adopted amendment of the UGB. [Ord. 10-1244B, Sec. 12. Ord. 15-1357; Ord. 17-1408.]

~~SECTIONS TITLE~~

3.09.010 Purpose and Applicability
3.09.020 Definitions
3.09.030 Notice Requirements
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3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS 268.347 to 268.354. This chapter applies to boundary changes within the ~~boundaries of Metro~~Metro boundary or of urban reserves designated by Metro and any annexation of territory to the Metro boundary. Nothing in this chapter affects the jurisdiction of the Metro Council to amend ~~the region~~Metro's ~~Urban~~ urban ~~Growth~~ growth ~~Boundary~~ boundary (UGB). [Ord. 98-791, Sec. 1. Ord. 07-1165A, Sec. 1. Ord. 10-1244B, Sec. 14. Ord. 12-1276, Sec. 1.]

3.09.020 Definitions

~~"~~**Adequate level of urban services**~~"~~ means a level of urban services adequate to support the higher number of dwelling units and jobs specified for the appropriate ~~d~~Design ~~t~~Type in section 3.07.640(a) of ~~Title 6 of *the Urban Growth Management Functional Plan*~~,the Metro Code or in the ordinance adopted by the Metro Council that added the area to be incorporated, or any portion of it, to the UGB.

Affected entity means a county, city or district for which a boundary change is proposed or is ordered.

Affected territory means territory described in a petition.

Boundary change means a major or minor boundary change involving affected territory lying within the ~~jurisdictional boundaries of Metro~~Metro boundary or the boundaries of urban reserves designated pursuant to ORS 195.137 to 195.145.

Deliberations means discussion among members of a reviewing entity leading to a decision on a proposed boundary change at a public meeting for which notice was given under this chapter.

District means a:

(a) Domestic water supply district organized under ORS chapter 264;

(b) Park and recreation district organized under ORS chapter 266;

(c) Metropolitan service district organized under ORS chapter 268;

(d) Sanitary district organized under ORS 450.005 to 450.245;

(e) Sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989; or

(f) District formed under ORS 451.410 to 451.610 to provide water or sanitary service.

Final decision means the action by a reviewing entity, adopted by ordinance, resolution or other means, that determines compliance of the proposed boundary change with applicable criteria and requires no further discretionary action by the reviewing entity other than any required referral to electors. Final decision does not include resolutions, ordinances or other actions whose sole purpose is to refer the boundary change to electors, to declare the results of an election, or to defer or continue deliberations on a proposed boundary change.

Major boundary change means the formation, merger, consolidation or dissolution of a city or district.

Metro boundary means the boundary of Metro as a metropolitan service district.

Minor boundary change means an annexation or withdrawal of territory to or from a city or district or from a county to a city. Minor boundary change also means an extra-territorial extension of water or sewer service by a city or district. Minor boundary change does not mean withdrawal of territory from a district under ORS 222.520.

Necessary party means any county; city; district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

Petition means any form of action that initiates a boundary change.

Reviewing entity means the governing body of a city, county or Metro, or its designee.

"Urban reserve" means land designated by Metro pursuant to ORS 195.137 et seq. for possible addition to the UGB.

Urban services means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. [Ord. 98-791, Sec. 1. Ord. 99-803, Sec. 1. Ord. 02-972A, Sec. l. Ord. 07-1165A, Sec. 1. Ord. 10-1244B, Sec. 14. Ord. 12-1276, Sec. 1.]

3.09.030 Notice Requirements

(a) The notice requirements in this section apply to all boundary change decisions by a reviewing entity except expedited decisions made pursuant to section 3.09.045. These requirements apply in addition to, and do not supersede, applicable requirements of ORS ~~Chapters~~ chapters 197, 198, 221 and 222 and any city or county charter provision on boundary changes.

(b) Within 45 days after a reviewing entity determines that a petition is complete, the entity ~~shall~~ must set a time for deliberations on a boundary change. The reviewing entity ~~shall~~ must give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice ~~shall~~ must be mailed and posted at least 20 days prior to the date of deliberations. Notice ~~shall~~ must be published as required by state law.

(c) The notice required by subsection ~~(B)~~ (b) of this section ~~shall~~must:

(1) Describe the affected territory in a manner that allows certainty;

(2) State the date, time and place where the reviewing entity will consider the boundary change; and

(3) State the means by which any person may obtain a copy of the reviewing entity's report on the proposal.

(d) A reviewing entity may adjourn or continue its final deliberations on a proposed boundary change to another time. For a continuance later than 28 days after the time stated in the original notice, notice ~~shall~~ must be reissued in the form required by subsection ~~(B)~~ (b) of this section at least five days prior to the continued date of decision.

(e) A reviewing entity's final decision ~~shall~~ must be written and authenticated as its official act within 30 days following the decision and mailed or delivered to Metro and to all necessary parties. The mailing or delivery to Metro ~~shall~~ must include payment to Metro of ~~the~~ any filing fee required pursuant to section 3.09.060. [Ord. 98-791, Sec. 1. Ord. 99-803, Sec. 1. Ord. 07-1165A, Sec. 1.]

3.09.040 Requirements for Petitions

(a) A petition for a boundary change must contain the following information:

(1) The jurisdiction of the reviewing entity to act on the petition;

(2) A map and a legal description of the affected territory in the form prescribed by the reviewing entity;

(3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and

(4) For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

(b) A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter. [Ord. 98-791, Sec. 1. Ord. 02-972A, Sec. l. Ord. 07-1165A, Sec. 1.]

3.09.45 Expedited Decisions

(a) The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of ~~one hundred~~100 percent of property owners and at least ~~fifty~~ 50 percent of the electors, if any, within the affected territory. No public hearing is required.

(b) The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice ~~shall~~ must state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

(c) At least seven days prior to the date of decision the city or Metro ~~shall~~ must make available to the public a report that includes the following information:

(1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

(3) The proposed effective date of the boundary change.

(d) To approve a boundary change through an expedited process, the city ~~shall~~must:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

(E) Any applicable comprehensive plan;

(F) Any applicable concept plan; and

(5) Consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities or services.

(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB. A city that annexes a lot or parcel lying partially within and partially outside the UGB must provide Metro with

a legal description and map of the portion of the lot or parcel within the UGB if the territory is also annexed to the Metro boundary pursuant to section 3.09.070(g). [Ord. 99-803, Sec. 1. Ord. 07-1165A, Sec. 1. Ord. 10-1244B, Sec. 14.]

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

(a) The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS ~~Chapters~~ chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

(b) Not later than 15 days prior to the date set for a hearing the reviewing entity ~~shall~~ must make available to the public a report that addresses the criteria identified in subsection ~~(D)~~ (d) of this section and includes the following information:

(1) The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

(3) The proposed effective date of the boundary change.

(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

(d) To approve a boundary change, the reviewing entity ~~shall~~ must apply the criteria and consider the factors set forth in ~~subsections (D) and (E) of~~ section 3.09.045(d) and (e). [Ord. 98-791, Sec. 1. Ord. 99-803, Sec. 1. Ord. 02-964, Sec. 4. Ord. 07-1165A, Sec. 1.]

3.09.060 Process to Make Boundary Change Effective

(a) After a reviewing entity makes a final decision on a boundary change, the entity and Metro ~~shall~~ must follow the process set forth below:

(1) The reviewing entity ~~shall~~ must send its final decision, with the map, legal description and other supporting materials required by law, to the Oregon Department of Revenue (DOR);

(2) The DOR will review the materials to determine whether they are in final approval form and notify the reviewing entity of its determination;

(3) The reviewing entity ~~shall~~ must send its final decision, with supporting materials and the DOR approval, to Metro;

(4) Metro ~~shall~~ must record and map the final decision, with supporting materials and DOR determination, and send it to the Secretary of State (SOS), the reviewing entity, the appropriate county assessor's and elections offices, making the final decision effective on the date of Metro's submittal;

(5) The SOS will send its filing letter to Metro;

(6) Metro ~~shall~~ must post the final decision, supporting materials, the DOR determination and the SOS filing letter ~~at~~ on ~~the~~ Metro's website.

(b) If a reviewing entity notifies Metro that the entity needs expedited treatment of its final decision at the time the entity sends its decision to the DOR, Metro ~~will ensure it~~must complete~~s~~ Step 4 in subsection ~~A~~ (a) of this section within one working day of its receipt of the final decision and DOR determination from the entity.

(c) The COO ~~shall~~ may establish a fee structure establishing the amounts to be paid by the reviewing entity with submittal of its final decision in Step 3 of subsection ~~A~~ (a) of this section to cover Metro's costs for the services set forth in this section. The COO ~~shall~~ must file ~~the~~ a fee schedule they establish with the Clerk of the Metro Council and send it to all cities, counties and special districts in the Metro ~~region~~boundary.

(d) Metro ~~shall~~ must create and keep current maps of district boundaries and the boundaries of all cities and counties within the Metro boundary. The maps and any additional information requested that relates to boundary changes ~~shall~~ must be made available to the public at a price that reimburses Metro for its costs. [Ord. 98-791, Sec. 1. Ord. 02-972A, Sec. l. Ord. 07-1165A, Sec. 1. Ord. 10-1244B, Sec. 14. Ord. 12-1276, Sec. 1.]

3.09.070 Changes to the Metro~~'s~~ Boundary

(a) Changes to the Metro~~'s~~ boundary may be initiated by Metro or the county responsible for land use planning for the affected territory, property owners and electors in the territory to be annexed, or other public agencies if allowed by ORS 198.850(3). Petitions ~~shall~~ must meet the requirements of section 3.09.040 ~~above~~. The COO ~~shall~~ may establish a filing fee schedule for petitions ~~that shall~~to reimburse Metro for the expense of processing and considering petitions. The fee schedule established by the COO ~~shall~~ must be filed with the Clerk of the Metro Council.

(b) Notice of proposed changes to the Metro boundary ~~shall~~ must be given as required pursuant to section 3.09.030, except that the weatherproof posting and newspaper publication are not required.

(c) Hearings ~~shall~~ must be conducted consistent with the requirements of section 3.09.050.

(d) Changes to the Metro boundary may be made pursuant to the expedited process set forth in section 3.09.045.

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

(1) The affected territory lies within the UGB;

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

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

(f) Changes to the Metro boundary that occur by operation of law pursuant to ORS 268.390(3)(b) are not subject to the procedures or criteria set forth in ~~this~~ subsections (a) through (e) of this section.

(g) Annexations of territory within the UGB by a city under ORS chapter 222 are not subject to procedures or criteria set forth in subsections (a) through (e) of this section. When a city annexes territory under ORS chapter 222 and that territory is within the UGB, the territory is annexed into the Metro boundary without further proceedings. [Ord. 99-818A, Sec. 5. Ord. 02-972A, Sec. 1. Ord. 04-1033A, Sec. 1. Ord. 07-1165A, Sec. 1. Ord. 10-1244B, Sec. 14.]

3.09.080 Incorporation of a City that Includes Territory Within the Metro~~'s~~ Boundary

(a) A petition to incorporate a city that includes territory within the Metro~~'s~~ boundary ~~shall~~ must comply with the minimum notice requirements in section 3.09.030, the minimum requirements for a petition in section 3.09.040, and the hearing and decision requirements in ~~subsections (A) and (C) of~~ section 3.09.050(a) and (c), except that the legal description of the affected territory required by section 3.09.040(a)~~(1)~~(2) need not be provided until after the ~~Board~~ board of ~~County~~ county ~~Commissioners~~ commissioners establishes the final boundary for the proposed city.

(b) A petition to incorporate a city that includes territory within the Metro~~'s jurisdictional~~ boundary may include territory that lies outside Metro's UGB. However, incorporation of a city with such territory ~~shall~~ does not authorize urbanization of that territory until the Metro Council includes the territory in the UGB pursuant to Metro Code ~~Chapter~~ chapter 3.07.

(c) The following criteria ~~shall~~ apply in lieu of the criteria set forth in section 3.09.050~~(D)~~(d). An approving entity shall demonstrate that:

(1) Incorporation of the new city complies with applicable requirements of ORS 221.020, 221.031, 221.034 and 221.035;

(2) The petitioner's economic feasibility statement must demonstrate that the city's proposed permanent rate limit would generate sufficient operating tax revenues to support an adequate level of urban services, as defined in this chapter and required by ORS 221.031; and

~~(3)~~ Any city whose approval of the incorporation is required by ORS 221.031(4) has given its approval or has failed to act within the time specified in that statute. [Ord. 04-1033A, Sec. 1. Ord. 07-1165A, Sec. 1. Ord. 10-1244B, Sec. 14. ~~3.09.090 Extension of Services Outside UGB~~

~~(4)~~(3) ~~Neither a city nor a district may extend water or sewer service from inside a UGB to territory that lies outside the UGB.~~Ord. 10-1244B, Sec. 14.]

****

Findings of Fact and Conclusions of Law

Ordinance No. 25-1535 amends Metro Code chapter 3.07, *Urban Growth Management Functional Plan (UGMFP)*, and chapter 3.09, *Local Government Boundary Changes*. The following findings of fact and conclusions of law explain how the Metro Council decision to adopt this ordinance complies with relevant state and regional land use goals and provisions.

A. Statewide Planning Goals

Goal 1 – Citizen Involvement:
The amendments were considered at public Metro Technical Advisory Committee (MTAC) meetings on September 17 and October 15, 2025, and at public Metro Policy Advisory Committee (MPAC) meetings on October 22 and November 19, 2025. Notice of the amendments were submitted to the Department of Land Conservation and Development (DLCD) Post Acknowledgement Plan Amendment (PAPA) system 35 days before, and online one week in advance of, the December 4, 2025, public hearing on the amendments with the Metro Council. The adopted amendments will also be provided to all cities and counties in Metro as required by Metro Code.

The amendments do not reduce opportunities for public input. The amendments do repeal requirements in subsection 3.09.070(B) for printing and posting of weatherproof public notice signs, and for newspaper publications of notices, as part of applications for Metro boundary annexation. The amendments also repeal requirements in UGMFP Title 14 for notices of the application period for UGB major amendments to be printed in s newspaper. However, these types of notices provided very limited public awareness. The signs for Metro boundary annexation proceedings, for example, have often been too small to be easily spotted and are posted in undeveloped areas where nearby property owners are already mailed notices directly. The newspaper notices also did not include maps and were in subscription-based publications. The amendments instead require notices to be posted on Metro's free and more accessible website.

Goal 2 – Land Use Planning:
The amendments do not change the planned land use designation or zoning for any property, nor do they amend an urban growth boundary (UGB). The findings here in Exhibit B provide a factual basis for the amendments and demonstrate that they are consistent with statewide planning goals and relevant state and regional requirements.

Goal 3 – Agricultural Lands:
The amendments do not reduce the supply, or change allowed uses, of Goal 3 agricultural land.

Goal 4 – Forest Lands:
The amendments do not reduce the supply, or change allowed uses, of Goal 4 forest land.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:
The amendments do not change any Goal 5 inventory, significance determination, or protection requirement for a natural resource, scenic or historic area, or open space. The amendments do not change the land use plan designation or zoning of any property or amend any UGB. The amendments do codify new Goal 5 related state regulations in Oregon Administrative Rules (OAR) chapter 660, division 23 for providing certain notice to Tribes of proposed UGB amendments. They also clarify, without substantively changing, existing provisions of UGMFP Title 13, *Nature in Neighborhoods*.

Goal 6 – Air, Water and Land Resources Quality:
The amendments do not change any air, water, or land resource quality protection plan or requirement. The amendments to UGMFP Title 3, *Water Quality and Flood Management*, make only the minor, non-substantive changes.

Goal 7 – Areas Subject to Natural Hazards:
The amendments do not change mapping or risk evaluation of any natural hazard or amend any plan or land use regulation related to protection from a natural hazard. The amendments to UGMFP Title 3, *Water Quality and Flood Management*, make only the minor, non-substantive changes.

Goal 8 – Recreational Needs:
The amendments do not change any existing plan for meeting the recreational needs of the region's residents and visitors. The amendments do not concern destination resorts on rural lands.

Goal 9 – Economic Development:
The amendments do not reduce the supply of sites that may be used for employment (e.g., commercial or industrial) uses or modify the protections on industrial and other employment areas that Metro requires of cities and counties (e.g., those in UGMFP Title 4, *Industrial and Other Employment Areas*). The amendments do not adopt or amend an economic opportunity analysis.

Goal 10 – Housing:
The amendments do not change any housing related projection or development standard, nor do they change the plan designation, zoning, or allowable density of any property. Repealing section 3.07.720 and Table 3.07-7 simply removes outdated and already inoperative provisions that were only for the five-year period between 2001 and 2006. The amendments to subsections 3.07.1425(d) and 3.07.1428(b) repeal the text of an already defunct requirement that the Metro Council consider whether a UGB amendment area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with Metro, as cities: no longer conduct their own housing needs analyses as previously understood; get a housing target and need allocation from the state under the Oregon Housing Needs Analysis program; respond with a Housing Production Strategy and Housing Capacity Analysis; and operate on a six-year housing analysis schedule with review done by the state.

Goal 11 – Public Facilities and Services:
The amendments do not change any public facilities or services plan or any requirement related to water, sewer, or other utility services.

Goal 12 – Transportation:
The amendments do not change a transportation system plan (e.g., Metro's Regional Transportation Plan) or any transportation system requirements.

Goal 13 – Energy Conservation:
The amendments do not change any energy utilization plan or regulation, nor do they change the allocation of land or uses permitted on land identified by Metro as having non-renewable energy sources or change a waste management program.

Goal 14 – Urbanization:
The amendments do not change the location of a UGB, or any policy or regulation related to development of land outside a UGB. The amendments do not concern unincorporated communities or "exception lands".

Goal 15 – Willamette River Greenway:
The amendments do not change the state's Greenway Boundary, any Greenway-related inventory, or any land use allowance, development standard, or natural resource protection measure applicable within the Greenway Boundary.

Goal 16 – Estuarine Resources:
The Metro region does not have an estuary subject to Goal 16.

Goal 17 – Coastal Shorelands:
The Metro region does not have coastal shorelands subject to Goal 17.

Goal 18 – Beaches and Dunes:
The Metro region does not have beaches or dunes subject to Goal 18.

Goal 19 – Ocean Resources:
The Metro region does not have ocean resources subject to Goal 19.

B. Metro Code

2.19.080 – Metro Policy Advisory Committee (MPAC)

(a) Purpose. The purpose of MPAC is to advise the Metro Council and perform the duties assigned to it by the Metro Charter and to perform other duties that the Metro Council shall prescribe.

At its November 19, 2025, meeting, MPAC considered and voted to recommend approval by the Metro Council of the amendments in Exhibit A.

(c) MPAC may provide in its bylaws for the creation of a Technical Advisory Committee, which may make recommendations to MPAC.

MTAC considered the amendments at public meetings on September 17 and October 15, 2025, before recommending them to MPAC.

3.07.810 – Compliance with the Functional Plan

(b) Cities and counties shall amend their comprehensive plans and land use regulations to comply with the functional plan, or an amendment to the functional plan, within two years after acknowledgement of the functional plan or amendment, or after any later date specified by the Metro Council in the ordinance adopting or amending the functional plan. The COO shall notify cities and counties of the acknowledgment date and compliance dates described in subsections (c) and (d).

The amendments do not create new requirements for amendments to local comprehensive plans or land use regulations.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 25-1535, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 3.07 AND 3.09 TO MAKE HOUSEKEEPING UPDATES, MODERNIZE PUBLIC NOTICE METHODS, INCORPORATE PLAIN LANGUAGE BEST PRACTICES, AND IMPLEMENT NEW STATUTORY METRO DISTRICT ANNEXATION REQUIREMENTS

Date: November 17, 2025 Prepared by: Glen Hamburg
Department: Planning, Development & Research Senior Regional Planner

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BACKGROUND

Metro Code chapter 3.07, *the Urban Growth Management Functional Plan (UGMFP)*, has requirements and recommendations for local governments for advancing certain land use related regional goals and policies. Separately, Metro Code chapter 3.09, *Local Government Boundary Changes*, has requirements for changes to various types of boundaries in the region, including annexations to the "Metro boundary", which is the boundary for Metro as a metropolitan service district under state law.

Recent changes to state statute and anticipated changes to state regulations described further below warrant conforming amendments to chapters 3.07 and 3.09. While amending these Metro Code chapters, there is also the opportunity to make minor "housekeeping" amendments that do not create new requirements for cities or counties, but rather:

- Correct typographic errors, outdated citations, and inconsistent terminology, formatting, and referencing;
- Remove provisions that are expired or are now regulated by the state, rather than Metro;
- Apply the Metro Council's 2022 inclusive and plain language policy[1] for improving clarity and accessibility, appropriately addressing all audiences, and removing biases;
- Clarify and reorganize, without substantively changing, other existing requirements to improve readability; and
- Reduce public noticing costs associated with certain Metro processes, including costs paid for by private applicants.

The last package of "housekeeping" amendments to chapter 3.07 was in 2015, while chapter 3.09 has not been amended since 2012.

PROPOSAL

Ordinance 25-1535 would amend Metro Code chapters 3.07 and 3.09, as proposed in Exhibit A to the ordinance, to achieve the following four goals.

1. ***General clean-up:***
   The amendments would correct typographic errors, outdated citations, and inconsistent terminology, formatting, and referencing that should be corrected. They would also: clarify and

[1] Resolution No. 22-5293

better organize, without substantively changing, existing policies; repeal the text of temporary and now expired requirements; and to remove provisions that are redundant because of or in conflict with state regulations/allowances.

2. ***Apply the Metro Council's inclusive and plain language policy:***
When any amendments to a Metro Code chapter are proposed, Metro Council Resolution No. 22-5293 directs staff to review the entire chapter for opportunities to incorporate best practices for use of inclusive and plain language. Examples of best practices include avoiding the words "shall" and "citizen", word-numeral doubles (e.g., "five (5)"), jargon, and archaic terms. Amendments to chapters 3.07 and 3.09 are needed to comply with these best practices.

3. ***Codify forthcoming new state provisions:***
The state is in the process of rulemaking related to Statewide Planning Goal 5 cultural areas. Draft regulations are expected to be considered by the Land Conservation and Development Commission in early December. Those regulations, if adopted, will require Metro to provide direct notice to Tribes of proposed urban growth boundary (UGB) amendments. They would also require Metro to forward information received from Tribes to the Oregon State Historic Preservation Office and to the city/county responsible for comprehensive planning of the UGB expansion area. In anticipation of these regulations being adopted, consideration of prospective conforming amendments to Metro Code chapter 3.07 is warranted.

   A recent change to state law will also eliminate the need for a separate application for annexation to Metro's service district boundary in many instances and, thereby, reduce costs associated with development in Metro's cities. [2] Those statutory changes take effect January 1, 2026. The proposed amendments to chapter 3.09 would conform Metro Code to these changes.

4. ***Modify sign posting and newspaper noticing:***
The ordinance would make additional amendments to chapter 3.09 that, while relatively minor, would further reduce unnecessary costs associated with Metro boundary annexation applications that are not exempted by the statutory changes mentioned above. Specifically, they would repeal existing requirements for printing and posting of plastic annexation public hearing signs, and for publishing of newspaper notices, thereby saving an applicant more than $700, even while continuing to send notices directly to nearby property owners, local governments, and other interested parties and continuing to post hearing notices online. The UGMFP also has newspaper noticing requirements which may no longer be worth the expense, considering that newspaper notices go to a limited audience and the same notices can be posted on Metro's website to be viewed by anyone; the proposed amendments would repeal this newspaper notice requirement and, instead, require publication on Metro's website.

At its meeting on October 15, 2025the Metro Technical Advisory Committee (MTAC) recommended that the Metro Policy Advisory Committee (MPAC) recommend adoption by the Metro Council. MPAC was briefed on the proposed amendments at its October 22, 2025, meeting and is scheduled to consider the amendments further its November 19, 2025, meeting. Metro Staff will inform the Metro Council of MPAC's recommendation.

[2] House Bill (HB) 2356 of the 2024 legislative session amended Oregon Revised Statutes (ORS) 268.354 such that, when a city in Metro annexes territory already in the UGB, that territory is annexed to the Metro boundary without the need for a separate Metro annexation application to be approved before the territory can be urbanized. HB 2356 is not "retroactive"; territories already in city limits must still go through the existing Metro boundary annexation process before they can be urbanized.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition.

Legal Antecedents:

- Chapter 3.09 was last amended in 2012 by Ordinance No. 12-1276.
- The last package of "housekeeping" amendments to chapter 3.07 was in 2015 with Ordinance No. 15-1357.
- In 2022, the Metro Council adopted Resolution No. 22-5293. The resolution directs staff to use inclusive and plain language best practices when drafting Metro Code language and, when staff seeks Council adoption of a code change for a particular chapter, to review the remainder of that code chapter for opportunities to also incorporate inclusive and plain language best practices.
- Chapter 3.07 was last amended in 2024 by Ordinance No. 24-1523. The ordinance specifically amended Title 6 to require local adoption of boundaries for centers depicted on the 2040 Growth Concept Map, as mandated by state 'Climate Friendly and Equitable Communities' rules.
- House Bill 2356 of the 2024 legislative session amended ORS 268.354. With the amendments, when a city in Metro annexes territory already in the UGB, that territory is annexed to the Metro boundary without the need for a separate Metro annexation application.

Anticipated Effects: This ordinance will amend Metro Code chapters 3.07 and 3.09 as shown in Exhibit A. The amendments would not require cities or counties to make changes to their local land use plans or implementing regulations.

Budget Impacts: There will be no significant budget impacts from this measure. Staff will codify adopted amendments.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 25-1535.

ATTACHMENTS

Attachment 1: Summaries of proposed amendments, by chapter and title

Attachment 2: House Bill 2356 of the 2024 legislative session

Chapter 3.07 – Title 1, *Housing Capacity*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Remove imprecise references to "regional functional plan requirements", given that there are now two regional functional plans and that chapter 3.07 concerns the requirements and recommendations of the Urban Growth Management Functional Plan (UGMFP) ▪ Standardize capitalizations ▪ Cite titles, chapters, sections, subsections, paragraphs in a manner consistent with Metro Code conventions ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Only abbreviate terms after spelling them out fully in the same title
3.07120(c)	Update a citation from Oregon Revised Statutes (ORS) 197.299 to 197A.350, following renumbering in statute
3.07120(d)	Repeal extraneous wording "*for one or more of the following purposes*"

Attachment 1

Chapter 3.07 – Title 3, *Water Quality and Flood Management*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations and official map names ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Consistently reference Metro's service district and jurisdictional boundary as "*the Metro boundary*" and the Metro Council as "*the Metro Council*" ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Use the term "*implementing ordinance or regulations*", rather than just "*implementing ordinances*", for consistency with other titles ▪ Note in parentheses the ordinance and exhibit that includes other documents adopted by reference (e.g., the *Title 3 Model Ordinance* and the *Metro Water Quality and Flood Management Area Map*), so that they can be more easily located by users of the title ▪ Only abbreviate terms after spelling them out fully in the same title ▪ Correctly note "*section*", "*subsection*", and "*paragraph*" in citations, as relevant
3.07.310	▪ Reference an existing stated intent in Regional Framework Plan (RFP) chapter 4 to maintain watershed health in the region in order to benefit people, fish and wildlife ▪ Use complete sentences
3.07.330(d)	Remove the term "*adopted by the Metro Council*" in reference to the *Metro Water Quality and Flood Management Areas Map*, as that is redundant with the definition in Title 10, *Urban Growth Management Functional Plan Definitions*
3.07.340(d)(2)	Change "*local governments*" to "*cities and counties*" for clarity
Table 3.07-3	▪ Change the symbol "*%*" to the word "*percent*" ▪ Spell out numbers that are less than 10 for consistency with other titles

Attachment 1

Chapter 3.07 – Title 4, *Industrial and Other Employment Areas*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations, as well as the use of hyphens, parentheses, and spacing ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Consistently reference the Title 4 Map as "*the Title 4 Industrial and Other Employment Areas Map*" and the Metro Council as "*the Metro Council*" ▪ Only abbreviate terms after spelling them out fully in the same title ▪ Use numerals for numbers 10 and larger for consistency with other titles
3.07.420, 3.07.430, 3.07.440, and 3.07.450	To improve readability and without changing meaning or existing policy: ▪ Reorganize existing requirements and allowances ▪ Mike minor word choice changes and additions
3.07.450(i) and (j)	After necessary conforming amendments were missed in 2007 with the adoption of Metro Council Ordinance No. 07-1137A: ▪ Properly cite subsection 3.07.450(h) ▪ Move relevant content up to 3.07.450(g)
3.07.450(j)	Make a conforming amendment to move the provision up to 3.07.450(g), after the amendment was missed in 2007 with the adoption of Metro Council Ordinance No. 07-1137A
3.07.450(k)	Relocate an existing requirement related to an annual report on changes to the *Title 4 Industrial and Other Employment Areas Map to* section 3.07.875 so that the requirement is in the same title as the requirements for the associated annual UGMFP compliance report

Attachment 1

Chapter 3.07 – Title 6, *Centers, Corridors, Station Communities and Main Streets*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations, as well as references to the *Title 4 Industrial and Other Employment Areas Map* ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Only abbreviate terms after spelling them out fully in the same title
3.07.610	Rename the section from "*Purpose*" to "*Purpose and Intent*" to be consistent with other titles
3.07.615(e)	Clarify that the relevant functional plan is the Urban Growth Management Functional Plan
3.07.650(a)	Remove an extraneous use of the word "*map*"

Chapter 3.07 – Title 7, *Housing Choice*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy
3.07.710	▪ Rename the section from "*Intent*" to "*Purpose and Intent*" to be consistent with other titles
3.07.720 and Table 3.07-7	Repeal the outdated section and table, which still identify voluntary affordable housing production goals that were only for the five-year period between 2001 and 2006, but reserve the section number for potential future use
3.07.730	Use the term "*implementing ordinance or regulation changes*", rather than just "*implementing ordinance changes*", for consistency with other titles
3.07.740(b)	▪ Correct a spacing error ▪ Change "*as defined in Metro's form*" to "*as defined on Metro's form*"

Chapter 3.07 – Title 8, *Compliance Procedures*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations and spacing ▪ Properly identify the relevant functional plan as "*the Urban Growth Management Functional Plan*" (UGMFP), as opposed to the other functional plan, the *Regional Transportation Functional Plan* ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Change "*shall*" and "*shall be*" to "*must*", "*may*", "*will*", or "*is*", as appropriate, and change "*citizen involvement*" to "*public involvement*", consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Consistently reference the Metro Council as "*the Metro Council*"
3.07.810(b) and 3.07.830(d)	Correct minor grammatical errors
3.07.830(b) and 3.07.840(c)	Clarify that extensions granted by Metro's COO are done by COO order, consistent with subsection 3.07.830(d) and 3.07.840(d)
3.07.840(b), (d), and (e), 3.07.850(a), and 3.07.860(c)	Mike minor word choice changes and additions to improve readability, without changing meaning
3.07.850(b)	Provide that notice of Metro Council UGMFP enforcement hearings are posted on Metro's website, rather than in a newspaper
3.07.860(a)	Identify the relevant local governments as cities and counties
3.07.870(a)	Change the due date for the COO's report to the Metro Council on local government compliance with the UGMFP from March 1 to January 31, consistent with current practice and to align with the January 31 due date for the COO's report to the Metro Council on amendments to the *Title 4 Industrial and Other Employment Areas Map*
3.07.875	Relocate an existing requirement related to an annual report on changes to the *Title 4 Industrial and Other Employment Areas Map* from subsection 3.07.450(k) so that the requirement is in the same title as the requirements for the associated annual UGMFP compliance report, and provide consistency in map naming

Chapter 3.07 – Title 10, *Definitions*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Specify the *relevant functional plan as the "Urban Growth Management Functional Plan"* (UGMFP), as opposed to the other functional plan, the *Regional Transportation Functional Plan* ▪ Standardize capitalizations ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Use numerals for numbers 10 and larger for consistency with other titles ▪ Consistently refer to both ordinances or regulations when addressing implementing land use ordinances and regulations ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Fix instances when "*or*" should, by obvious grammar, actually be "and" (e.g., in definitions of "*Habitat Conservation Area*", "*native vegetation*") ▪ Change the symbol "*%*" to the word "*percent*" ▪ Correctly note "*section*", "*subsection*", and "*paragraph*" in citations, as relevant
3.07.010	Newly define "*Archaeological site*" and "*cultural areas*" as provided in Oregon Administrative Rules 660-023-0210(1) for use in Title 14, *Urban Growth Boundary*
3.07.010	In the existing definitions of: ▪ "*Comprehensive plan*", hyphenate "*all-inclusive*"; ▪ "*Design Type*", clarify that Regionally Significant Industrial Areas (RSIA) are one other Design Type; ▪ "*Growth Concept Map*", recognize that the 2040 Growth Concept Map is a component of the Regional Framework Plan (RFP); ▪ "*Habitat Conservation Area*" and "*HCA*", cite the relevant map; ▪ "*Invasive non-native or noxious vegetation*", cite the specific enactment that adopted the *Metro Native Plant List*; ▪ "*Metro boundary*", use the same definition as in Metro Code chapter 3.09, *Local Government Boundary Changes*; ▪ "*Net acre*", correct a typo by changing "*43.560 square feet*" to "*43,560 square feet*"; ▪ "*Regionally significant fish and wildlife habitat*", cite the relevant map, and property identify significant natural resource sites as "*regionally significant natural resource sites*" for purposes of this definition; ▪ "*Title 3 Wetlands*", cite the relevant map as Exhibit D to Metro Council Ordinance No. 98-730C, and change one instance of "*do*" to "*does*"; ▪ "*Top of bank*", correct a regulatory citation; ▪ "*Urban development value*", change "*property lot or parcel*" to just "*property*", and provide cite relevant maps; ▪ "*Urban growth boundary*" ("*UGB*"), correct a statutory citation; ▪ "*Vacant land*", change one instance of "*the*" to "*a*"; ▪ "Water Quality and Flood Management Area", cite the relevant map

Attachment 1

Chapter 3.07 – Title 11, *Planning for New Urban Areas*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Rather than using terms such as "*this chapter*", "*this title*", "*this section*", etc., identify the specific chapter, title, or section ▪ Standardize capitalizations ▪ Only abbreviate terms after spelling them out fully in the same title ▪ Correctly note "*section*", "*subsection*", and "*paragraph*" in citations, as relevant
3.07.1110(c)	Add a new paragraph (11) codifying an existing expectation that written findings demonstrating how the concept plan satisfies relevant requirements be included in the adopted concept plan itself, rather than in some other document not included in the concept plan
3.07.1110(c)(4)	Remove the extraneous words "*the concept plan will*"
3.07.1110(c)(9)	Clarify that city land use regulations "*intended to comply with subsection (c) of section 3.07.1120*" means city land use regulations "*applying an urban land use plan designation*"
3.07.1110(e)	Update a citation to Oregon Revised Statutes (ORS) chapter 197A
3.07.1120(c)(2)	Clarify that "*necessary service districts*" includes Metro as a metropolitan service district, and that city land use regulations "*intended to comply with this subsection*" means city land use regulations "*applying an urban land use plan designation*"
3.07.1120(d)	Repeal text saying that cities and counties must provide Metro with certain residential capacity determinations within 30 days of adoption of adoption of new land use regulations, given that: the impacts of a land use regulation change on housing capacity would already be addressed and provided to Metro before the change is adopted; the submittal of a separate, post-adoption analysis would be redundant; the reporting requirement has never been enforced; and the state now sets housing capacity targets for cities and counties directly, with its own tracking
3.07.1130(c)	Change "*land division or partition*" to just "*land division*", as a partition is just one type of land division

Attachment 1

Chapter 3.07 – Title 12, *Protection of Residential Neighborhoods*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy
3.07.1210	Cite titles in a manner consistent with Metro Code conventions
3.07.1220	Clarify that the existing restriction on requirements for increasing residential density applies to areas with a 2040 Growth Concept Map Design Type of Neighborhood
3.07.1230	Use the term "*land use ordinance or regulations*", rather than just "*land use regulations*", for consistency with other titles

Chapter 3.07 – Title 13, *Nature in Neighborhoods*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize capitalizations, use of colons and hyphens, map names, numbering in lists, and spacing ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Use the term "*implementing ordinance or regulations*", rather than just "*implementing ordinances*", for consistency with other titles ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, and do not spell out and also provide the numerals for numbers, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Note in parentheses the ordinance and exhibit that includes other documents adopted by reference (e.g., the *Habitat Conservation Areas Map*), so that they can be more easily located by users of the title ▪ Only abbreviate terms after spelling them out fully in the same title ▪ Correctly note "*subsection*" and "*paragraph*" in citations, as relevant ▪ Consistently reference the relevant functional plan as "*the Urban Growth Management Functional Plan*" ▪ Change the symbol"*%*" to the word "*percent*"
3.07.1310	▪ Rename the section from "*Intent*" to "*Purpose and Intent*" to be consistent with other titles
3.07.1310, 3.07.1320, 3.07.1330(d) and (h), 3.07.1340(b)(2) 3.07.1340(d)(3)	To improve readability and without changing meaning or existing policy: ▪ Remove extraneous wording ▪ Make minor word choice changes and additions
3.07.1330(f) and 3.07.1360(c)(2)	Clarify that the existing policy is for cities and counties to provide notice of proposed amendments at least 35 days prior to the first public hearing (not 45 days), consistent with other titles and state requirements
3.07.1330(h)(3)	Repeal the unnecessary paragraph entirely, because: (A) refers to a table that was removed from Title 1, *Housing Capacity*, but a prior conforming amendment was missed; and (B) has an unclear requirement for cities and counties to report certain information to Metro that is not useful and the requirement is no longer (and may never have been) enforced
3.07.1360(b)(1)(D)	Modify a reference to a biennial reporting requirement that was originally only for a 10-year period between 2006 and 2016, such that the report will be produced when directed by the Metro Council
3.07.1360(c)(1)	Repeal the text of an already-expired requirement for cities and counties to provide biennial reports to Metro for the 10-year period between 2007 and 2017

3.07.1370	Clarify wording and codify existing policy that Metro, by order of the COO, updates relevant habitat maps after an area as added to the urban growth boundary and before the area is comprehensively planned, and that such maps may be updated by order of the COO in order to reflect changes in 2040 Design Type designations
Table 3.07-13e	Repeal an already-expired table concerning certain local performance and implementation objectives and indicators that were only for the 10-year period between 2005 and 2015

Attachment 1

Chapter 3.07 – Title 14, *Urban Growth Boundary*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the title	▪ Standardize spacing, capitalizations, use of hyphens, and map names ▪ Cite titles, chapters, sections, subsections, and paragraphs in a manner consistent with Metro Code conventions ▪ Only abbreviate terms after spelling them out fully in the same title ▪ Consistently reference Metro's urban growth boundary (UGB) as "*the Metro UGB*", the Metro Council as "*the Metro Council*", and the relevant department as "*the Metro Planning, Development and Research Department*" ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, and do not spell out and also provide the numerals for numbers, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Provide the full name of Metro's "*Six Outcomes, Characteristics of a Successful Region*", consistent with the Regional Framework Plan (RFP), and list them ▪ Correctly note "*subsection*" and "*paragraph*" in citations, as relevant
3.07.1405	Rename the section from "*Purpose*" to "*Purpose and Intent*" to be consistent with other titles
3.07.1425(d) and 3.07.1428(b)	Repeal the text of a now-defunct requirement that the Metro Council consider whether a UGB amendment area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with Metro, as cities: no longer conduct their own housing needs analyses as previously understood; get a housing target and need allocation from the state under the Oregon Housing Needs Analysis program; respond with a Housing Production Strategy and Housing Capacity Analysis; operate on a six-year housing analysis schedule with review done by the state
3.07.1427(a)	Update a citation to Oregon Revised Statutes (ORS) 197A.362(5)
3.07.1427(b) and (k), 3.07.1428(a), 3.07.1430(a), and 3.07.1440(a)	Update citations to ORS 197A.350
3.07.1430(b) and 3.07.1465(a)(2)	Require notices be posted on Metro's website, rather than in a newspaper
3.07.1455 and 3.07.1465	To improve readability and without changing meaning or existing policy: ▪ Reorganize existing requirements and allowances ▪ Make minor word choice changes and additions, and remove extraneous language
3.07.1465(g)	Relocate an existing requirement that the COO provide notice of adopted UGB amendments to a new section 3.07.1475

3.07.1470	Add a new section: ▪ Proactively codifying anticipated new state requirements for notice to Tribes of hearings on proposed UGB amendments; ▪ Requiring the notice to Tribes include certain pertinent information; ▪ Requiring information received from Tribes to be handled/processed in a manner consistent with the anticipated new state requirements

Attachment 1

Chapter 3.09, *Local Government Boundary Changes*
Summary of Draft Amendments as of November 17, 2025
2025 Metro Code Land Use Minor Amendments

Citation	Summary
Throughout the chapter	▪ Only abbreviate terms after they have been fully spelled out previously in the chapter ▪ Consistently reference Metro's service district and jurisdictional boundary as "*the Metro boundary*", Metro's website as "*Metro's website*", and the Metro Council as "*the Metro Council*" ▪ Cite chapters and sections in a manner consistent with Metro Code conventions ▪ Standardize capitalizations ▪ Change "*shall*" to "*must*", "*may*", or "*will*", as appropriate, consistent with the Metro Council's direction in Resolution No. 22-5293 and without changing existing policy ▪ Use numerals for numbers 10 and larger for consistency with other chapters
3.09.020	Codify the existing definition of the "*Metro boundary*" as the boundary of Metro as a metropolitan service district
3.09.045(E)	Continue to allow a city to annex the entirety of a lot/parcel that is only partially in the urban growth boundary (UGB), and remind that a legal description for the portion in the UGB is required, in order to comply with HB 2356 and annexation filing requirements of the Department of Revenue and the Secretary of State
3.09.070	▪ Repeal requirements in subsection 3.09.070(B) for printing and on-site posting of weatherproof public notice signs, and for newspaper publications of notices, in applications for ▪ Add a new subsection 3.09.070(G) to codify HB 2356, which provides that, when a city annexes a territory under Oregon Revised Statutes chapter 222 and that territory is already within the UGB, the territory is annexed into the Metro boundary without further proceedings (e.g., a separate Metro boundary annexation application)
3.09.090	Repeal the section because it is redundant with state law. Oregon Administrative Rules chapter 660, division 11 already restricts extensions of utility services outside of UGBs, but also provides limited allowances for certain extensions of utility services to areas outside UGBs (e.g., to mitigate a public health hazard). Metro also already does not prohibit cities or districts from establishing new service connections to water or sewer lines that already exist outside the UGB, or extensions of water or sewer lines that already lie outside the UGB, when such connections or extensions are authorized under state law, consistent with standing interpretation.

83rd OREGON LEGISLATIVE ASSEMBLY--2025 Regular Session

Enrolled
House Bill 2356

Sponsored by Representative MCLAIN; Representative HARTMAN (at the request of Metro Regional Government) (Presession filed.)

CHAPTER .....

AN ACT

Relating to a metropolitan service district boundaries; creating new provisions; and amending ORS 268.354.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 268.

SECTION 2. Notwithstanding the requirements for boundary changes under ORS 268.354 and ORS chapter 198, when a city within the urban growth boundary of a metropolitan service district annexes a territory under ORS chapter 222 and that territory is within the urban growth boundary of the district, the territory is annexed to the district without further proceedings.

SECTION 3. Section 2 of this 2025 Act applies to territories annexed by a city on or after the effective date of this 2025 Act.

SECTION 4. ORS 268.354 is amended to read:

268.354. (1) In addition to the requirements established by ORS chapters 198, 221 and 222 for a boundary change, a metropolitan service district, in consultation with the Metro Policy Advisory Committee, may establish requirements for a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347.

(2) For a boundary change that is subject to the jurisdiction of the district pursuant to ORS 268.347, the district shall:

(a) Establish a uniform hearing and notification process.

(b) Establish an expedited process for uncontested boundary changes.

(c) Establish clear and objective criteria for a boundary change.

(d) Ensure that a boundary change is in compliance with the Metro regional framework plan, as defined in ORS 197.015, and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.

(3) The role of a metropolitan service district in the boundary determination process shall be ministerial only.

(4) Except as provided in this section and ORS 268.347 and 268.351, for a boundary change subject to the jurisdiction of the metropolitan service district:

(a) Proceedings for annexation of territory to a city and for all other changes in city boundaries shall be conducted as provided in ORS chapter 222.

(b) Proceedings for annexation of territory to a district, and for all other changes to the boundaries of a district, shall be conducted as provided in ORS chapter 198. Notwithstanding ORS 268.020, as used in this paragraph, “district” has the meaning given that term in ORS 268.351.

(c) Proceedings for annexation of territory to the metropolitan service district, including annexation of territory not within the urban growth boundary of the district, and for all other changes to the boundaries of the district shall be conducted as provided in ORS chapter 198.

(d) Notwithstanding contrary provisions regarding the party responsible for conducting hearings under ORS chapter 198, the metropolitan service district is the governing body responsible for conducting proceedings for a minor boundary change to the district. Except for a change to the district boundary by adoption of an urban growth boundary under ORS 268.390 **or annexation under section 2 of this 2025 Act**, proceedings for a minor boundary change to the boundaries of a district shall be conducted as provided in ORS chapter 198.

Passed by House February 20, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate June 4, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State

Agenda #: 5.2

File #: ORD 25-1539 **Agenda Date:**12/4/2025

Ordinance No. 25-1539 For the Purpose of Consolidating the Supportive Housing Services Regional Oversight Committee and Tri-County Planning Body Into a New "SHS Regional Policy and Oversight Committee" and Establishing the Committee's Duties and Membership

Liam Frost (he/him), Interim Housing Director
Yesenia Delgado (she/her), Supportive Housing Services Division Manager
Kristin Dennis (she/her), Metro Chief of Staff

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONSOLIDATING THE SUPPORTIVE HOUSING SERVICES REGIONAL OVERSIGHT COMMITTEE AND TRI-COUNTY PLANNING BODY INTO A NEW "SHS REGIONAL POLICY AND OVERSIGHT COMMITTEE" AND ESTABLISHING THE COMMITTEE'S DUTIES AND MEMBERSHIP	)))))))	ORDINANCE NO. 25-1539 Introduced by Council President Lynn Peterson

WHEREAS, on May 19, 2020, the Metro area voters approved Measure 26-210, which among other things established the Supportive Housing Services Regional Oversight Committee ("SHS Regional Oversight Committee") and a tri-county homeless services planning body ("Tri-County Planning Body") to implement the Measure's newly established Metro Supportive Housing Services (SHS) Program; and

WHEREAS, on December 17, 2020, the Metro Council adopted Ordinance No. 20-1453 and Ordinance No. 20-1452 codifying Measure 26-210, including the provisions governing the SHS Regional Oversight Committee in Metro Code Section 2.19.280 and the Tri-County Planning Body in Metro Code Section 11.01.170; and

WHEREAS, on May 5, 2022, by Resolution No. 22-5267, the Metro Council adopted a charter for the Tri-County Planning Body, establishing the committee's membership and more specifically describing its duties; and

WHEREAS, the SHS Program requires a more aligned, coordinated, and clearly defined governance framework to ensure timely and effective decision-making that is responsive to emerging regional needs while providing oversight and advancing an effective regional system of care; and

WHEREAS, the SHS Regional Oversight Committee and the Tri-County Planning Body have convened programmatic experts, individuals with lived experience, and regional leaders to address complex issues and strengthen the developing regional system, and have provided thoughtful recommendations that have not consistently resulted in systematic improvements due to inefficient processes and overlapping and unclear role definitions; and

WHEREAS, communication and coordination among the SHS Regional Oversight Committee, Tri-County Planning Body, and Metro Council have been limited, resulting in reduced transparency and alignment across regional oversight functions; and

WHEREAS, the SHS Regional Oversight Committee and the Tri-County Planning Body operate under differing bylaws, charters, procedures, and voting structures, creating operational challenges for staff, particularly when both bodies are required to review and approve the same proposals; and

WHEREAS, regional elected representation within the current committees is limited, and elected officials serving on the SHS Regional Oversight Committee lack voting authority, thereby diminishing regional visibility, accountability, and engagement in the oversight and policy direction of the SHS Program;

WHEREAS, federal and state funding for homeless services has become more uncertain, making SHS funding increasingly critical to serve people in crisis and further demonstrating the need to change the governance structure to better respond to emerging regional needs, provide oversight, and advance an effective regional system of care; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Effective April 1, 2026, the Tri-County Planning Body and the SHS Regional Oversight Committee as established by Measure 26-210 and as further codified in Metro Code are hereby consolidated into a new "SHS Regional Policy and Oversight Committee."

2. As of March 31, 2026, the Tri-County Planning Body and SHS Regional Oversight Committee both sunset. Any charters, bylaws, work plans, or other ancillary documents setting forth or otherwise establishing, clarifying, modifying, or purporting to give effect to the TCPB and SHS Regional Oversight Committee's duties, authority, or membership have no further legal effect.

3. Metro Code Section 2.19.280 (SHS Regional Oversight Committee) is repealed in its entirety.

4. Metro Code Section 11.01.170 (Tri-County Advisory Body) is repealed in its entirety.

5. A new Metro Code Section 2.19.280 is created to establish the newly consolidated SHS Regional Policy and Oversight Committee (the "SHS RPOC" or "Committee") with consolidated membership, duties, and authority set forth as further detailed in the attached Exhibit A.

6. It is the policy of Metro Council that the newly established SHS Regional Policy and Oversight Committee further the oversight and planning functions of the former SHS Regional Oversight Committee and Tri-County Planning Body.

7. The Metro Council may review the Committee's effectiveness and role annually and will conduct its first review no later than April 2027, one year from the effective date of this Ordinance.

8. The Metro Council has sole discretion to amend or modify the Committee's authority, duties, and membership as the Council deems appropriate to ensure appropriate oversight, planning, and regional coordination for Metro's Supportive Housing Services Program.

9. This ordinance codifies, amends, and supersedes language in Measure 26-210 that establishes and sets forth any membership or duties as they apply to the SHS Regional Oversight Committee and the Tri-County Planning Body. To the extent that any terms or conditions in Measure 26-210 conflict with the terms and conditions in this ordinance, this ordinance prevails.

ADOPTED by the Metro Council this 16th day of December 2025.

Lynn Peterson, Council President

Attest:

Georgia Langer, Recording Secretary

Approved as to Form:

Carrie MacLaren, Metro Attorney

2.19.280 Supportive Housing Services Regional Policy and Oversight Committee

(a) **Committee Established**. A 21-member Supportive Housing Services Regional Policy and Oversight Committee (the "SHS RPOC" or "Committee") will provide oversight, planning, and regional coordination for the Supportive Housing Services Program.

(b) **Purpose and Authority**. The purpose and authority of the Committee is to:

(1) Evaluate local implementation plans, and make and submit to Metro Council recommendations to advance program goals and support guiding principles;
(2) Accept and review annual reports from Local Implementation Partners for consistency with approved local implementation plans;
(3) Monitor financial aspects of program administration, including review of program expenditures;
(4) Provide an annual report and presentation to Metro Council and Clackamas, Multnomah, and Washington County Boards of Commissioners assessing SHS Program performance, challenges, and outcomes;
(5) Establish and submit to Metro Council for adoption regional key performance indicators, key environmental indicators, and SHS Program goals;
(6) Periodically review and submit to the Metro Council for adoption updates to the regional coordination plan, incorporating adopted regional strategies, metrics and goals, and establishing how funds dedicated for regional investments pursuant to Metro Code Section 11.01.180 (the "Regional Investment Strategy Fund") may be used;
(7) Review and recommend to Metro Council for approval proposals from Local Implementation Partners to make investments from the Regional Strategy Investment Fund;
(8) Develop and recommend to Metro Council for approval of guidance to Local Implementation Partners on the implementation of strategies to achieve regional goals and outcomes;
(9) Monitor the implementation of the regional coordination plan, including the financial investments by the Local Implementation Partners from the Regional Strategy Investment Fund; and
(10) Perform other duties and functions that Metro Council may prescribe.

(c) **Membership**. The Committee is composed of 21 members, including local jurisdictions, homelessness experts, and other representatives:

(1) Voting Members

Metro	3
Clackamas County	1
Multnomah County	1
Washington County	1

City of Portland	1
Cities of Clackamas County	1
Cities of Multnomah County	1
Cities of Washington County	1
Homeless services experts (including permanent supportive housing, shelter/transitional housing, recovery system, family system)	3
Coordinated care organization representative	1
Culturally specific services coalition representative	1
Housing/homeless services coalition representative	1
Business coalition representative	1
Justice system representative	1
Total	18

(2) Non-Voting Members

State of Oregon agency representative from Oregon Housing and Community Services department	1
TriMet	1
Housing provider representative (e.g., Housing Authority or Community Development Corporation)	1
Total	3

(3) Alternates may be appointed to serve in the absence of members.
(4) Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction, agency, or organization (as applicable).

(d) **Membership Attributes**. The Committee's membership will include a broad range of personal and professional experience, including people with lived experience of homelessness or housing instability, and will reflect the geographical diversity of the region. In addition, for the initial appointments in 2026, the Metro Council President will give preference to individuals and representatives who recently served on the SHS Regional Oversight Committee or the Tri-County Planning Body.

(e) **Chair.** A Metro Councilor will serve as Chair of the Committee.

(f) **Appointment of Members.** Notwithstanding the provisions of Section 2.19.030, appointments to the Committee are as follows:

(1) Members and alternates from Clackamas, Multnomah, and Washington counties and the City of Portland will be elected officials from those jurisdictions and will be appointed by the jurisdiction.
(2) Members and alternates from the cities of Clackamas, Multnomah, and Washington counties will be elected officials from the cities represented by these positions of each county (except Portland) and will be appointed by means of a consensus of the mayors of those cities developed through a forum convened by

the largest city being represented. The member and alternate will be from different jurisdictions. In the event the member's position is vacated, the alternate will automatically become the member and will complete the original term of office. The member and alternate will periodically consult and coordinate with the cities within their region.

(3) Members and alternates from the State of Oregon Housing and Community Services department will be a principal staff person representative of the agency and will be appointed by the Governor.

(4) Members and alternatives from TriMet will be a principal staff person appointed by the president of the board.

(5) All other members and alternates will be appointed by the Council President and confirmed by the Metro Council.

(g) **Terms.** Notwithstanding the provisions of Section 2.19.030:

(1) Initial terms will commence April 1, 2026, and will run through January 31, 2028. Thereafter, all appointments will be for a term of two years, commencing February 1 of each even-numbered year.

(2) Members and alternates may also be appointed to fill the remaining portion of a term not to exceed two years.

(3) No person may be appointed to serve more than two consecutive full two-year terms. The limitations in this paragraph do not apply to city or council jurisdictional representatives or employees of public agencies serving as the representative of their public employer.

(h) **Meetings**. The committee will meet no less than quarterly and more frequently as determined by the Committee Chair.

(i) **Quorum.** A majority of the voting members (or designated alternates) of the full Committee (10 of 21 members) constitutes a quorum for the conduct of business.

(j) **Bylaws**. Metro Council may by resolution establish bylaws governing the Committee's meeting conduct, officers and duties, impartiality and conflict of interest rules, and other procedures.

(k) **Review**. Metro Council may conduct periodic annual reviews of the Committee's role and effectiveness. The first review will take place no later than April 2027.

STAFF REPORT

IN CONSIDERATION OF **ORDINANCE NO. 25-1539** FOR THE PURPOSE FOR THE PURPOSE OF CONSOLIDATING THE SUPPORTIVE HOUSING SERVICES REGIONAL OVERSIGHT COMMITTEE AND TRI-COUNTY PLANNING BODY INTO A NEW "SHS REGIONAL POLICY AND OVERSIGHT COMMITTEE" AND ESTABLISHING THE COMMITTEE'S DUTIES AND MEMBERSHIP

Date: Nov. 30, 2025

Department: Housing

Meeting Date: Dec. 4, 2025

Prepared by: Alice Hodge (she/her),
Council Liaison,

alice.hodge@oregonmetro.gov

Presenters: Liam Frost (he/him), *Interim Housing Director*

Yesenia Delgado *(she/her), Supportive Housing Services Division Manager*

Kristin Dennis (she/her)
Metro Chief of Staff

Length: 30 minutes

ISSUE STATEMENT

Ordinance No. 25-1539 will sunset SHS Regional Oversight Committee (Metro Code Section 2.19.280) and Tri-County Advisory Body (Metro Code Section 11.01.170) and establish a Supportive Housing Services Regional Policy and Oversight Committee (RPOC) with a new Metro Code Section 2.19.280.

ACTION REQUESTED

Metro Council consider this ordinance for adoption on December 16, 2025.

IDENTIFIED POLICY OUTCOMES

Ordinance No. 25-1539 will consolidate the existing Supportive Housing Services Oversight Committee (SHSOC) and Tri-County Planning Body (TCPB) into the new RPOC and expand membership. A detailed proposal including committee membership and structure is outlined in attachment A.

Metro Council has called for SHS reforms and system improvements to achieve increased accountability and efficiency. This proposed ordinance was prepared as part of the SHS Reform Work Plan in response to that request.

POLICY QUESTION(S)

- Does Council support the membership and consolidated committee structure?

- Does Council support the priority list for the new RPOC?
- Are there any additional considerations Council would like included?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Metro Council has called for SHS reforms and system improvements to achieve greater accountability and efficiency. This ordinance supports that effort.

STAFF RECOMMENDATIONS

Metro Council consider this ordinance for adoption on December 16, 2025.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Metro staff presented to Council on Nov. 6, 2025, on the proposed SHS reform action areas. In addition, staff provided an overview of the current state of SHS to Metro Council on Oct. 30. This overview included gaps and lessons learned and provided update on state and federal headwinds due to unanticipated budget cuts and federal policy changes.

Over the past two years, Metro has engaged deeply with a broad range of partners and key interested parties across the region to better understand both the challenges and the opportunities within our homeless response system. These conversations have been instrumental in shaping a series of commonsense improvements aimed at making the system more effective.

In response, Metro staff provided the Metro Council with a memo in July 2025 outlining proposed reform areas and committed to developing an SHS Reform Work Plan for formal Council consideration this fall. The Reform Work Plan identifies a set of near-term, practical reforms that can be implemented without requiring a ballot measure. These changes are designed to streamline oversight, speed up coordination, and better support our regional system to deliver better outcomes for people experiencing homelessness.

BACKGROUND

Metro is responsible for ensuring the effectiveness of the regional system supported by SHS investments—for the individuals served, for partner agencies, and for voters and taxpayers. Now at the midpoint of the initiative's 10-year span, Metro and its partners must apply lessons learned to refine the regional homeless services system.

Since Metro-area voters approved Measure 26-210 on May 19, 2020, the region has operated under a governance structure that created both the SHSOC and the TCPB to guide the newly established SHS Program.

These bodies were formally codified on December 17, 2020, when the Metro Council adopted Ordinance Nos. 20-1453 and 20-1452, placing the SHS Regional Oversight Committee into Metro Code Section 2.19.280 and the TCPB into Metro Code Section

11.01.170. The Metro Council further defined the TCPB's membership and responsibilities through the adoption of its charter on May 5, 2022, in Resolution No. 22-5267.

As the SHS Program has evolved, it has become clear that a more aligned, coordinated, and clearly defined governance framework is needed to support timely and effective decision-making that can respond to emerging regional needs while maintaining strong oversight and supporting an effective regional system of care. Both the SHS Regional Oversight Committee and the TCPB have brought together program experts, individuals with lived experience, and regional leaders to address complex issues and strengthen the developing system. However, their recommendations have not consistently translated into systematic improvements due to inefficient processes and overlapping or unclear roles.

Communication and coordination among the SHS Regional Oversight Committee, the TCPB, and the Metro Council have also been limited, reducing transparency and alignment across regional oversight functions. The two committees operate under different bylaws, charters, procedures, and voting structures, which creates operational challenges—especially when both are required to review and approve the same proposals. Additionally, regional elected representation is limited, and elected officials who serve on the SHS Regional Oversight Committee do not have voting authority, diminishing regional visibility, accountability, and engagement in shaping SHS Program policy and oversight.

At the same time, federal and state funding for homeless services has become more uncertain, increasing the importance of SHS funding as a stable resource to serve people in crisis. These evolving conditions underscore the need to update the governance structure to better support regional responsiveness, maintain oversight, and strengthen the overall system of care.

ATTACHMENTS

1. Draft SHS Reform Actions: Committee Proposal Memo (11-25-25)

Attachment 1: Memo

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

Date: November 25, 2025

To: Metro Council

From: Liam Frost, *Interim Housing Director*; Kristin Dennis, *Metro Council Chief of Staff*; Yesenia Delgado, *Supportive Housing Services Division Director*

Cc: Marissa Madrigal, *Chief Operating Officer;* Holly Calhoun, *Deputy Chief Operating Officer*; Andy Shaw, *Director of Government Affairs*

Subject: SHS Reforms: Draft Committee Proposal (Reform Action 1)

Attachment 1 is the governance section of the SHS Reforms memo draft submitted to Metro Council on November 25, 2025. It outlines the proposed committee changes described in Ordinance 25-1539.

1. ***GOVERNANCE:*** *Consolidate the Supportive Housing Services Oversight Committee (SHSOC) and the Tri County Planning Body (TCPB:) SHS Regional Oversight and Policy Committee (RPOC); expand membership*

Issue statement: The current multi-agency system requires a more aligned, coordinated and clear decision-making governance structure that is responsive to emerging needs while also continuing to build a regional system of care. The two existing committees have brought together programmatic experts, people with lived experience and regional leaders to tackle an array of complex issues, and to improve the emerging system. Both committees have made thoughtful recommendations, but due to inefficient processes and unclear role definition this has not always led to clear systematic improvements.

Additionally, connection among the SHSOC, the TCPB and the Metro Council has been limited, leading to a lack of transparency and coordination. Meanwhile, both committees operate under different charters, processes and voting rights, which has caused challenges for staff, especially when the two committees are required to consider for approval the same proposal. Furthermore, regional elected representation is limited, and – in the case of the SHSOC – elected officials do not have voting authority in decision-making. This has contributed to a lack of visibility and regionwide engagement in the work of regional oversight and policy direction.

Proposal: The new RPOC will combine all policy and oversight responsibilities currently held by the SHSOC and the TCPB. Functionally, this will mean the RPOC will assume all responsibilities of the SHSOC and TCPB as outlined in the respective charters and in the intergovernmental agreements with county partners (IGAs). These responsibilities include reviewing annual plans and budgets and issuing recommendations to counties and Metro Council based on committee

review. They also include setting regional goals, and approving RIF investments in support of regional goals.

Metro Councilors have shared with staff different opinions on membership and voting rights of the new committee, but there is now consensus for the following changes:

- Consolidation of the TCPB and the SHSOC, and their respective responsibilities.
- Expanded membership to include additional elected officials.
- Metro Councilor will serve as chair.
- RPOC Chair and Metro Housing Department staff will report to Metro Council on a regular basis to update Council on policy and funding recommendations.

Metro staff recommend Metro Council review the new committee's effectiveness, structure and membership one year after its launch *(approximately March 2027)* and annually thereafter.

Membership: The proposed RPOC include 21 members: 18 voting members — 10 elected officials and eight non-elected leaders — and three ex-officio members. The committee's composition is intended to reflect the regional homeless services continuum of care and ensure a balanced range of stakeholder voices.

Proposed RSPOC members and structure are outlined in Attachment 1.1 (page 4). Voting non-elected committee members shall be appointed by the Metro Council President subject to Metro Council confirmation. Additional procedures for appointing members and alternates will be detailed in the committee bylaws, which will be drafted beginning January 2026.

Meeting schedule: No fewer than four meetings per year. A regular meeting date, time and place shall be established by the RPOC chair. Special or emergency meetings may be called by the RPOC chair or a third of the members of RPOC. The RPOC reserves the right to form subcommittees as necessary.

Decision-making: The proposed decision-making process is modified consensus. Each member may cast one "3-2-1" vote per decision:

- A 3 vote: "Yes. I support the decision and support moving forward with the proposed action."
- A 2 vote: "Yes. I support the decision, but with hesitation or caution; I support moving forward with the proposed action." The voter is given the opportunity for more discussion if needed.
- A 1 vote: "No. I oppose this decision and have significant concerns about moving forward with the proposed action." The voter is given the opportunity to explain their concerns and propose an alternative solution.
- Majority vote prevails.

Concurrence: Final approval of oversight action requires concurrence of both RPOC and the Metro Council. After approval of an action by RPOC, Metro Council may either adopt the

recommended action or return it to RPOC with proposed amendments. The Council may designate some RPOC actions which do not require subsequent Council approval.

Scope: The RPOC will assume no additional responsibilities beyond the existing duties of the TCPB and SHSOC. Members will prioritize a regional perspective and alignment but will also respect the need for local flexibility to meet local needs.

Priority Items: In feedback from Metro Council and jurisdictional and community partners, Metro staff recommend the RPOC prioritize the following key areas:

- Finalize KPIs and goals
- Review TCPB-approved goals and plans and investments from RIF
- Review definitions for populations A and B
- Provider contract reform
- Performance-based systems management/continuous improvement framework
- Annual independent audit
- Regional homeless services legislative agenda

Bylaws: Following the passage of the committee ordinance by the Metro Council, Metro will begin developing the committee's bylaws in accordance with the SHSOC and TCPB bylaws/charters and in the IGAs with county partners. These bylaws will include, but are not limited to, formal rules regarding the committee's mission and purpose; membership; impartiality and conflict of interest rules; meeting procedures and quorum requirements; officers and their duties; and the process for amendments.

***Timeline:**

- **Dec. 4, 2025**: First reading and public hearing of committee ordinance
- **Dec. 16, 2025**: Second reading and vote on committee ordinance by Metro Council
- **Jan. 2026:** Metro starts bylaws development
- **March 31, 2026**: SHSOC and TCPB sunsets; RPOC launches
- **April 1, 2026:** RPOC launches

ATTACHMENT 1.1: Proposed Regional Supportive Housing Services Policy and Oversight Committee (RSPOC) Membership & Structure

- 21-member committee: 18 voting members – ten (10) elected officials; eight (8) non-elected leaders – three (3) ex-officio
- Reviewed by Metro Council annually
- Coordinating committees may select city representatives
- Preference for non-elected leaders will be given to applicants with lived experience, former SHSOC and TCPB members, and representation ensuring geographic diversity
- Voting members may include a designated alternate

10 Elected Officials
3 Metro Councilors (Chaired by a Metro Councilor)
1 Clackamas County
1 Multnomah County
1 Washington County
1 Clackamas city
1 Multnomah city
1 Washington city
1 City of Portland
8 Non-Elected Leaders
3 Homeless services experts *(permanent supportive housing; shelter/transitional housing; recovery system; family system, etc.)*
1 Coordinated care organization representative
1 Culturally specific coalition representative
1 Housing/homeless services coalition representative
1 Business coalition representative
1 Justice system representative
3 Ex-officio Members
1 State department representative *(OHCS)*
1 TriMet representative
1 Housing provider representative *(CDC; Housing Authority)*

Materials following this page were distributed at the meeting.

Metro Council Public Hearing

Ordinance No. 25-1535

Making housekeeping updates, modernizing public notice methods, incorporating plain language best practices, and implementing new statutory Metro District annexation requirements

December 4, 2025

Staff: Glen Hamburg (he/him), Senior Regional Planner

Metro

Photo Credit: M.Z. Holms, Metro (2019)

Ordinance Overview

- **Amends two Metro Code chapters (Exhibit A):**
  - 3.07, *the Urban Growth Management Functional Plan (UGMFP)*
  - 3.09, *Local Government Boundary Changes*
- **Summaries of amendments in Attachment 1 to staff report**
- **No new Metro requirements on cities/counties**
- **Recommended by MTAC and MPAC**

Purpose of Amendments

- **Fix typos, outdated citations, inconsistent and confusing terminology**
- **Remove redundant text and expired provisions**
- **Align with Metro Council's 2022 inclusive and plain language policy**
- **Codify a few new state laws/regulations**
  Notice to Tribes of proposed UGB expansions
  Metro district boundary annexations
- **Make minor noticing improvements to further reduce burdens/costs**

Streamlining Metro District Annexations

Urban Growth Boundary
Separates rural lands from "urbanizable" lands

Metro District Boundary
Metro's electoral and service district boundary

City Limits
Corporate boundaries of a city

For Metro's cities, land **must be in all three** to urbanize (develop)

Streamlining Metro District Annexations

Metro District Boundary
Metro's electoral and service district boundary

City Limits
Corporate boundaries of a city

- Separate annexation processes with **separate applications**
- Applications are **costly and duplicative**

Streamlining Metro District Annexations

Metro District Boundary
Metro's electoral and service district boundary

City Limits
Corporate boundaries of a city

Today:

- ≈1,000 tax lots (≈1,500 acres) already in UGB still outside of both Metro District Boundary and city limits
- At current rates, may take **50 years** to annex these territories into Metro District Boundary
- Cities' development of housing and employment uses constrained

HB 2356
(Attachment 2, Effective January 1)

With this bill and conforming Metro Code amendments:

- Territory already in Metro UGB is "automatically" annexed into the Metro District Boundary when annexed by a city
- Removal of a – redundant and costly – Metro District annexation application requirement for relevant properties
- Not "retroactive"
- No change to UGB expansion requirements

Further Streamlining

- **Post certain notices online, instead of in newspaper and on plastic signs**
- **Saves applicants ≈ $700/application**
- **Continue to send notices directly to nearby property owners and other interested parties** (cities, counties, service districts, etc.)

Questions

Staff: Glen Hamburg, Senior Regional Planner (glen.hamburg@oregonmetro.gov)

Metro

December 4, 2025

Building On Our Success: Parks and Nature Road Map

Objectives for December 4 work session

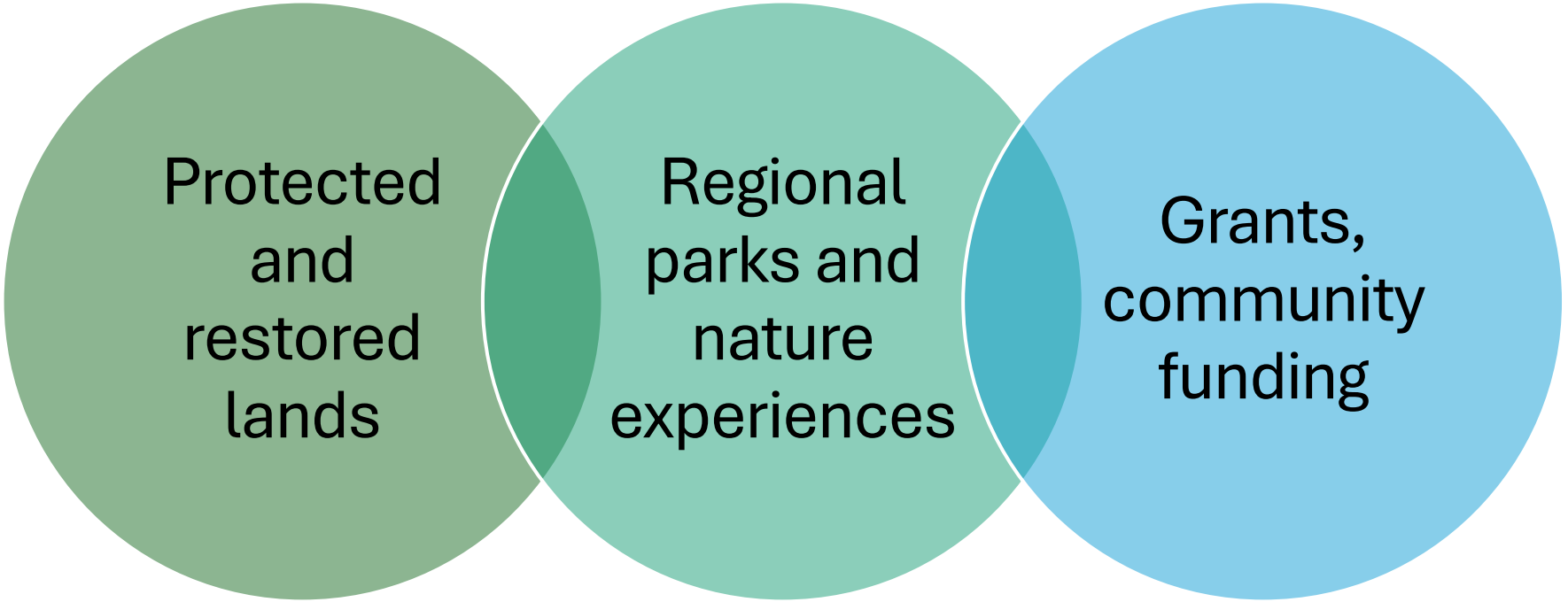
Council review road map process for Parks and Nature system plan update and levy replacement

Hear from Council about additional information or tools needed

Discussion topics for today

1. **Where we've been:** Metro's growing role as parks and nature provider, planner and convener.
2. **Current needs and opportunities:** Introduction to road map process and work to update Parks and Nature system plan.
3. **Looking forward:** Preview future Council discussions.
4. **Discussion:** How does available information and assumptions meet Council expectations? What else is needed currently to support future Council engagement?

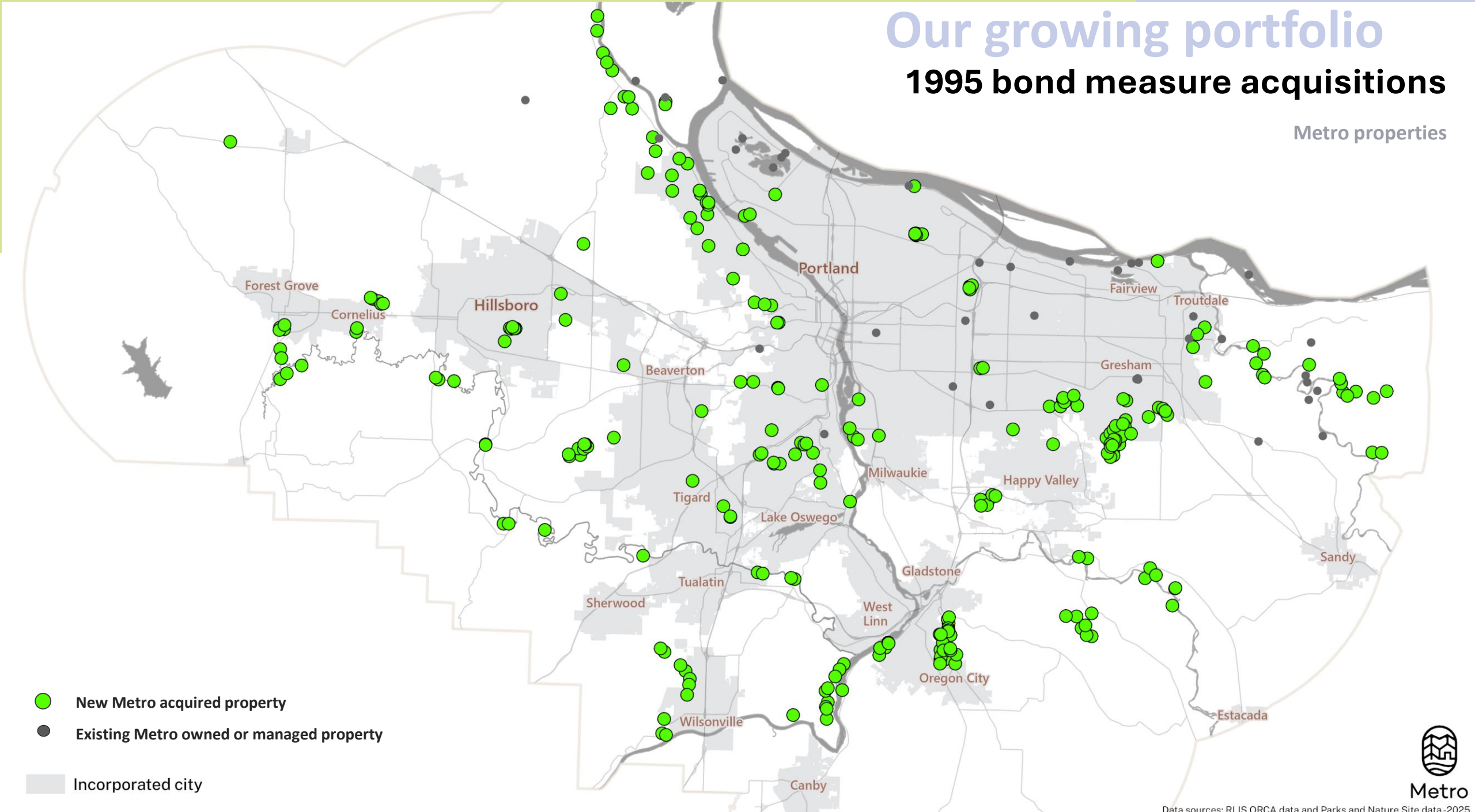
Metro's unique role as a parks and nature provider



Our growing portfolio

1995 bond measure acquisitions

Metro properties



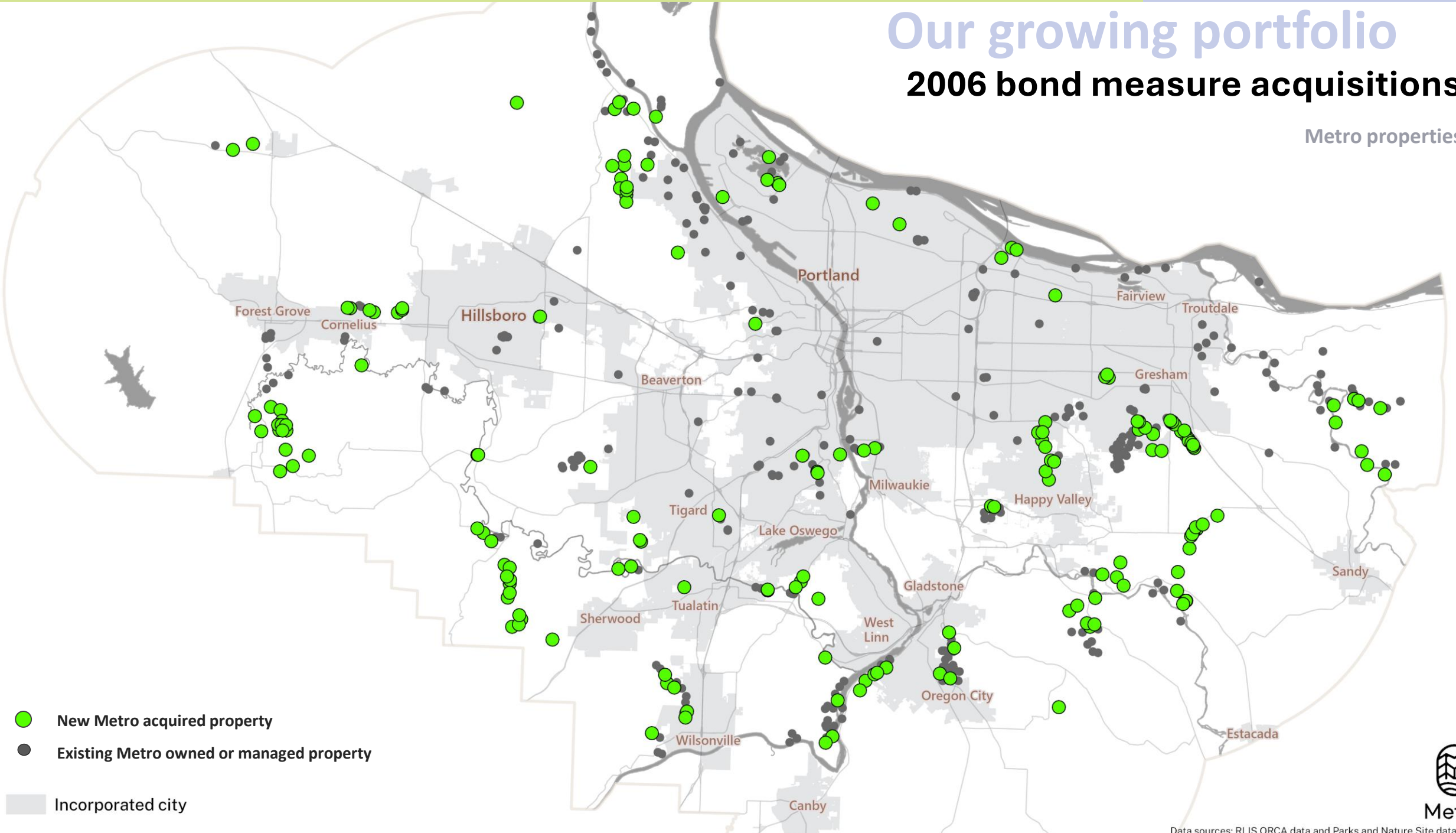
Metro

Data sources: RLIS ORCA data and Parks and Nature Site data -2025

Our growing portfolio

2006 bond measure acquisitions

Metro properties



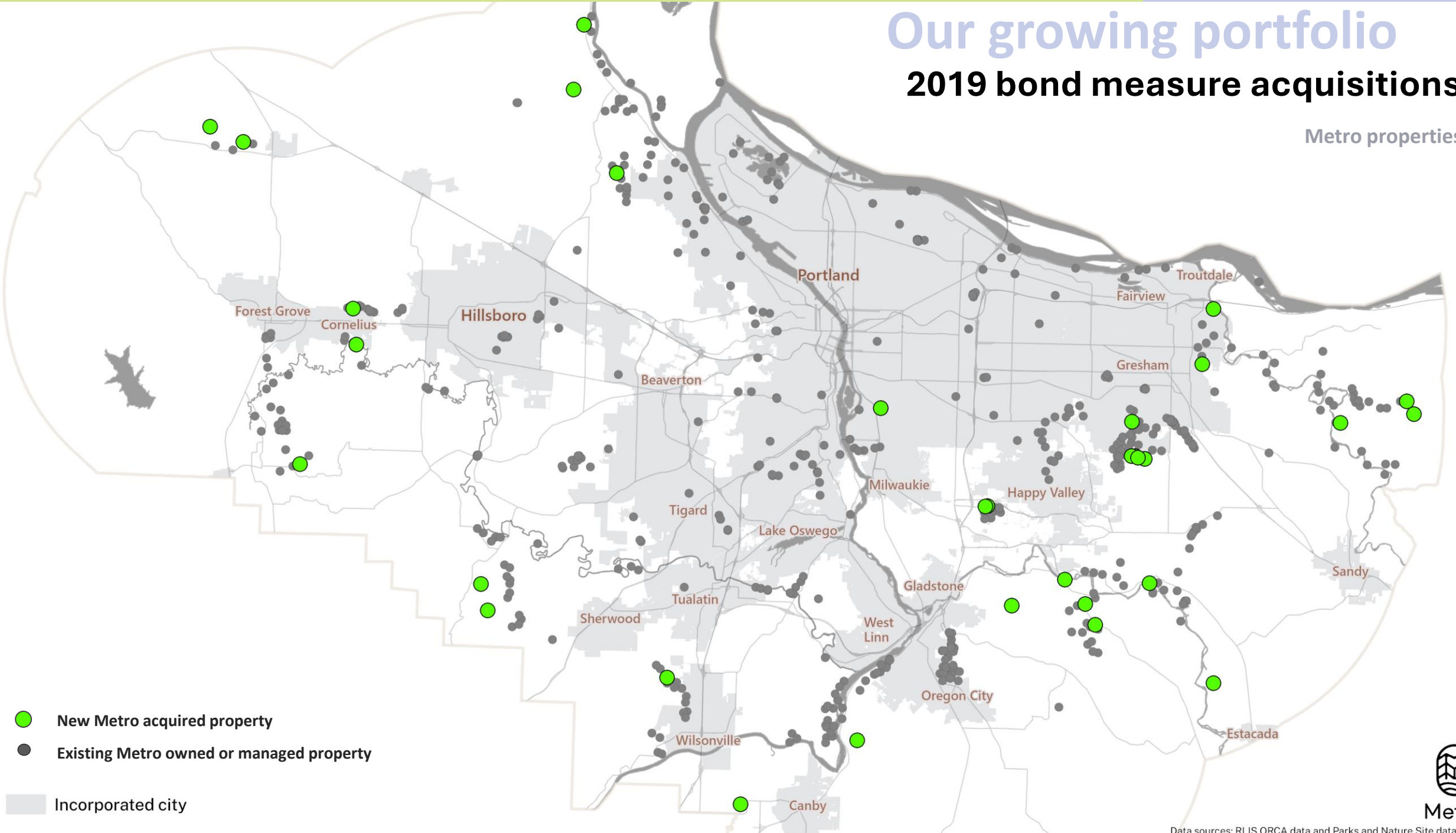
Metro

Data sources: RLIS ORCA data and Parks and Nature Site data -2025

Our growing portfolio

2019 bond measure acquisitions

Metro properties



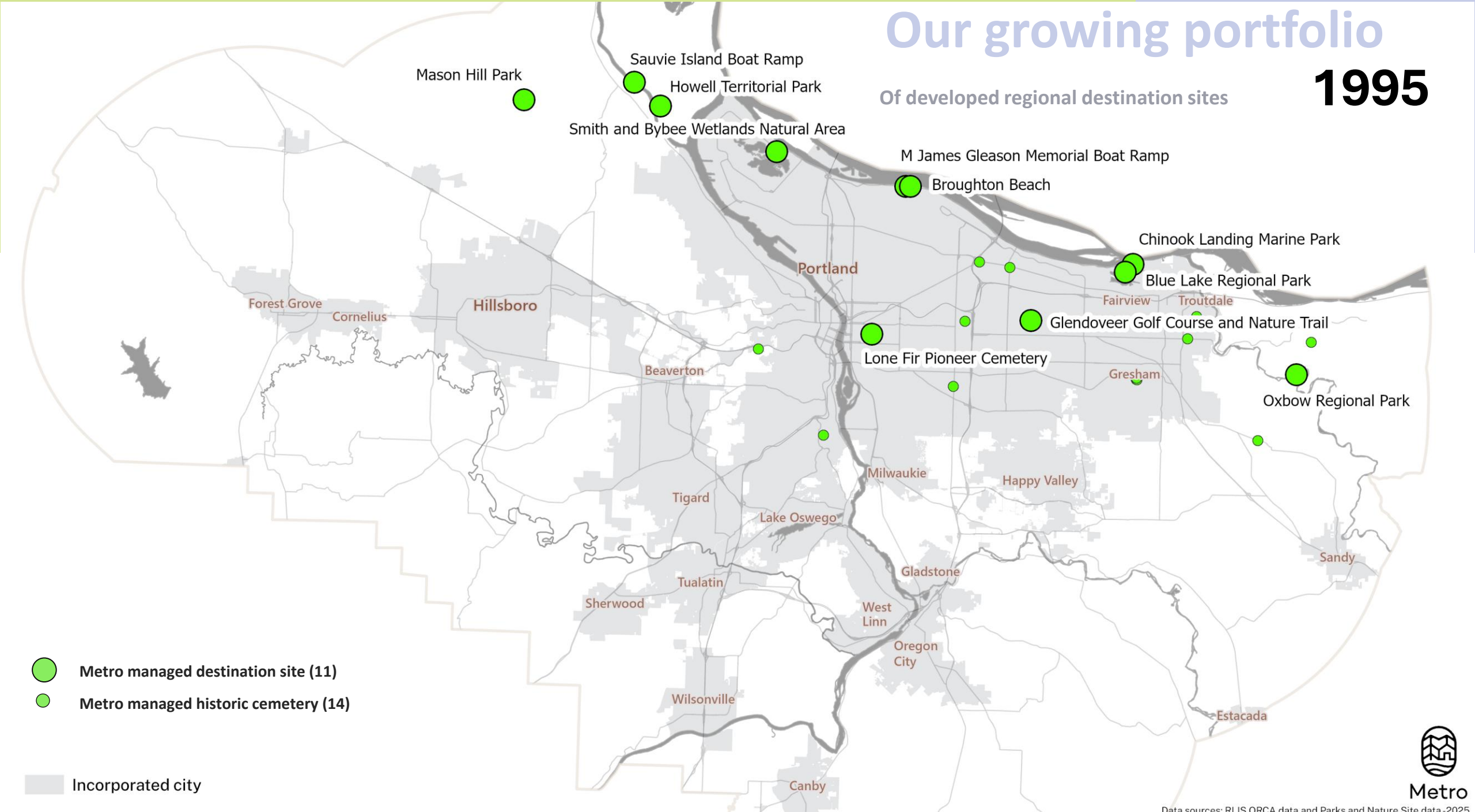
Metro

Data sources: RLIS ORCA data and Parks and Nature Site data -2025

Our growing portfolio

1995

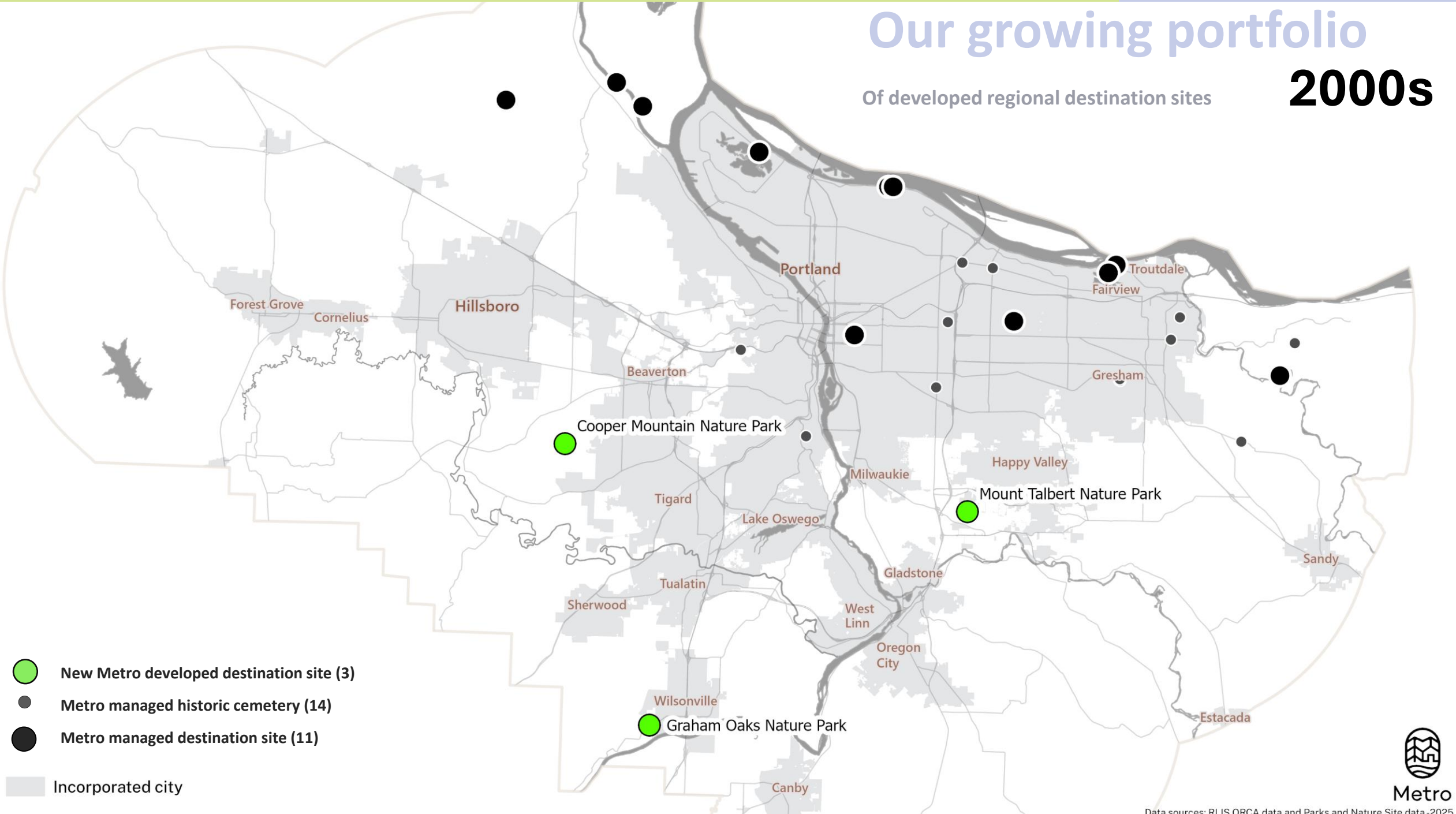
Of developed regional destination sites



Our growing portfolio

Of developed regional destination sites

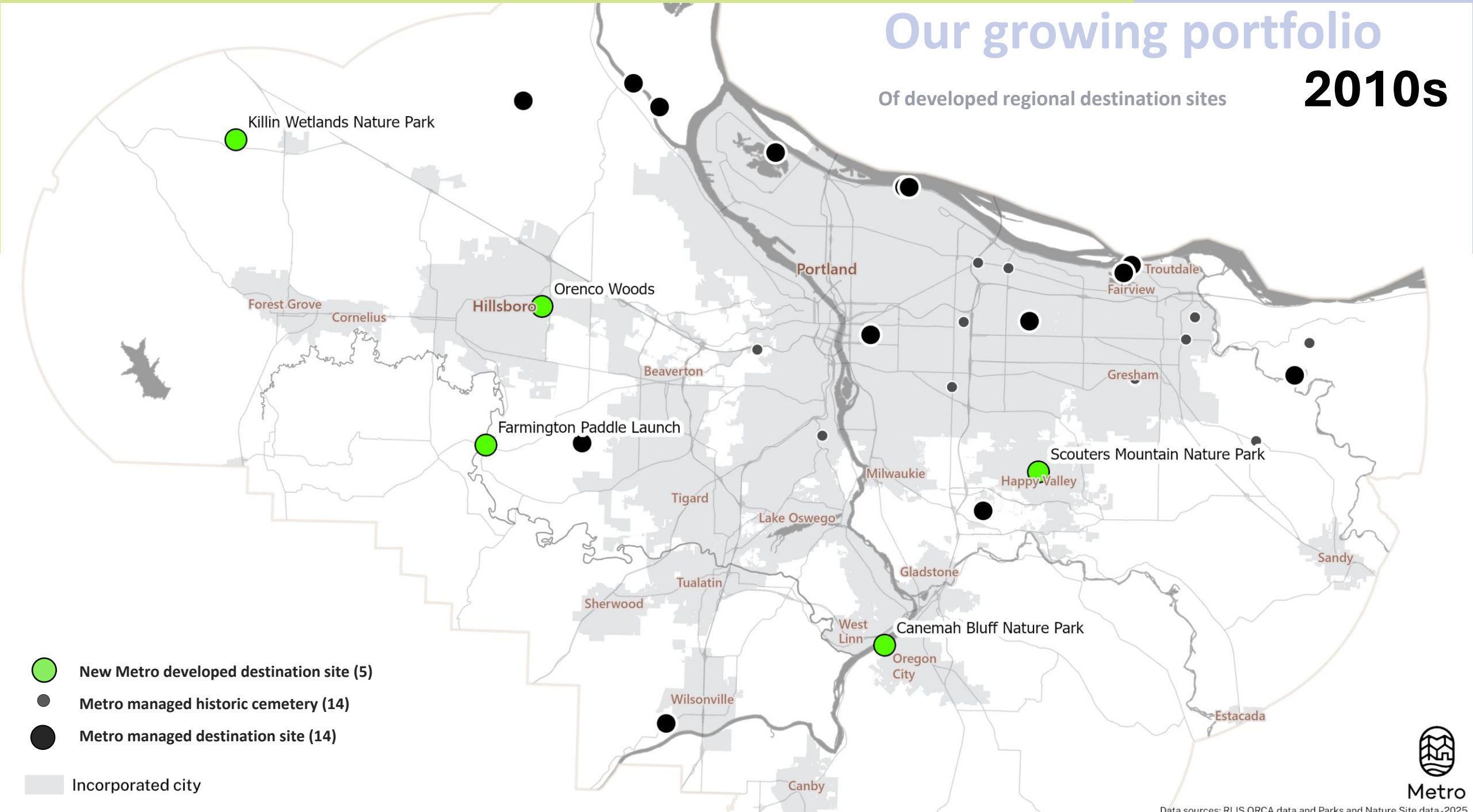
2000s



Our growing portfolio

Of developed regional destination sites

2010s



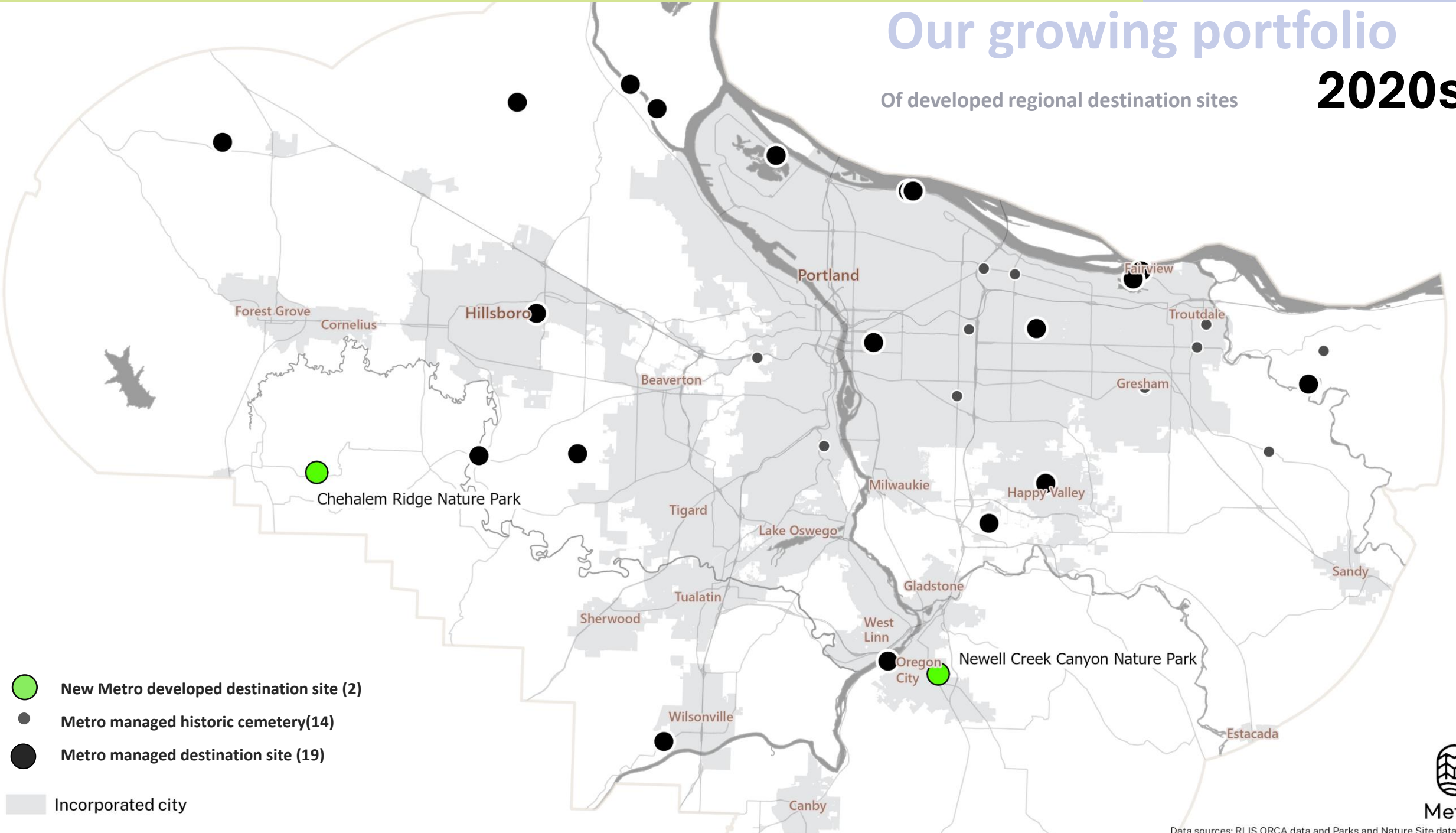
Metro

Data sources: RLIS ORCA data and Parks and Nature Site data -2025

Our growing portfolio

Of developed regional destination sites

2020s

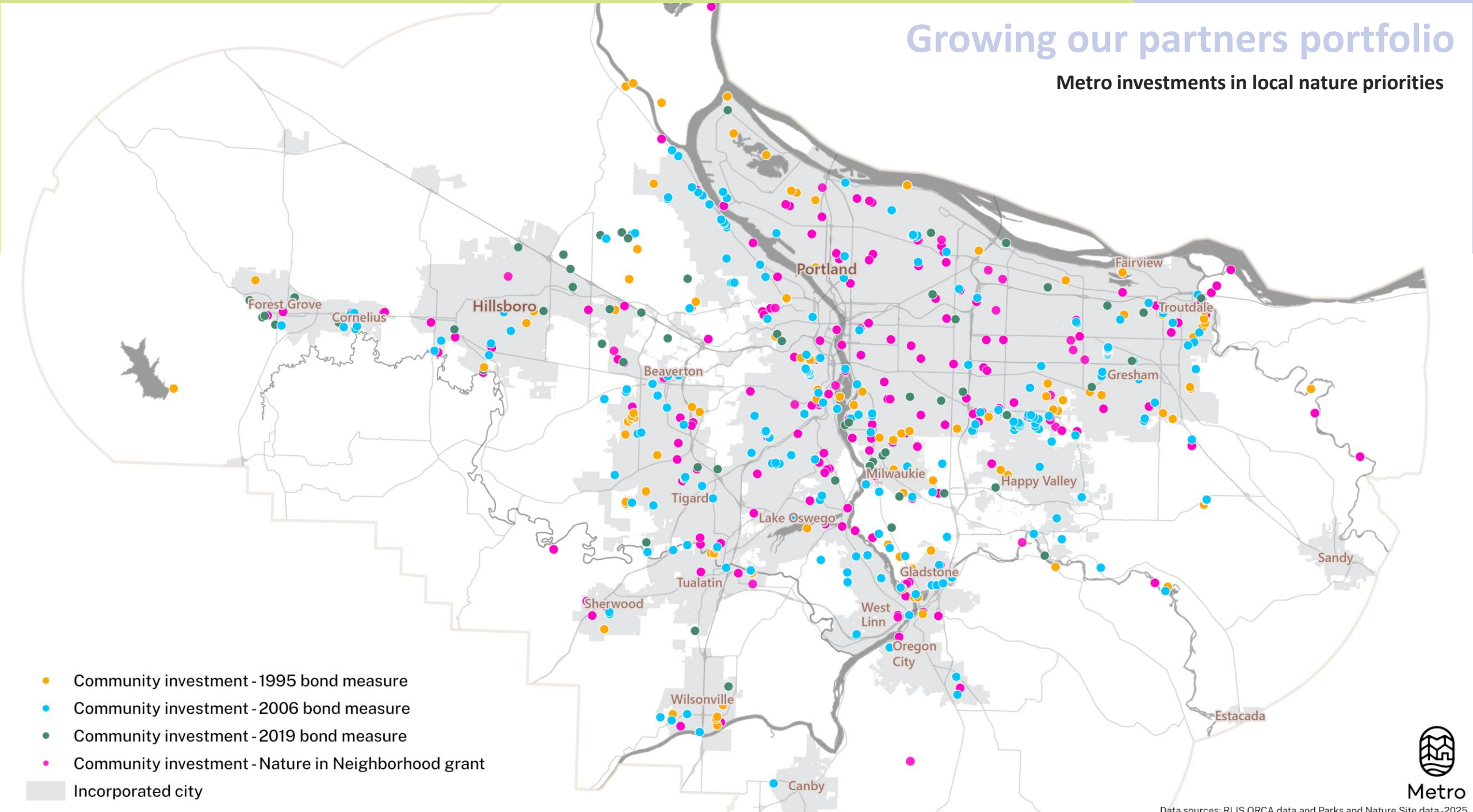


Metro

Data sources: RLIS ORCA data and Parks and Nature Site data -2025

Growing our partners portfolio

Metro investments in local nature priorities

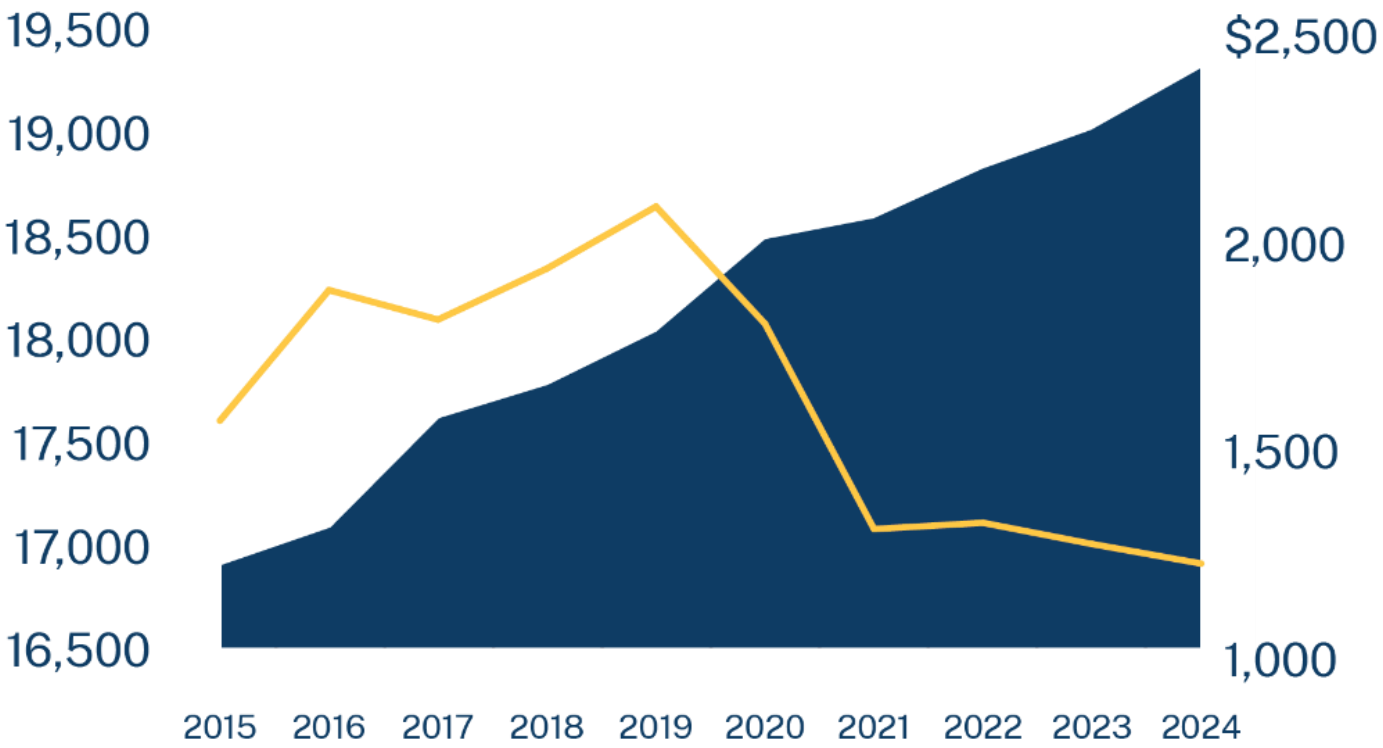


Metro

Data sources: RLIS ORCA data and Parks and Nature Site data -2025

Our growing portfolio

Acres to operating dollars, 2015-2025



Our sites

Caring for what we have: Oxbow Regional Park

Protecting nature as we grow: Scouters Mountain

Passing the baton: Chehalem Ridge

Council direction shapes Parks and Nature policy and program delivery

Affirm Metro's role as a unique nature provider

Ensure that parks and nature investments benefit people, economy and environment

Take care of existing sites

Planning ahead to help us meet the moment

The road map process is designed to deliver the following for Council consideration in parallel:

1. Updates to elements of the **Parks and Nature system plan**
2. Pathway for **future funding** (including levy replacement by June-2028)

Guiding assumptions for the road map process

Affirm Metro Parks and Nature core services.

Explore levy replacement scenarios.

Alignment with Future Vision.

Make a clear case for the need to invest in nature.

We can't do this alone. Need broad allies

Information we're updating through the road map process

What services do we provide?

- Description, cost of service delivery
- Site classifications
- Capital project priorities
- Asset inventory
- Mapping of existing conditions

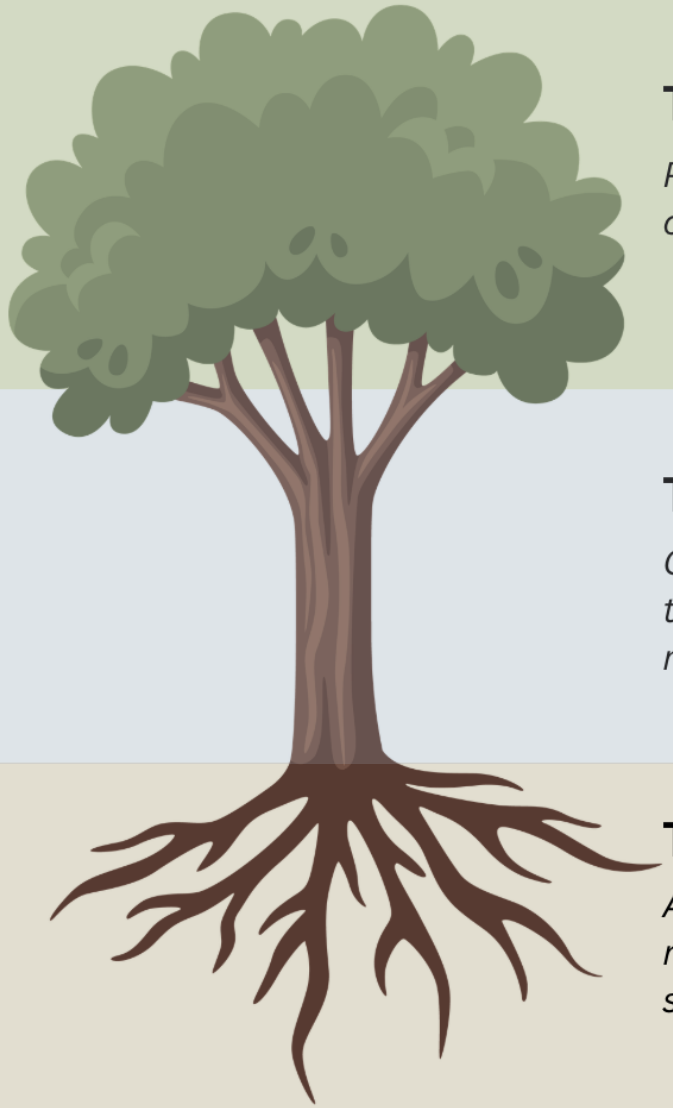
How do guiding values shape our service delivery?

- Tribal government consultation and engagement plan
- 2025-2032 REDI plan
- ADA transition priorities

How can we measure success in outcomes like access, climate and economy?

- Annual budget metrics and strategic targets
- Timebound targets for bond
- Bond evaluation outcomes

Looking ahead: Exploring future funding



The Canopy: Campaign

Private campaign and factual agency communications inspire and inform voters

The Trunk: Framework

Community support, coalition development and technical analysis come together to define the measure framework

The Roots: Foundation

Analysis of the need, urgency, feasibility and readiness to begin active development of a successful ballot measure

We are here

Proposed Council milestones by year

2026

- Scenario planning
- Initial stakeholder engagement

2027

- Building coalition and champions
- Levy replacement framework

2028

- Levy expires in June 2028
- Parks and Nature system plan implementation

Future Council discussions

How to prioritize or adjust the services we provide

Scenarios to explore around levy replacement options and feasibility

Strategies for engaging community and partners along the way

Questions for future Council consideration: What is the legacy that Council wants to nurture?

Protected and restored lands: How can we improve ecological benefit?

Regional parks and nature experiences: What do we want the public to experience at our sites?

Community grants, programs and convening: How should we strengthen relationships and partnerships?

Today's discussion: Are we planting the right seeds?

Assumptions: Do the current assumptions for this process align with your expectations?

Information: Are we gathering the right information to support future Council discussions?

Metro

Arts and events
Garbage and recycling
Housing and supportive services
Land and transportation
Parks and nature
Oregon Zoo

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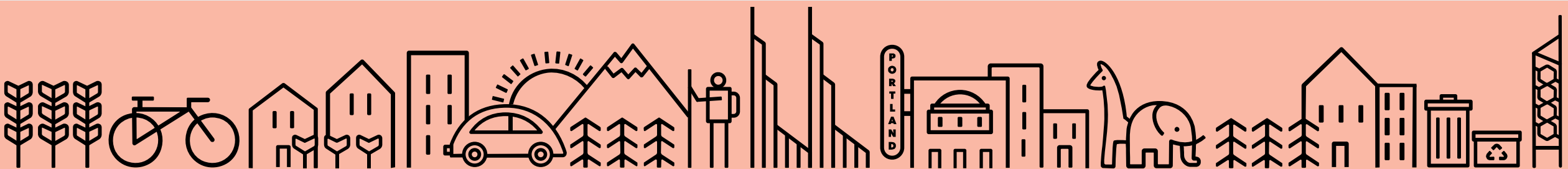


December 4, 2025

Public Hearing

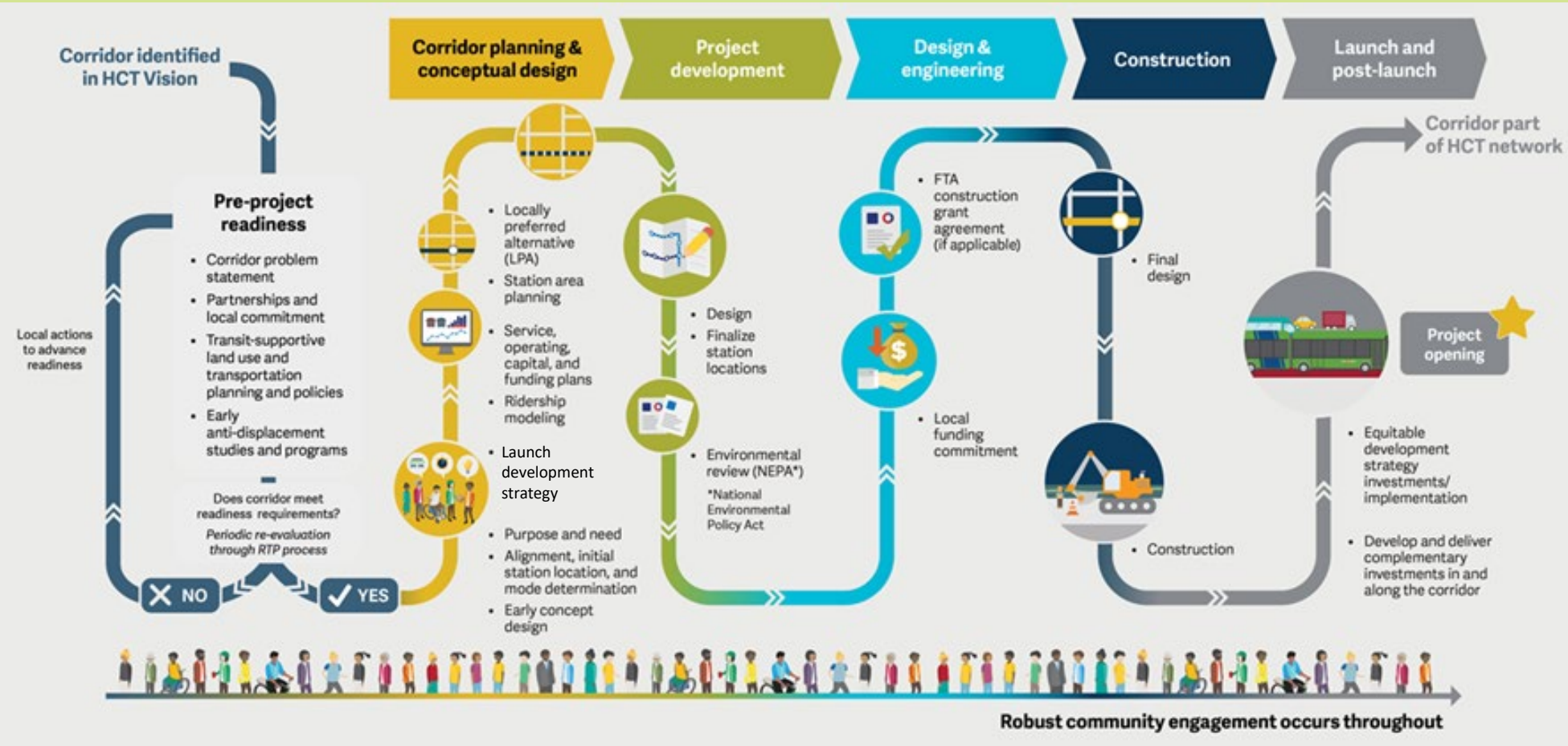
Proposed amendments to the 2023 Regional Transportation Plan to include Locally Preferred Alternatives for the:

1. 82nd Avenue Transit Project
2. Tualatin Valley Highway Transit and Safety Project
3. Montgomery Park Streetcar Extension

Metro

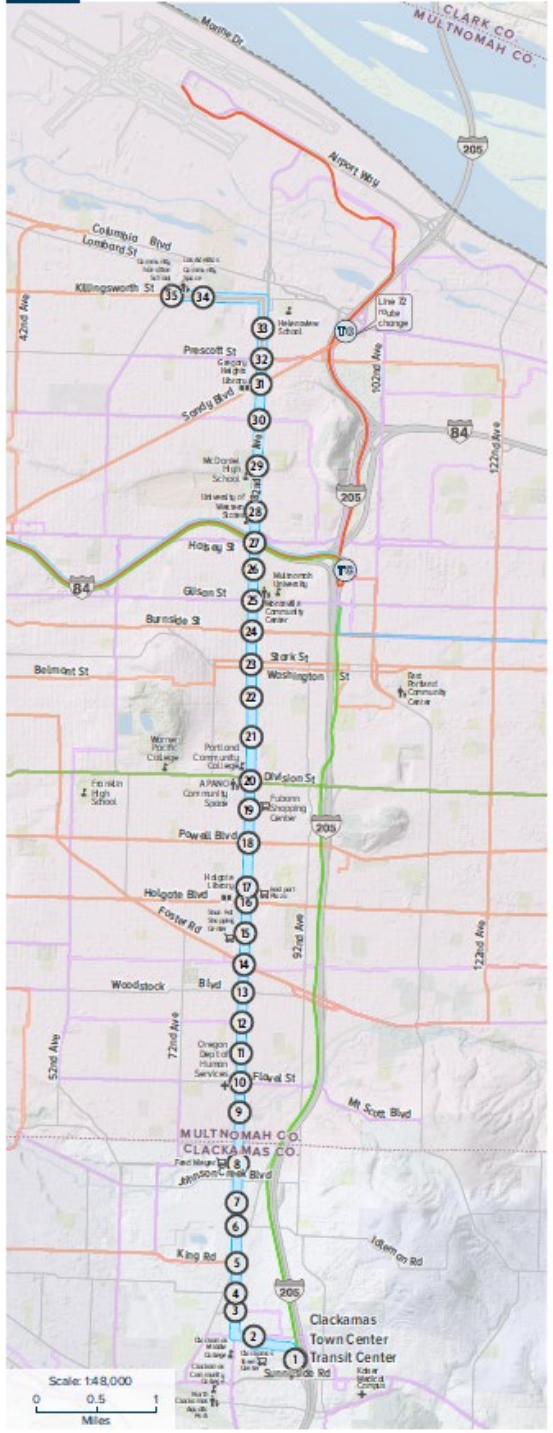
Transit Projects Amendment Purpose

Update the 2023 RTP to reflect the endorsed transit project Locally Preferred Alternatives, supporting them moving into project development and becoming eligible to compete for federal and state funding opportunities now.



RTP Amendment Process

1. Sponsoring agency consults with Metro Staff
2. Amendment request submittal
3. Regional significance determination
4. Public engagement consistency determination
5. RTP consistency determination
6. Fiscal constraint determination
7. Begin Formal Amendment Process



Elements of Locally Preferred Alternative

- Frequent express bus rapid transit route
- General station location

Transit Network

- Green MAX line
- Red MAX line
- Blue MAX line
- Blue, green, red MAX lines
- FX-frequent express service bus line
- Frequent service bus line
- Other bus line

Transit lines for LPA

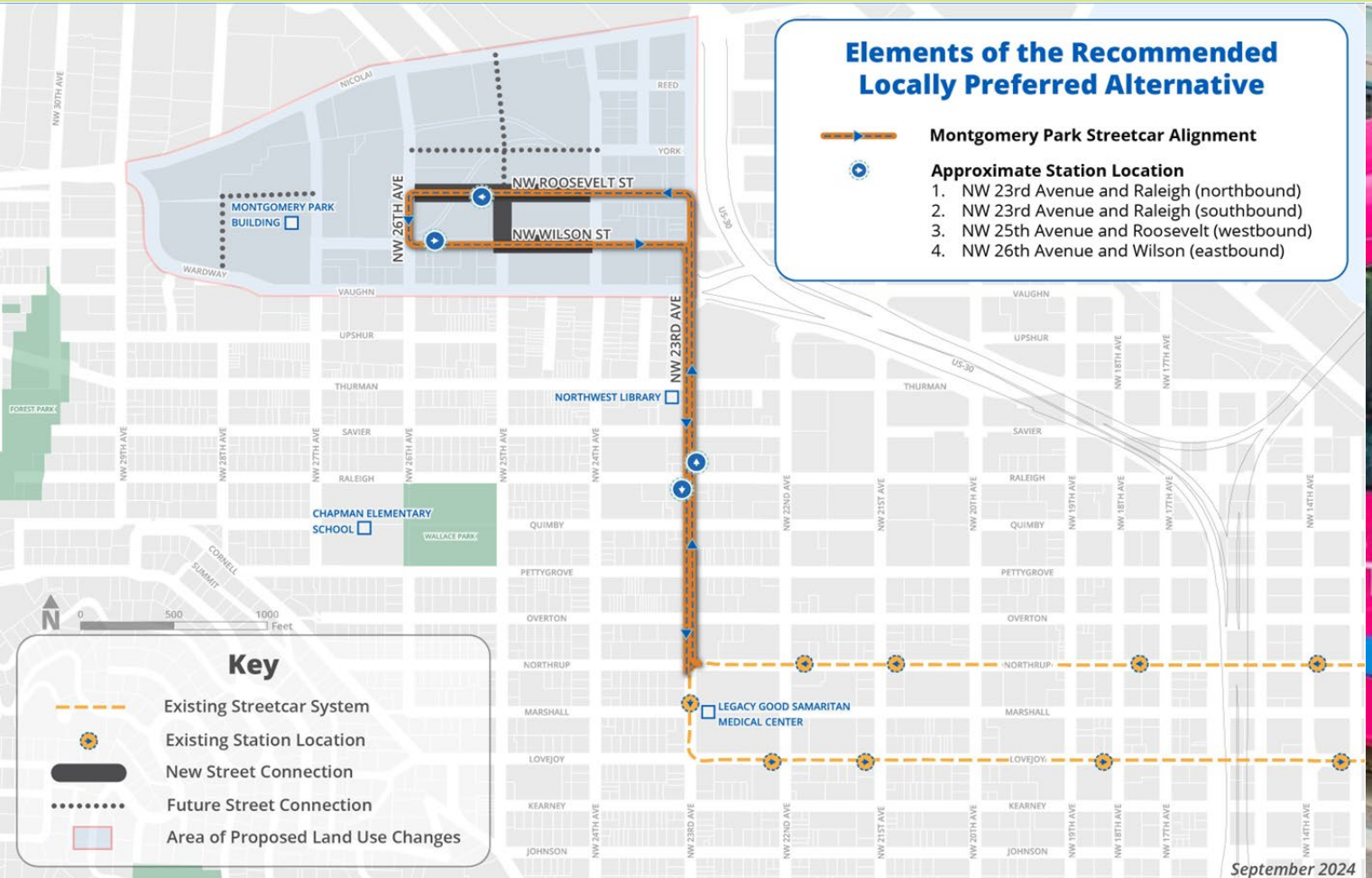
- Transit center
- Community space
- Medical facility
- School
- Major shopping hub
- Library

Map Key	Proposed General Station Locations
1	Clackamas Town Center Transit Center
2	Clackamas Town Center
3	SE Causey Ave & SE 82nd Ave
4	South of SE Boyer Dr (Winco) & SE 82nd Ave
5	SE King Rd & SE 82nd Ave
6	SE Otty Rd & SE 82nd Ave
7	SE Overland St & SE 82nd Ave
8	SE Lindy St & SE 82nd Ave
9	SE Crystal Springs Blvd & SE 82nd Ave
10	SE Flavel St & SE 82nd Ave
11	SE Bybee Blvd & SE 82nd Ave
12	SE Duke St & SE 82nd Ave
13	SE Woodstock St & SE 82nd Ave
14	SE Foster Rd & SE 82nd Ave
15	SE Raymond St & SE 82nd Ave
16	SE Holgate Blvd & SE 82nd Ave
17	SE Boise St & SE 82nd Ave
18	SE Powell Blvd & SE 82nd Ave
19	SE Woodward St & SE 82nd Ave
20	SE Division St & SE 82nd Ave
21	SE Mill St & SE 82nd Ave
22	SE Taylor Ct & SE 82nd Ave
23	SE Stark St / SE Washington St & SE 82nd Ave
24	E Burnside St & NE/SE 82nd Ave
25	NE Glisan St & NE 82nd Ave
26	NE Holladay St & NE 82nd Ave
27	I-84 & NE 82nd Ave
28	NE Tillamook St & NE 82nd Ave
29	McDaniel High School & NE 82nd Ave
30	NE Fremont St & NE 82nd Ave
31	NE Sandy Blvd & NE 82nd Ave
32	NE Prescott St & NE 82nd Ave
33	NE Alberta St & NE 82nd Ave
34	NE Lombard St & NE 72nd Ave
35	NE Cully Blvd & NE Killingsworth St

82nd Avenue Transit Project: Locally Preferred Alternative

Tualatin Valley Highway Transit and Safety Project: Locally Preferred Alernative

Montgomery Park Streetcar Extension: Locally Preferred Alternative



Proposed 2023 RTP Amendments

- Appendices AA, BB, and CC including Transit Project LPAs (new)
- Chapter 3: Update transit network map
- Chapter 5: Update revenue assumptions
- Chapter 6: Update project costs
- Appendix A: Update project list info
- Appendix W: Update project descriptions
- Appendix V: Update information about the projects

Schedule and Next Steps for Proposed 2023 RTP Amendments

Metro Council — 2/12
First reading
Public hearing

MTAC	MPAC	TPAC	JPACT
3/18	3/25	4/3	4/16
4/15	4/22	5/1	5/21

1. *Introduction*
2. *Recommendation*

Metro Council — 6/25
Second reading
Public hearing

Metro

Thank you

Ally Holmqvist, Metro

Melissa Ashbaugh, Metro

Jesse Stemmler, TriMet

Kate Hawkins, Metro

Josh Brennan, TriMet

Alex Oreschak, Metro

Shawn Canny, PBOT

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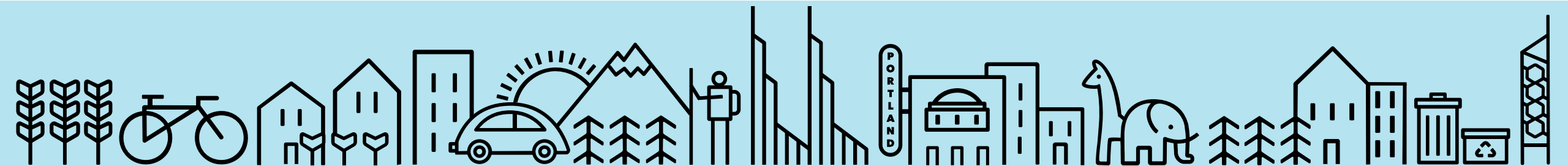

Dec 4, 2025

Metro Supportive Housing Services: Committee Ordinance

Today’s Presentation: Committee ordinance

1. Committee ordinance overview
2. Council discussion

How we got here

- Informed by feedback from councilors, jurisdictional partners, community leaders, experts and staff
- Incorporates perspectives from across the region
- Designed to be responsive, flexible, and reflective of regional needs

Committee membership (21)

VOTING (18)		NON-VOTING (3)
10 Elected Officials	**8 Non-Elected Leaders**	
3 Metro **	**3** Homeless services experts	**1** State department
1 Clackamas County	**1** Coordinated care organization	**1** TriMet representative
1 Multnomah County	**1** Culturally specific coalition	**1** Housing provider
1 Washington County	**1** Housing/homeless services coalition	
1 City of Clackamas	**1** Business coalition	
1 City of Multnomah	**1** Justice system	
1 City of Washington		
1 City of Portland		

***Metro councilor will chair committee*

Appointments

- County and Portland seats
  - Elected officials from jurisdiction, appointed by own jurisdiction
- City seats (excluding Portland)
  - Elected officials from cities within each county
  - Appointed through a consensus process led by the largest city's mayor
  - Member and alternate must come from different cities
- **Non-Electeds:** Recruited and appointed by Council President and approved by Metro Council

Committee duties

- SHS-RPOC assumes all existing duties of SHSOC and TCPB
- Oversight actions require concurrence from both RPOC and Metro Council; Council may adopt RPOC recommendations or return them with proposed amendments
- Metro Council may designate certain RPOC actions that do not require concurrence

Priority areas for consideration

- Updated KPIs and goals
- SHSOC recommendations
- TCPB approved goals, implementation plans and RIF investment strategies
- Population A and B definitions
- Provider contract improvements
- Performance-based systems management; continuous improvement framework
- Annual independent audit considerations
- Regional homeless services legislative agenda

Jessica Vega Pederson
Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
P: (503) 988-5090
E: mult.chair@multco.us

December 4, 2025

Dear Metro President Peterson and Metro Councilors:

First of all, thank you for the continued partnership between the Metro Council, the Multnomah County Board, city and county partners, and service providers across the region to ensure that we are assertively tackling homelessness and fulfilling the voter-approved goals of the Supportive Housing Services measure. I am here this morning to provide testimony on the proposed governance updates Council is considering.

As the largest county in the region, Multnomah County receives the most SHS funding - we also have the largest need. Although the dollars we receive through the measure are not commensurate with this need, Multnomah County is delivering on our commitment to voters and the community. In FY25, we housed 2,600 people and helped many more stay housed. 92% of people in permanent supportive housing are staying housed, and 85% of households receiving shorter term rapid rehousing assistance are keeping their housing. I would refer you to the recent Willamette Week article regarding Multnomah County's outcomes through effective fiscal management of our SHS resources for more information on this.

I support the move to refine the governance structure by combining the Tri-County Planning Body and the SHS Oversight Committee into a single entity. This change will allow us to be both more nimble and more collaborative via the new SHS Regional Oversight and Policy Committee (RPOC). People in our region expect us to be working together effectively to put into action the programs and services to reduce homelessness and move people into permanent housing, and a single governance body focusing on this work at the regional level is the best way to do that.

However, I do have concerns about the proposal for the roles and responsibilities of this committee. Counties hold responsibility for the implementation of the SHS

program and Multnomah County specifically is responsible for providing homelessness services while our cities are responsible for public space management and housing production. The goals of the SHS measure are to move people into permanent housing and stabilize households, which is squarely within the counties' work. Counties should be working closely with cities on strategy and priorities through our work but because housing production and public space management are not part of the measure's goals, cities should not be voting members of the committee.

Should Council decide that city participation is a priority, the number of city representation on the committee should be less than the counties. Ultimately, in partnership with Metro, counties are the responsible and accountable entity to implement programs and policy that ensure SHS funding is used effectively.

Counties must have influence to inform and consider the shared regional investments and Key Performance Indicators. I want to ensure that the revised SHS Key Performance Indicators, regional goals, and regional investment funds are aligned and realistic, and for Multnomah County that they meet the expectations and priorities of the Homelessness Response Action Plan.

I appreciate the conversations I have had with each of you over the last several months as you have taken up the work to make this SHS measure as effective and impactful as possible. I ask that we continue that work of partnership and collaboration as the Metro Council considers how to move forward with this ordinance and the forthcoming resolution. Together, we are delivering on our region's goal of making homelessness rare, brief, and non-recurring.

Sincerely,

Jessica Vega Pederson

Jessica Vega Pederson
Multnomah County Chair

Council President and Members of Council:

My name is **Elise Schaff Laubach**, and I serve as the Executive Director of **Family Promise of Tualatin Valley**, a nonprofit whose mission is to equip vulnerable families and individuals to end the cycle of homelessness through a community-based response. We provide shelter in our 70-room facility in Tigard and offer stabilization and eviction prevention services to help families not only get housed—but stay housed.

When we opened our doors in 2019, we could shelter five families at a time. Today, the vast majority of our growth to meet the rising need has been made possible by the **Supportive Housing Services (SHS) measure**. This investment has been transformative for our region.

We support the intent to consolidate SHS oversight into an empowered governance body. However, the proposed composition of this committee risks undermining trust and effectiveness by overrepresenting political voices at the expense of those with direct experience.

I have been part of Family Promise since 2017. My background is not in social work—I came through the development side of the organization. Over the years, first as a board member, then staff, and now as Executive Director, I have worked tirelessly to understand the realities our staff and clients face. That experience has taught me something critical: **homelessness is not a problem you can solve from the surface. It is complex, deeply human, and requires informed decisions grounded in real-world experience.**

Part of my role is helping our community—volunteers, donors, funders, elected officials—move beyond assumptions and understand what truly works to help families achieve housing stability. There are professionals and individuals with lived experience whose life's work is understanding homelessness and designing programs that succeed. **Those voices must be at the center of oversight—not overshadowed by politics.**

While the current proposal gestures toward balanced representation, it does not guarantee that the eight appointed voting members will include people with lived experience and homeless services professionals. **I urge the Council to amend the proposal to require that representation and to increase the number of those members.** This is essential to ensure that decisions about this vital regional investment are informed by expertise and grounded in reality. It will ultimately serve all the members of our community for us to get this right.

Thank you for your consideration.

CENTRAL CITY CONCERN
HOMES HEALTH JOBS

December 4, 2025

RE: Comments on Consolidation of SHS Governance Bodies and Creation of the SHS Regional Policy and Oversight Committee

Dear President Peterson and Metro Councilors,

Thank you for your time and attention to improving on our Supportive Housing System. Tax revenue is decreasing despite years of voter support for new tax structures, federal support is shifting in ways that require adaptability our system wasn't built for, and none of the systemic factors that help increase access to affordable housing are moving quickly.

SHS reform is an opportunity to enact a unified regional response to our homelessness crisis, with collaboration, uniform goals, and data collection at the heart of the effort.

Braided funding models, which in theory reduce risk through diversification, have increased economic pressure. Each project is supported by multiple strands of money provided by layers of grants, contracts and donations with highly varied metrics, requirements and goals. The programs that provide the foundation of our homeless response system are facing harm by 1000 paper cuts – increased operating costs, staff turnover internally and with supportive external partners, technological changes, and political priority shifts at every level of government.

A systemic approach is an opportunity to ensure that every dollar spent is done so with intention that considers where other dollars are being spent, filling gaps, avoiding duplicative effort, ensuring that metrics measure impact and failure, and inform improvements.

We support the improved balance of representation on the proposed Regional Oversight and Policy Committee, which will include providers of varied types of housing, elected leaders of the greatest share of work, and representatives from outside of the SHS system. We hope this will provide maximum transparency, accountability, and communication across silos with the hope of increasing efficiency and effectiveness. However, we remain concerned about size impacting functionality and want to ensure that if the number of committee members are

reduced, it should be in favor of provider professionals who can speak to the work in real time. Most of the providers in the space have been doing this work for decades – they understand nuance that is unlikely to be captured by elected officials, despite the commitment and effort we see from all of you every day. This expertise and partnership are required to sustain an effective system.

The draft ordinance remains unclear on exactly how compliance and correction will be achieved through the committee, and we are not supportive of the committee slipping into an advisory role. This committee must provide the function that each of the elected bodies administrating SHS dollars has not been able to achieve alone – a coordinated system that serves our entire region.

We have achieved progress, with areas of success and areas for improvement. But we face a crisis in perpetual motion. Taxpayers across the Portland Metro area see the results of siloed efforts and are asking for something better.

It is time to create a plan that is as worthy as its goal – herculean, compassionate, and coordinated.

This committee has to be able to do what we have not been able to do in the first five years of SHS investments, hold our regional partners to a regional mission and goal.

Sincerely,

Brooke Goldberg, J.D.
Public Policy Director at Central City Concern

Georgia Langer

From: Venture in Care NIHT OWL <ventureincare@gmail.com>
Sent: Thursday, December 4, 2025 9:41 AM
To: Legislative Coordinator
Subject: [External sender]Testimony/consolidation and SHS operation concerns

CAUTION: This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Good morning Committee members,
I am here this morning to protect the fiduciary and ethical mandate of this Committee. I understand that the process of governance can feel like a high-stakes, political rivalry—like middle school cliques focused more on avoiding blame and accountability than solving and preventing a crisis.
I am not here to participate in that rivalry. I am here to present the facts that cut through the politics and demand that we prioritize human lives and fiscal accountability above all else.

Three core areas of change must be implemented immediately by the new Steering and Oversight Committee:

1. End the Governance and Funding Paralysis

The problem:
The City and County are still negotiating responsibilities, leading to project delays like the shelter transfer pause.
This ambiguity wastes time and resources.

The mandate:
The Oversight Committee must enforce mandatory, unified funding and asset ownership. They must finalize a multi-year budget that assigns all shared shelter operations (like the Safe Rest Villages) to one single entity—likely the County—and mandate that the Implementation Committee stick to those fiscal deadlines without renegotiation.
This shifts the focus from who pays to how fast we house people.

2. Redesign the Discriminatory Triage System

The problem: The MSST (Multnomah Standardized Screening Tool) creates an arbitrary, discriminatory barrier. It states it prioritizes Population A (the chronically unsheltered) by requiring high vulnerability, forcing high-risk
Population B (like those facing imminent eviction after exhausting all prevention funds) to wait until they return to the streets and suffer further trauma to qualify for long-term subsidies.
The redesign was supposed to resolve inequality and discriminatory issues by implementing MSST, prioritizing population A and B, add Problem Solving questionnaire to address those not prioritized, this is not occuring.

Not to mention HSD has further scoring that inevitably forces those who are behind in rent, have zero income, health condition, disability, previous long term homelessness, and needing to maintain housing to prevent further domestic violence.
(THIS BEFORE MENTIONED CRITERIA, WAS SCORED A 7 AND WAS DENIED BY HSD. This is my personal experience and now I have had to weigh the situation and submit accommodations to because their scoring rubric and MSST is literally forcing me to endure further trauma, interaction with police and or emergency room visits, just for HSD to satisfy their **discriminatory** assessment.
It is NOT about the highest housing barrier it is about an Assessment and scoring -MSST that prioritizes a Trauma **Endurance Model**—forcing people to endure crisis to qualify—while ignoring the primary housing barrier. As a former unhoused person who is actively behind in rent, dedicated independent unpaid community advocate, I can tell you that the system, the chaotic shelters, systemic local barriers and the Mayor's preferred "**nighttime-only model**" are a betrayal that maintains 24/7 hypervigilance.

The mandate: The Implementation Committee must immediately cease reliance on the MSST for all allocations. They must create a legally distinct Prevention Queue for RLRA, housing retention, and prevention.This queue's scoring tool must prioritize imminent risk of trauma escalation (e.g., exhaustion of assistance, eviction notice, DV survivor status) over documentation of current crisis. The system must reward stability maintenance, not punish it. Forcing people back into a **public health and safety threat** is unethical and harmful.

3. Establish True, Independent Accountability

The problem: When clients or providers identify compliance issues, arbitrary denials, or severe barriers, they are given the "runaround" by the system they are complaining about, perpetuating their crisis.

The mandate:
The City and County must jointly fund and establish an Independent Homelessness Advocate who actually has the authority to resolve compliance and barrier issues, who will prioritize people over internal political demand. This office must report directly to the Committee, not the service department, and must have the final, binding authority to investigate grievances, audit MSST compliance, and mandate that HSD fix the systemic failures that lead to the denials. The resolution process must be fast, time-bound, and protected from retaliation. The enforcement of recommendations made by the auditor, if not ignored, would have prevented much of the harm we face now.

Board members Consolidation:
There should NOT be anyone affiliated with another nonprofit who receive funding, commissioners, CEOs, or corporate entities, otherwise boundaries become faded. This was is what previous boards were made up of and obviously conflict of interest did not matter.

LIVED EXPERIENCE AS VOTING BOARD MEMBERS IS NOT AN OPTION, IT IS A REQUIREMENT.

We need to stop fumbling around, scapegoating and blame shifting there is a job to do, and if you're not up for the responsibility then allow others the opportunity because our community Members, they deserve better.

Thank you.

Tiffiny Graven

ventureincare@gmail.com

Georgia Langer

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, December 4, 2025 11:18 AM
To: Legislative Coordinator
Subject: [External sender]Submit testimony to Metro Council [#325]

CAUTION: This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Name *	Brian Hoop
Email *	brian@housingoregon.org
Address	PO Box 8427 Portland, Oregon 97207 United States

Your testimony

RE: Metro SHS reform

Housing Oregon is a statewide association representing 147 mission-driven organizations—community development corporations, public housing authorities, affordable homeownership developers, homeless service providers, and allied businesses —all working to ensure every Oregonian has a stable, safe, and affordable place to call home.

Housing Oregon has been represented on President Peterson's Work Group by Rachael Duke, Executive Director of Community and Partners for Affordable Housing (aka CPAH). We have worked closely with the HereTogether Coalition in support of initial passage and advocacy for SHS reform over the past year.

We appreciate and thank President Peterson, Metro Council, and staff for their extensive community engagement over the past year. We support the direction the reform effort is headed. The draft ordinance reflects broad alignment with community input, especially the commitment to ensuring provider, system-expert, and coalition representation on the new SHS Regional Policy and Oversight Committee.

However, we are in solidarity with the HereTogether Coalition in calling out that the draft ordinance has three critical

gaps – that will limit the committee's effectiveness and ultimately the success of the SHS program. We join others in calling for a right-sized committee, functional accountability tools, and a continuous-improvement framework in order to deliver the governance structure our region needs.

Others have already provided detailed comments on each of the three gaps, so I'll wrap up by urging Metro Council to adopt these improvements before final action.

Attach a file	comments_metro_shs_reform_housing_oregon_1242025.pdf 176.47 KB • PDF
Is your testimony related to an item on an upcoming agenda? *	Yes

Georgia Langer

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, December 3, 2025 3:28 PM
To: Legislative Coordinator
Subject: [External sender]Submit testimony to Metro Council [#323]

CAUTION: This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Name * Yi-Kang Hu

Email * yikang.hu@tigard-or.gov

Your testimony

Dear Council President Peterson and members of the Metro Council:

I want to express my appreciation for Ordinance 25-1539, which provides cities with formal, voting representation in the SHS oversight structure. Cities play an invaluable role in serving as service hubs, implementing creative solutions, and enforcing local and state ordinances. Because cities interact directly with both housed and unhoused community members, local perspectives are essential to sound decision-making and accountability within the SHS Program. The government closest to the people is best positioned to build public trust, identify on-the-ground needs, and integrate services into the broader community.

In Tigard, we operate two family shelters, a new adult congregate shelter, and a full-service access center open seven days a week in collaboration with Washington County SHS. We manage a Safe Parking Program for individuals living in vehicles, and our City Liaison works daily with service providers, law enforcement, businesses, and more than 20 community partners to meet the growing needs in our city.

We also recognize the essential role of housing supply. Over the past five years, Tigard has invested more than $9 million in SDC exemptions, funding, and land contributions to help build 595 new affordable homes, along with $400,000 in tax abatements preserving 721 existing units. All Metro SHS capital and housing dollars allocated to Tigard have been fully expended, and we are continuing to scale services as homelessness increases in our community.

Although I would welcome even stronger city representation, Ordinance 25-1539 is a major step forward. By

consolidating committees and creating designated voting seats for cities in each county, this ordinance strengthens accountability and elevates the voices of frontline jurisdictions in the regional decision-making process. Cities are critical partners in delivering SHS-funded services, and this new structure better reflects that reality.

I look forward to continuing our partnership with Metro, the counties, and our fellow cities to ensure SHS investments translate into effective, on-the-ground outcomes for the communities we serve.

Sincerely,
Yi-Kang Hu
Mayor, City of Tigard

Is your testimony related to an item on an upcoming agenda? *	Yes

Testimony to the Metro Council on SHS Governance Reform

Chair Peterson and Councilors, *my name is Andy Miller, Executive Director, Our Just Future – a Welcome Home Coalition & Here Together Coalition Member*. Thank you for the opportunity to testify today and for your leadership and for staff's work on the proposed reforms to the governance of the Supportive Housing Services Measure.

OJF implements SHS funding across our shelter, rental assistance, and supportive housing programs. We see the power of this measure every day—and we also see the risks when governance, alignment, and implementation fall short of building a truly coordinated regional system of response. That lack of true system alignment is perhaps what most threatens the public trust needed to sustain long-term support for this critical resource.

This is a moment to act with urgency to strengthen governance—not only over SHS as a funding source, but over our broader regional homeless response system. If we are serious about preventing and ending homelessness at scale, then affordable housing, shelter, prevention, rent assistance programs and local, state, and federal dollars funding our health, behavioral health, must come into far greater alignment than they are today. We urge the Council to empower this reformed governance structure to oversee the development and implementation of a truly coordinated regional system of response.

On the specifics of the ordinance, we support consolidation to a single oversight committee. But that body must be leaner than as proposed, and more inclusive of and balanced toward those with direct experience implementing solutions—especially service providers implementing the funding and working across public systems. To drive improved results, governance must stay focused on aligned strategies across jurisdictions and funding streams and be empowered to rise above political cycles and silos in pursuit of sustained, measurable collective impact.

How this region deploys SHS alongside other housing, service, and health investments is one of the most critical public policy questions we face. The stakes could not be higher for thousands of households currently experiencing homelessness and those at imminent risk.

If we want different outcomes, we must also change how we govern and evaluate implementation. That means including more voices of real implementers and strengthening measurement of how jurisdictions contract for services so they can

be delivered efficiently and sustainably. Renewed governance must create KPIs that measure and improve how staff and implementers are compensated and that hold jurisdictions accountable to consistent, transparent, and timely contracting practices so SHS dollars are invested expeditiously and consistent with our values. This work must be grounded in continuous improvement, informed by data, frontline experience, and lived expertise and governed nimbly in response to shifting climactic and financial realities.

We appreciate the direction of these reforms and urge you to ensure the new governance structure is not only consolidated—but truly capable of delivering the scale, speed, and accountability this crisis demands.

Thank you for your leadership and the opportunity to testify.

Georgia Langer

From: Wufoo <no-reply@wufoo.com>
Sent: Tuesday, December 2, 2025 2:39 PM
To: Legislative Coordinator
Subject: [External sender]Submit testimony to Metro Council [#322]

CAUTION: This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Name *	Trevor Newhart
Email *	Trevornewhart@gmail.com
Address	4882 NE 36th ave Portland, OR 97211 United States

Your testimony

My name is Trevor Newhart, I am a worker at JOIN, a local homeless services non-profit that receives SHS funds, and a member of AFSCME 1790. I have worked in the homeless services sector for six years, and over that time have seen many of my coworkers come and go. The cycle of burn out is well familiar to anyone in the social services. Our work is by its nature extremely physically, mentally, and emotionally taxing, but low wages multiply that strain. Many workers in the field face the same precarity as those we serve, some are forced to access the very same services; utility assistance, food banks, emergency rent assistance, even shelter. While these incidents can be counted as personal tragedies, they also place a great strain on our efforts to house our neighbors living on the street. Anyone who works in this field will tell you that it requires a specific set of skills, connections, and trust with our participants in order to be conducted effectively. Those assets take a meaningful length of time and experience to a quire. Every worker who chooses to leave our field due to low wages, crushing caseloads, and lack of development support, takes with them critical capacity to achieve our goals as a region.

As you reform the SHS measure, I want to urge you to include labor representation in the consolidated oversight committee. I also ask that you continue the work of the Tri-county Planning Body on improving workforce retention specifically with an eye on SHS compensation standards.

Thank you for your time and your work in empowering our region to address the homelessness crisis.

Is your testimony related to an item on an	Yes

upcoming agenda? *	

November 17, 2025

Metro Council

Via E-Mail

Re: Proposed Reform for Supportive Housing Services

Metro Council President Peterson and Metro Councilors:

The Washington County Board of Commissioners is reaching out to share our feedback about the proposed actions for the Supportive Housing Services measure. Our goal continues to be developing and maintaining a comprehensive homeless system of care that meets the original goals laid out in the ballot measure and within the terms of the intergovernmental agreements (IGA) with Metro.

In just four years, this comprehensive system in Washington County has had the following impacts:

- **2,680 people** housed through long-term rental assistance
- **804 people** housed through rapid rehousing
- **7,626 people** prevented from experiencing homelessness
- **385 year-round shelter beds** maintained
- **Nine outreach teams** serving **1,900 people annually**

In reviewing the proposed actions presented to your Council and in hearing the conversations of your Council, we first want to acknowledge and appreciate the determination to work within the current structure of the ballot measure and the intergovernmental agreements (IGAs) to find ways to make improvements to the system. We recognize that we are looking for improvements that help put more of the revenues into service every year to allow us to meet and maintain our goals to serve both Population A and Population B across the county. By re-centering on the processes we built at the beginning of our partnership on the SHS program, we can move forward to invest in the continuous improvements that we all want to make.

One of the strengths of the system is the ability to flex the systems to meet local needs while keeping focused on the regional goals to move people into permanent housing solutions. Each county came into the process at various levels of needs and services, while also working on towards regional outcomes.

The combination of where each county started and the intentional, local strategies we developed to build our comprehensive systems means that we cannot create a single, uniform system across the region. **We need to continue to work with flexibility towards shared purpose.** In addition, the county is

consistently looking at our local plan to align our learning with our community's needs. We are also working with staff to determine if we need to update our local implementation plan to reflect our growing knowledge and system build out.

The Metro staff recommendations help us be more transparent and informative to the public, address arising issues quickly, and to co-create solutions.

Oversight Committee

We support the general idea of consolidating the current SHS Oversight Committee and Tri-County Planning Body to create a single oversight and policy committee. But in order for this effort to reflect progress, the new structure should enhance the ability for the committee to deliberate and function and, therefore, should not exceed 17-19 members. As you continue your discussions we recommend the following committee seats:

1) No more than three Metro Councilor - voting
2) 1 or 2 elected from each county (total 3 or 6) – voting
3) 1 or 2 elected from cities per county (total 3 or 6) – voting
4) Non-elected stakeholders 1 less than the number of elected – voting

As you are aware, when we bring elected officials to the advisory committees supporting Metro work, such as at MPAC and JPACT, we are effective thought partners who work to lift up community needs but also balance that with regional needs. **Therefore, having all electeds as voting members will enhance partnership and allow for buy-in in the regional vision.** That model has been effective for current committee structures.

Also, it is important to **recognize that there will not be a conversation about allocation of funds at this advisory committee** at this time. Those percentages are memorialized in the IGAs between Metro and the counties, and changes to those allocations cannot be made outside of a renegotiation of the IGAs. This means that the decisions of the advisory committee would not raise a conflict of interest in the financial aspects. And, while we trust the plans that we develop at the county level with our staff's guidance on how to spend the funds, we have participated as partners in providing oversight of each county's local plans and budgets under the current structure. **We will continue to think both locally and regionally when participating in the oversight and policy development work proposed under this structure.**

In addition, we would expect that the non-elected stakeholders would be representative of expertise throughout the region – showing an understanding of how the investments work throughout the region and not just in Portland. Just like elected officials sitting on this committee, they have to think regionally; we need the non-elected participants to have that larger perspective.

Finally, it is important for us that it is clear that the Metro Council's relationship with the proposed committee is like its relationship to JPACT – the Council will take up the decisions and either agree or send the decision back to the committee for reconsideration.

Regional Investment Fund

As the committee structure is changing, we appreciate the effort to adjust the regional investment fund (RIF) process with a spirit of partnership. Using the existing executive committee structure in the IGA to help streamline decisions, be transparent in the plan for the RIF dollars, and discussing how investments towards regional goals are being accomplished in each county is important. Using the executive committee to consistently review and discuss the regional goals and local implementation allows Metro and the counties to work in partnership to identify opportunities for these funds for short-term and long-term successes in the regional system without trying to centralize decisions that can prevent progress. We expect that the executive committee will continue to function as it is currently structured under the IGA.

Different goals need different investments across the counties to lift up the entire region's capacity to serve. We need to make data-driven investments based on the circumstances in each county and toward regional priorities that cannot be met in other ways. **By starting at the executive committee and working through the advisory committee to Metro Council, there is opportunity for outcome improvements and clear reporting.**

The proposal calls for a quarterly report and decision-making structure, but we are concerned that the cadence of meetings might not make that possible. As you move forward in your discussion, we hope there can be a realistic time frame for this work to go through the entire process and be implemented before the next round of decisions around the RIF are made.

Key Performance Indicators & 5-Year Goals

We also appreciate that the staff recommendation acknowledges that there are two ways to show the impact investments are having in the community. **The key performance indicators (KPIs) that focus on the system within the county's control will help us see where we need to make adjustments and where we are seeing a success**. But, knowing the external environmental indicators will assist in understanding what larger factors are hiding our impacts. Both sets of proposed data seem to be accessible **without adding new work or meetings for county staff in our data reporting system, which is vital for maintaining focus on service delivery**. The right KPIs can help us catch trends and needs for adjustment earlier and will help make our system responsive to the needs of those we are serving.

For the five-year goals, it **is important to know what the baseline of where we are now with our five years of work is before setting out expectations**. As noted by Metro staff, there are ongoing challenges

to the funding that we have been able to braid with SHS funds to create more comprehensive systems and solutions for individuals. As we work together to do an assessment of the SHS system, we also need to reflect on what other changes will have impacts on the SHS system before we agree to 5-year goals.

Dashboard

We look forward to the next iteration of a dashboard to more effectively show the difference that the investment of the regional taxpayers is making. As Metro staff works on this vital project, our county data experts should be part of the process to ensure that data accurately reflects what we know is happening with the people we are serving.

We hope that this work will help us all tell the story of successes that we have accomplished and plan to continue to build on through the life of the tax measure's life.

Codification

The work to create shared rules and definitions is important moving forward, and we agree it should be part of the system improvement process. To make this successful, **we expect that co-creation of these definitions and rules will move forward.** Since the counties often have to provide data and reporting to multiple agencies, we do not want definitions at the regional level to move far from those same terms in reports to the state or federal partners to reduce confusion as people compare the regional, state and federal reports.

As you continue to work together on building out your action plan for SHS, we welcome conversations about how to continue working together as partners as we work towards more success in serving our most vulnerable community members and move people into safe, permanent housing.

As noted above, this program has had profound impacts on people and families throughout the region. **We hope that the Metro Council will continue to join us in telling the story of the positive outcomes this measure has provided**.

Sincerely,

Kathryn Harrington, Chair
On behalf of the Washington County Board of Commissioners

Board of County Commissioners
155 North First Avenue, Suite 300, MS 22, Hillsboro, OR 97124-3072
phone: (503) 846-8681 • fax: (503) 846-4545

Amendment #1

c. **Membership**. The Committee is composed of 21 members, including local jurisdictions, homelessness experts, and other representatives:

1. Voting Members

Metro	3
Clackamas County	1
Multnomah County	1
Washington County	1
City of Portland	1
Cities of Clackamas County	1
Cities of Multnomah County	1
Cities of Washington County	1
Homeless services experts (including permanent supportive housing, shelter/transitional housing, recovery system, family system)	3
Coordinated care organization representative	1
Culturally specific services coalition representative	1
Housing/homeless services coalition representative	1
Business coalition representative	1
Justice system representative	1
Total	18

2. Non-Voting Members

State of Oregon agency representative from Oregon Housing and Community Services department	1
~~TriMet~~ **Philanthropic organization representative**	1
Housing provider representative (e.g., Housing Authority or Community Development Corporation)	1
Total	3

Amendment #2

d. **Membership**. The Committee is composed of ~~21~~**23** members, including local jurisdictions, homelessness experts, and other representatives:

2. Voting Members

Metro	3
Clackamas County	1
Multnomah County	1
Washington County	1
City of Portland	1
Cities of Clackamas County	1
Cities of Multnomah County	1
Cities of Washington County	1
Homeless services experts (including permanent supportive housing, shelter/transitional housing, recovery system, family system**,** **academia**)	**4**~~3~~
Coordinated care organization representative	1
Culturally specific services coalition representative	1
Housing/homeless services coalition representative	1
Business coalition representative	1
Justice system representative	1
Organized labor representative (service provider)	**1**
Total	~~18~~**20**

3. Non-Voting Members

State of Oregon agency representative from Oregon Housing and Community Services department	1
TriMet	1
Housing provider representative (e.g., Housing Authority or Community Development Corporation)	1
Total	3

Amendment #3

f. **Appointment of Members.** Notwithstanding the provisions of Section 2.19.030, appointments to the Committee are as follows:

1. Members and alternates from Clackamas, Multnomah, and Washington counties and the City of Portland will be elected officials from those jurisdictions and will be appointed by the jurisdiction.
2. Members and alternates from the cities of Clackamas, Multnomah, and Washington counties will be elected officials from the cities represented by these positions of each county (except Portland) and will be appointed by means of a consensus of the mayors of those cities developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions. In the event the member's position is vacated, the alternate will automatically become the member will complete the original term of office. The member and alternate will periodically consult and coordinate with the cities within their region.
3. Members and alternates from the State of Oregon Housing and Community Services department will be a principal staff person representative of the agency and will be appointed by the Governor.
4. Members and alternatives from TriMet will be a principal staff person appointed by the president of the board.
5. All other members and alternates will be appointed by the Council President and confirmed by the Metro Council **and at least one member will live and/or work in each Metro Council district**.