

## Council meeting agenda

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**Thursday, December 2, 2021**

**10:30 AM**

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

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Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public.

This meeting will be held electronically. You can join the meeting on your computer or other device by using this link: <https://zoom.us/j/615079992> (Webinar ID: 615079992) or 888-475-4499 (toll free).

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

### **1. Call to Order and Roll Call**

### **2. Public Communication**

Public comment may be submitted in writing and will also be heard by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing [legislativecoordinator@oregonmetro.gov](mailto: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 503-797-1916 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Those requesting to comment during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at [legislativecoordinator@oregonmetro.gov](mailto:legislativecoordinator@oregonmetro.gov). Individuals will have three minutes to testify unless otherwise stated at the meeting.

### **3. Consent Agenda**

- 3.1 Consideration of the Council Meeting minutes for  
November 18, 2021.

[21-5633](#)

Attachments: [111821c Minutes](#)

- 3.4 Resolution No. 21-5222, For the Purpose of Providing [RES 21-5222](#)  
Additional 2040 Planning and Development Grant Funds  
to the City of King City for Comprehensive Planning of the  
Kingston Terrace Urban Growth Boundary Expansion Area

Attachments: [Resolution No. 21-5222](#)  
[Staff Report](#)  
[Attachment 1](#)

**4. Ordinances (First Reading and Public Hearing)**

- 4.1 Ordinance No. 21-1466, For the Purpose of Repealing [ORD 21-1466](#)  
Metro Code Chapter 7.03

Presenter(s): Brian Kennedy (he/him), Metro

Attachments: [Ordinance No. 21-1466](#)  
[Staff Report](#)

- 4.1.1 Public Hearing for Ordinance 21-1466

**5. Ordinances (Second Reading)**

- 5.1 Ordinance No. 21-1468, For the Purpose of Annexing to [ORD 21-1468](#)  
the Metro District Boundary Approximately 8.46 Acres  
Located West of NE Starr Blvd and South of NE Huffman  
Street in Hillsboro

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

Attachments: [Ordinance No. 21-1468](#)  
[Exhibit A](#)  
[Staff Report](#)  
[Attachment 1](#)

- 5.2 Ordinance No. 21-1470, For the Purpose of Annexing to [ORD 21-1470](#)  
the Metro District Boundary Approximately 8.78 acres  
Located in the Vicinity of SE McInnis Street and SE  
Cornelius Pass Road in Hillsboro

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

Attachments: [Ordinance No. 21-1470](#)  
[Exhibit A](#)  
[Staff Report](#)  
[Attachment 1](#)

- 5.3 Ordinance No. 21-1471, For the purpose of annexing to the Metro District Boundary approximately 7.67 acres located in the vicinity of NW Brugger Road and NW 160th Avenue in the North Bethany area of Washington County

[ORD 21-1471](#)

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

Attachments: [Ordinance No. 21-1471](#)  
[Exhibit A](#)  
[Staff Report](#)  
[Attachment 1](#)

**6. Adjourn to Work Session**

*Work Session*

**1. Call to Order and Roll Call**

**2. Work Session Topics:**

- 2.1 Willamette Cove Contingency Remedy Update

[21-5621](#)

Presenter(s): Brian Moore (he/him), Metro  
Paul Slyman (he/him), Metro

Attachments: [Staff Report](#)

**3. Chief Operating Officer Communication**

**4. Councilor Communication**

**5. Adjourn**

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尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

### Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullamada dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmaha shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

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### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ៗ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬស្នើសុំទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

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Agenda Item No. 3.1

Consideration of the Council Meeting minutes for December 02, 2021  
*Consent Agenda*

Metro Council Meeting  
Thursday, December 02, 2021

# **Metro**

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



**Metro**

## **Minutes**

**Thursday, November 18, 2021**

**10:30 AM**

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

**Council meeting**

**1. Call to Order and Roll Call**

Deputy President Craddick called the Work Session to order at 10:33 a.m.

**Present:** 5 - Councilor Shirley Craddick, Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, and Councilor Gerritt Rosenthal

**Excused:** 1 - Council President Lynn Peterson

**2. Public Communication**

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

Terrell Garrett from Greenway Recycling expressed that they are told that competing MRFs have 75% recovery rates but in reality they fall short of that number. Terrell then expressed concern that during June and July three facilities quit recycling, in order to combat this Terrell requested that Metro reinstate EDWRP in its entirety.

Chief Operating Officer Marissa Madrigal (she/her/ella) noted that she has been in conversation with staff about next steps and she will circle back with Council to review.

Councilor Rosenthal agreed with these numbers and requested more information.

Seeing no further discussion on the topic, Deputy President Craddick moved on to the next agenda item.

**3. Presentations****3.1 Zoo Bond Final Program Report**

Deputy President Craddick introduced Heidi Rahn (she/her) and Susan Hartnett (she/her) to present to Council.



Heidi introduced the presentation

Staff pulled up the *Oregon Zoo Bond Citizens' Oversight Committee Final Report to Metro Council PowerPoint Presentation*.

Susan explained that the Citizens' Oversight Committee found that bond funds have been spent wisely, the projects that were completed with the bond, and recognized the entire Zoo Bond Oversight Committee and staff that supported the committee.

Heidi thanked Susan, Jim Mitchell, staff and Council for their work with supporting the committee.

Jim Mitchell thanked Heidi and staff.

#### *Council Discussion*

Councilor Rosenthal congratulated staff on a job well done.

Councilor Gonzalez thanked staff and expressed his pleasure with all the work that has been done.

Councilor Lewis also thanked the committee, past and present, and expressed that she looks forward to next steps.

Deputy President Craddick expressed pleasure with the project, thanked staff, and finally and forever adjourned the Oregon Zoo Bond Measure 26-29 Citizens' Oversight Committee.

Seeing no further discussion on the topic, Deputy President Craddick moved on to the next agenda item.

**4. Consent Agenda**

**A motion was made by Councilor Lewis, seconded by Councilor Rosenthal, to adopt items on the consent agenda. The motion passed by the following vote:**

**Aye:** 4 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez, and Councilor Rosenthal

**Excused:** 2 - Council President Peterson, and Councilor Nolan

- 4.1 Considerations of the Council Meeting Minutes for the October 21, 2021 Meeting.
- 4.2 Considerations of the Council Meeting Minutes for the November 04, 2021 Meeting.

**5. Resolutions**

- 5.1 Resolution No. 21-5209, For the Purpose of Providing Concurrence to Oregon Department of Transportation (ODOT) to Seek Direct Allocation of Federal Transportation Funding Under the Revenue Loss Provision of the Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) and Direct to Transportation Uses in the Metro Area

Deputy President Craddick called on Ted Leybold (he/him) and Margi Bradway (he/him) to present to Council.

Margi explained that this resolution was voted on and passed by JPACT this morning.

Staffed Pulled up *COVID-19 Relief Funds PowerPoint Presentation*.

Ted explained the CRRSAA act Passed by congress and the opportunity to de-federalize the available CRRSAA funds.

Margi highlighted the losses in the planning, development, and research department within the MPO, goals for the proposed allocation, the proposed allocation of funds, and the proposal to invest in project development and corridor

planning.

*Council Discussion:*

Councilor Rosenthal asked if the \$500,000 in the TV Corridor plan will match the Hope grant, about the Better Bus Program, and expressed that Highway 99W must be addressed in the future.

Margi responded to Councilor Rosenthal's question by confirming that the \$500,000 in the TV corridor plan will match the Hope grant, explained that bus on shoulder is a form of better bus, and expressed that Highway 99 can be addressed in the upcoming RTP.

Councilor Gonzalez acknowledged that some Washington County folks have expressed concern about the way that this was communicated from Metro.

Margi agreed with Councilor Gonzalez, explained that when the funds were first announced staff lacked the ability to articulate details about the decision making process, and apologized for the lack of clarity with Washington County.

Councilor Lewis thanked staff and expressed the importance of the Sunrise Project to Clackamas County.

Deputy President Craddick asked for confirmation that a portion of these funds will go to Washington County to focus on Tualatin Valley Highway and agreed with Councilor Lewis on the importance of the Sunrise Project.

Margi expressed that Washington County wanted a directed allocation of funds, which is something that is not on the table.

**A motion was made by Councilor Lewis, seconded by**

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**Councilor Gonzalez, that this Resolution was adopted. The motion carried by the following vote:**

**Aye:** 4 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez, and Councilor Rosenthal

**Excused:** 2 - Council President Peterson, and Councilor Nolan

5.2 Resolution No. 21-5213, For the Purpose of Approving 2021 Nature in Neighborhoods Community Stewardship and Restoration Community Grants

Deputy President Craddick called on Mychal Tetteh (he/him), Karissa Lowe (she/her), Jude Perez (they/them) and Maricela Ortega (she/her) to present to Council.

Staff pulled up *Nature in Neighborhoods community stewardship and restoration grants PowerPoint Presentation*.

Mychal explained the Metro Areas Levy renewal and the DEI Strategy & Action Plan

Karissa explained the community grants program's purpose and goals and highlighted the 2021 grants review committee.

Jude explained the Grant Review Committee's selection process and recommended funding for the slate of projects that are being presented to council.

Daniel Newberry with the Johnson Creek Watershed Council provided information about the Johnson Creek Watershed Council project.

Maricela Ortega (she/her) with Verde explained what Verde does and why they applied for funding.

Karissa explained the 2021 Grant Recommendations, the

following organizations were recommended for funding:  
Asian Pacific American Network of Oregon (APANO),  
Beaverton School District Native Education Program, Center  
for Intercultural Organizing- DBA Unite Oregon, Depave,  
ELSO Inc., Johnson Creek Watershed Council, Portland  
Audubon, Portland Opportunities Industrialization Center  
Inc., and Verde. Karissa went on to thank Metro staff.

*Council Discussion:*

Councilor Rosenthal expressed that he hopes in the future  
some funding can go towards Metro's two new parks and  
urban beescapes.

Karissa expressed that she will get Councilor Rosenthal's  
comment into the next round of cycle recommendations.  
Deputy President Craddick thanked voters who have passed  
this levy, staff, and those who have applied for funding.

**A motion was made by Councilor Gonzalez, seconded by  
Councilor Rosenthal, that this Resolution was adopted.  
The motion carried by the following vote:**

**Aye:** 4 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez,  
and Councilor Rosenthal

**Excused:** 2 - Council President Peterson, and Councilor Nolan

5.3 Resolution No. 21-5203, For the Purpose of Amending the Fiscal Year  
2020-21 Budget and Appropriations Schedule and Fiscal Year 2020-21  
Through Fiscal Year 2024-25 Capital Improvement Plan to Provide for  
Changes in Operations

Deputy President Craddick called on Cinnamon Williams  
(she/her) to present to Council.

Staff pulled up *Resolution 21-5203 PowerPoint  
Presentation.*

Marissa Madrigal gave background on Resolution No.

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21-5203, explained how financial circumstances have changed, the mid-year amendment approach, and budget amendment themes.

Cinnamon explained why this amendment is unusually large, and highlighted the departments that are requesting changes to their budget, these departments are: central services, Office of the Metro Auditor, Parks and Nature, Planning and Development, Portland's, and Waste Prevention and Environmental Services.

*Council Discussion:*

Councilor Gonzalez thanked staff and Marissa for engaging the Council early in this process.

Councilor Lewis thanked staff and Marissa and asked what the impact of CRRSSAA funds might have on the Planning and Development budget.

Rachael Lembo (she/her) explained that the CRRSSAA funds were incorporated in this amendment.

Councilor Rosenthal asked where the MERC funds come from, why \$1 million was transferred from the general fund then returned, and if the purchase of the Cornelius site was included in last year's budget.

Cinnamon explained that purchase of the Jennifer street property has been delayed, the MERC funds money was received in the prior year and is now being recognized, and that \$1 million dollars were transferred from the general fund then returned as a technical requirement.

**A motion was made by Councilor Nolan, seconded by Councilor Rosenthal, that this Resolution was adopted. The motion carried by the following vote:**

**Aye:** 5 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Rosenthal

**Excused:** 1 - Council President Peterson

5.3.1 Public Hearing for Resolution 21-5203

Deputy President Craddick opened the meeting to members of the public wanting to testify on Resolution No. 21-5203.

There was none.

Seeing no further discussion on the topic, Deputy President Craddick moved on to the next agenda item.

**6. Ordinances (First Reading and Public Hearing)**

Deputy President Craddick called on Metro Attorney Carrie MacLaren (she/her) to read procedural requirements.

- 6.1 Ordinance No. 21-1468, For the Purpose of Annexing to the Metro District Boundary Approximately 8.46 Acres Located West of NE Starr Blvd and South of NE Huffman Street in Hillsboro

Deputy President Craddick called on Tim O'Brian (he/him), to present to Council.

Tim explained the criteria for annexation of land and explained that staff recommends that Council approve Ordinance No. 21-1468.

*Council Discussion:*

There was none.

- 6.2 Ordinance No. 21-1470, For the Purpose of Annexing to the Metro District Boundary Approximately 8.78 acres Located in the Vicinity of SE McInnis Street and SE Cornelius Pass Road in Hillsboro

Tim explained the criteria for annexation of land and explained that staff recommends that Council approve Ordinance No. 21-1470.

*Council Discussion:*

There was none.

- 6.3 Ordinance No. 21-1471, For the purpose of annexing to the Metro District Boundary approximately 7.67 acres located in the vicinity of NW Brugger Road and NW 160th Avenue in the North Bethany area of Washington County

Tim explained the criteria for annexation of land and explained that staff recommends that Council approve Ordinance No. 21-1471.

*Council Discussion:*

There was none.

- 6.3.1 Public Hearing for Ordinance No. 21-1468, Ordinance No. 21-1470 and Ordinance No. 21-1471

Deputy President Craddick opened the meeting to members of the public wanting to testify on Ordinance No. 21-1468, Ordinance No. 21-1470 or Ordinance No. 21-1471.

There was none.

Seeing no further discussion on the topic, Deputy President Craddick moved on to the next agenda item.

**7. Chief Operating Officer Communication**

Marissa Madrigal provided an update on the following events or items:  
Information Services Multi Factor Authorization Project

**8. Councilor Communication**

There was none.

**9. Adjourn**

There being no further business, Deputy President Craddick



adjourned the Metro Council Meeting at 12:15 p.m.

Respectfully submitted,

*Stellan Roberts*

Stellan Roberts, Legislative Assistant

## Council meeting action update

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

Thursday, November 18, 2021 10:30 AM

### 1. Call to Order and Roll Call

**Present:** 5 - Councilor Shirley Craddick, Councilor Christine Lewis,  
Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, and  
Councilor Gerritt Rosenthal

**Excused:** 1 - Council President Lynn Peterson

### 4. Consent Agenda

**A motion was made by Councilor Lewis, seconded by  
Councilor Rosenthal, to adopt items on the consent  
agenda. The motion passed by the following vote:**

**Aye:** 4 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez,  
and Councilor Rosenthal

**Excused:** 2 - Council President Peterson, and Councilor Nolan

4.1 Considerations of the Council Meeting Minutes for the October 21, 2021  
Meeting.

4.2 Considerations of the Council Meeting Minutes for the November 04, 2021  
Meeting.

### 5. Resolutions

5.1 Resolution No. 21-5209, For the Purpose of Providing Concurrence to  
ODOT to Seek Direct Allocation of Federal Transportation Funding Under  
the Revenue Loss Provision of the Coronavirus Response and Relief  
Supplemental Appropriation Act and Direct to Transportation Uses in the  
Metro Area

**A motion was made by Councilor Lewis, seconded by  
Councilor Gonzalez, that this Resolution was adopted. The**

**motion carried by the following vote:**

**Aye:** 4 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez, and Councilor Rosenthal

**Excused:** 2 - Council President Peterson, and Councilor Nolan

- 5.2 Resolution No. 21-5213, For the Purpose of Approving 2021 Nature in Neighborhoods Community Stewardship and Restoration Community Grants

**A motion was made by Councilor Gonzalez, seconded by Councilor Rosenthal, that this Resolution was adopted.**

**The motion carried by the following vote:**

**Aye:** 4 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez, and Councilor Rosenthal

**Excused:** 2 - Council President Peterson, and Councilor Nolan

- 5.3 Resolution No. 21-5203, For the Purpose of Amending the FY 2021-22 Budget and Appropriations Schedule and FY 2020-21 Through FY 2024-25 Capital Improvement Plan to Provide for Changes in Operations

**A motion was made by Councilor Nolan, seconded by Councilor Rosenthal, that this Resolution was adopted.**

**The motion carried by the following vote:**

**Aye:** 5 - Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Rosenthal

**Excused:** 1 - Council President Peterson

**6. Ordinances (First Reading and Public Hearing)**

- 6.1 Ordinance No. 21-1468, For the Purpose of Annexing to the Metro District Boundary Approximately 8.46 Acres Located West of NE Starr Blvd and South of NE Huffman Street in Hillsboro
- 6.2 Ordinance No. 21-1470, For the Purpose of Annexing to the Metro District Boundary Approximately 8.78 acres Located in the Vicinity of SE McInnis Street and SE Cornelius Pass Road in Hillsboro
- 6.3 Ordinance No. 21-1471, For the purpose of annexing to the Metro District Boundary approximately 7.67 acres located in the vicinity of NW Brugger Road and NW 160th Avenue in the North Bethany area of Washington County

**Assigned to Council; second reading and vote scheduled Dec. 2, 2021**

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

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 18, 2021**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
<b>1.0</b>	PowerPoint	11/18/21	Oregon Zoo Bond Citizens' Oversight Committee: Final Report to Metro Council PowerPoint	111821c-01
<b>2.0</b>	PowerPoint	11/18/21	COVID-19 Relief Funds PowerPoint	111821c-02
<b>3.0</b>	PowerPoint	11/18/21	Nature in Neighborhoods community stewardship and restoration grants PowerPoint	111821c-03
<b>4.0</b>	PowerPoint	11/18/21	Resolution 21-5203 PowerPoint	111821c-04
<b>5.0</b>	Testimony	11/18/21	Ivan Boothe Written Testimony	111821c-05
<b>6.0</b>	Testimony	11/18/21	Lenny Anderson Written Testimony	111821c-06
<b>7.0</b>	Testimony	11/18/21	Attachment to Lenny Anderson Written Testimony	111821c-07
<b>8.0</b>	Testimony	11/18/21	Richard Douglas Written Testimony	111821c-08
<b>9.0</b>	Testimony	11/18/21	No More Freeways MTIP Testimony	111821c-09

Agenda Item No. 3.2

**Resolution No. 21-5222**, For the Purpose of Providing Additional 2040 Planning and Development  
Grant Funds to the City of King City for Comprehensive Planning of the Kingston Terrace Urban  
Growth Boundary Expansion Area  
*Consent Agenda*

Metro Council Meeting  
Thursday, December 02, 2021

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING	)	RESOLUTION NO. 21-5222
ADDITIONAL 2040 PLANNING AND	)	
DEVELOPMENT GRANT FUNDS TO THE	)	Introduced by Chief Operating Officer
CITY OF KING CITY FOR	)	Marissa Madrigal in concurrence with
COMPREHENSIVE PLANNING OF THE	)	Council President Lynn Peterson
KINGSTON TERRACE URBAN GROWTH	)	
BOUNDARY EXPANSION AREA	)	

WHEREAS, in 2018 the Metro Council expanded the regional urban growth boundary (UGB) by Ordinance No. 08-1427, which added approximately 2,181 acres to the UGB in four locations, including 528 acres adjacent to the City of King City (City) in an area known as Kingston Terrace; and

WHEREAS, in order to assist the City with preparing and adopting a comprehensive plan and land use regulations for future development of this new urban area, in 2019 the Metro Council awarded a 2040 Planning and Development Grant in the amount of \$350,000 for necessary planning work in Kingston Terrace; and

WHEREAS, one of the primary new collector roads in Kingston Terrace will be Fischer Road, which is being planned to provide an east-west connection between existing residential development in the southern portion of the City and Roy Rogers Road to the west; and

WHEREAS, the City's proposed Fischer Road alignment has generated controversy among some community members and a conservation group regarding potential impacts on natural areas adjacent to the Tualatin River and regarding the existence of a conservation easement held by the Columbia Land Trust that would be crossed by the road; and

WHEREAS, the City has determined that a comprehensive alternatives analysis is required in order to adequately consider issues that are being raised by the community and to identify the best location for Fischer Road given all of the competing concerns; and

WHEREAS, an analysis of transportation network alternatives and potential environmental impacts of Fischer Road was not contemplated by the City in its original grant application to Metro and was not included in the work that was funded by Metro's grant to the City in 2019; and

WHEREAS, the City's planning consultant has prepared a detailed scope of work and budget for completing the additional work; and

WHEREAS, City and Metro staff have reviewed the scope of work and budget and determined that the scope and level of analysis are appropriate to respond to the issues that have been identified, and that the \$130,000 cost is reasonable for completing the identified tasks; and

WHEREAS, the Metro Council accepts the Metro staff recommendation to provide an additional \$130,000 in 2040 Planning and Development Grant funds to the City in order to complete a transportation network alternatives analysis that includes additional community engagement and consideration of traffic volumes and impacts, environmental constraints, cost estimates, stormwater runoff, utility needs, and parks and open space; now therefore,

BE IT RESOLVED that the Metro Council hereby:

1. Awards \$130,000 to the City of King City in supplemental 2040 Planning and Development Grant funding to be added to Metro's 2019 grant for new urban planning in Kingston Terrace; and
2. Directs the Metro COO and staff to amend Metro's existing grant agreement with the City to include appropriate milestones and deliverables for the additional work described in this Resolution.

ADOPTED by the Metro Council this \_\_\_\_\_ day of December 2021.

\_\_\_\_\_  
Lynn Peterson, Council President

Approved as to Form:

\_\_\_\_\_  
Carrie MacLaren, Metro Attorney



IN CONSIDERATION OF RESOLUTION NO. 21- 5222, FOR THE PURPOSE OF PROVIDING ADDITIONAL 2040 PLANNING AND DEVELOPMENT GRANT FUNDS TO THE CITY OF KING CITY FOR COMPREHENSIVE PLANNING OF THE KINGSTON TERRACE URBAN GROWTH BOUNDARY EXPANSION AREA

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Date: November 15, 2021  
Department: Planning, Development & Research  
Meeting Date: December 2, 2021

Prepared by: Tim O'Brien,  
Tim.O'Brien@oregonmetro.gov  
Presenter: n/a  
Length: n/a

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## **ISSUE STATEMENT**

In 2018 the Metro Council added 528 acres to the urban growth boundary adjacent to King City in an area known as Kingston Terrace, as shown on the attached map. As part of that decision, Metro required the City to complete comprehensive planning of Kingston Terrace by December 13, 2022. In 2019 the Metro Council awarded the City a 2040 Planning and Development Grant of \$350,000 to help complete the necessary planning work.

The planned location of a new east-west road connection in the expansion area (Fischer Road) has generated controversy in the community and added complexity to the City's planning process. Additional analysis of transportation alternatives and comparative environmental impacts is necessary for the City to complete the planning project and meet the December 2022 deadline.

## **ACTION REQUESTED**

Council adoption of Resolution No. 21-5222 to approve adding \$130,000 of Construction Excise Tax funds to supplement King City's existing 2040 Planning and Development Grant for analyzing alternative alignments of Fischer Road and related community engagement.

## **IDENTIFIED POLICY OUTCOMES**

This resolution will provide additional grant funds to complete a more robust transportation network alternatives analysis for a key east-west connector. This analysis will take into account traffic volumes and impacts, other utility infrastructure needs, environmental impacts, cost estimates and provide additional community engagement. The additional work is needed to respond to numerous community requests for additional transportation and environmental analyses that will support developing a master plan that is more widely supported by the community.

## **POLICY QUESTION(S)**

Should Metro provide King City with supplemental 2040 Planning and Development Grant funding in order to complete necessary planning and community engagement work for the Kingston Terrace UGB expansion area?

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

Approve Resolution No. 21-5222

- ❖ Approval of this resolution will provide additional grant funds in the amount of \$130,000 to King City. This will allow the City and its consultant team to complete additional transportation alternatives and impact analyses that will provide support for the city's adoption of a master plan for King City's 2018 UGB expansion area.

Do not approve Resolution 21-5222

- ❖ If the Metro Council does not approve this resolution, King City will rely upon the current proposed transportation network that is not widely supported by the community and may impact the City's ability to adopt the master plan.

## **STAFF RECOMMENDATIONS**

Staff recommends approval of Resolution 21-5222.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

In 2006 Metro enacted a Construction Excise Tax (CET) to fund Community Planning and Development Grants (CPDG) and adopted Metro Code Chapter 7.04 to implement the new grant program. Effective April 1, 2017 the CPDG program became known as the 2040 Planning and Development Grant program.

New Urban Area Planning is one of the grant investment categories established by the Metro Council and includes both Concept Planning Grants and Comprehensive Planning Grants. In 2019 the Metro Council adopted Resolution 19-5002A, which awarded \$350,000 to King City to complete comprehensive planning for its 2018 UGB expansion area.

The 2040 Community Planning and Development Grant program has more than sufficient funds to support the additional work required in King City and approval of the requested additional funds will not restrict Metro's ability to provide grants in future grant cycles.

## **BACKGROUND**

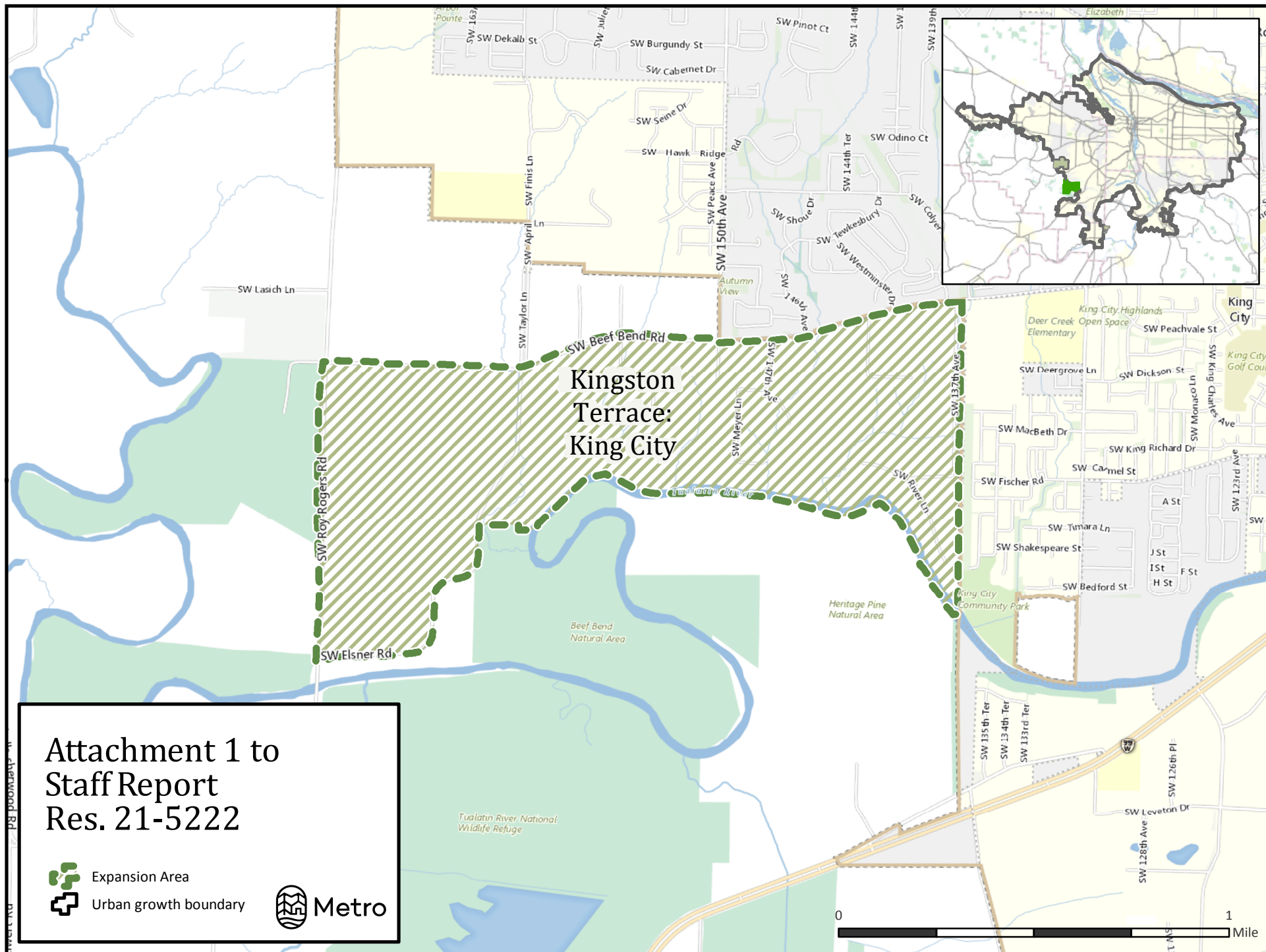
King City was awarded a 2040 Planning and Development grant to complete the required Title 11 comprehensive planning of the city's 2018 UGB expansion area. After that process began it became evident that the location of the primary east-west road connection (Fischer Road) in the City's concept plan had been determined without fully analyzing other alternative alignments, which has generated some controversy in the community.

The Tualatin Riverkeepers have been engaged in the process and have raised environmental and legal concerns related to the proposed Fischer Road location. Also, the Columbia Land Trust holds a conservation easement on a portion of a property that could be impacted by the Fischer Road connection. All of the opposing parties have requested a comprehensive alternatives analysis to identify the best alignment for Fischer Road.

The additional grant funds will allow the consultant team to complete a comprehensive transportation network alternatives analysis that includes traffic volumes and impacts, environmental constraints, cost estimates, stormwater runoff, utility needs, park and open space as well as additional community engagement. An alternatives screening process will lead to a preferred collector street path alignment that will be incorporated into the final plan documents.

## **ATTACHMENTS**

1. Map of Kingston Terrace UGB expansion area



Agenda Item No. 4.1

**Ordinance No. 21-1466**, For the Purpose of Repealing Metro Code Chapter 7.03  
*Ordinances (First Reading and Public Hearing)*

Metro Council Meeting  
Thursday, December 02, 2021

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REPEALING METRO	)	ORDINANCE NO. 21-1466
CODE CHAPTER 7.03 (INVESTMENT POLICY)	)	
AND DECLARING AN EMERGENCY	)	Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, Oregon Revised Statute (ORS) 294.135 requires a local government to annually adopt its investment policy;

WHEREAS, Metro Code Chapter 7.03 currently contains Metro's investment policy, which policy is reviewed and approved by Metro's Investment Advisory Board prior to the Metro Council re-adopting Metro Code Chapter 7.03 every year by ordinance;

WHEREAS, Metro staff has determined that the requirements of ORS 294 can more efficiently be met by the Metro Council annually adopting the investment policy by resolution; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Chapter 7.03 is hereby repealed in its entirety, and is of no further force or effect.
2. That this Ordinance being necessary for the immediate preservation of the public health, safety, and welfare to ensure consistent and uninterrupted compliance with Oregon budget law, an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 38(1).

ADOPTED by the Metro Council this 2nd day of December, 2021.

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Lynn Peterson, Council President

Attest:

Approved as to Form:

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Jaye Cromwell, Recording Secretary

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Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF ORDINANCE NO. 21-1466, FOR THE PURPOSE OF  
REPEALING METRO CODE CHAPTER 7.03 (INVESTMENT POLICY)

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Date: 11/15/2021  
Department: Finance and Regulatory  
Services  
Meeting Date: 12/2/2021

Prepared by: Brian Kennedy, 503-797-  
1913  
Presenter(s) (if applicable): Brian  
Kennedy  
Length: 10 minutes

---

**ISSUE STATEMENT**

Oregon Revised Statute 294.135(a) requires local governments have an investment policy that is readopted annually by the governing body if the local government plans on making investments with maturities that exceed 18 months. Metro has codified its investment policy in Metro Code Chapter 7.03. Generally, most local governments do not codify their investment policy because of the requirement for annual re-adoption and the frequent updates necessitated by changes in the marketplace and modifications to recommended practices by the Oregon Short Term Fund Board. Staff is proposing to remove the investment policy from Metro Code and instead present it annually to the Metro Council for re-adoption by resolution.

**ACTION REQUESTED**

Staff is requesting that the Council adopt Ordinance No. 21-1466 and repeal Metro Code Chapter 7.03 in its entirety.

**IDENTIFIED POLICY OUTCOMES**

The primary policy outcomes driven by the investment policy are the safety of capital and the availability of funds to meet payment requirements. Investment return targets are secondary.

**POLICY QUESTION(S)**

Does the Metro Council support changing the mechanism used to adopt Metro's investment policy?

**POLICY OPTIONS FOR COUNCIL TO CONSIDER**

The Council can choose to keep the investment policy in Metro Code Chapter 7.03. The primary disadvantage to this approach is that any changes, even minor administrative adjustments, require adoption by ordinance with a first and second reading before the Council.

Repealing Chapter 7.03 would allow annual review and re-adoption of the investment policy by resolution and make it easier to keep the policy up to date with current best practices.

## **STAFF RECOMMENDATIONS**

Staff recommends that the Council adopt Ordinance No. 21-1466.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

The Investment Policy provides a framework for staff to invest all cash-related assets held by Metro. The primary focus is to ensure the safety of capital and availability of funds to meet the payment requirements of the agency. Through prudent investment of assets, Finance and Regulatory Services can meet this primary focus, while generating additional resources for programmatic use.

ORS 294 restricts the types and maturities of investments made by local governments. However, it provides additional flexibility when a written investment policy is adopted. ORS 294.135 restricts investment maturities to 18 months, but longer maturities are allowed for Metro due to our adopted policy and are contingent on annual review and re-adoption by Metro Council. Also prescribed by ORS 294.135, Metro's investment policy must be reviewed by the Oregon Short-Term Fund Board. ORS 294 does not specify the mechanism used for the Council's annual review and re-adoption. Nearly all local governments re-adopt their investment policy by resolution.

## **BACKGROUND**

The Metro Council re-adopted the investment policy in December 2020.



Agenda Item No. 5.1

**Ordinance No. 21-1468**, For the Purpose of Annexing to the Metro District Boundary  
Approximately 8.46 Acres Located West of NE Starr Blvd and South of NE Huffman Street in  
Hillsboro  
*Ordinances (second reading)*

Metro Council Meeting  
Thursday, December 02, 2021

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE	)	ORDINANCE NO. 21-1468
METRO DISTRICT BOUNDARY	)	
APPROXIMATELY 8.46 ACRES LOCATED	)	Introduced by Chief Operating Officer
WEST OF NE STARR BLVD AND SOUTH OF	)	Marissa Madrigal with the Concurrence of
NE HUFFMAN STREET IN HILLSBORO	)	Council President Lynn Peterson

WHEREAS, T5 Data Centers has submitted a complete application for annexation of 8.46 acres in the North Hillsboro Industrial Area of Hillsboro (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added this portion of the North Hillsboro Industrial Area to the UGB, including the territory, by Ordinance No. 05-1070A on November 17, 2005; and

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

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

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

WHEREAS, the Council held a public hearing on the proposed amendment on November 18, 2021; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated October 28, 2021, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_\_ day of December 2021.

---

Lynn Peterson, Council President

Attest:

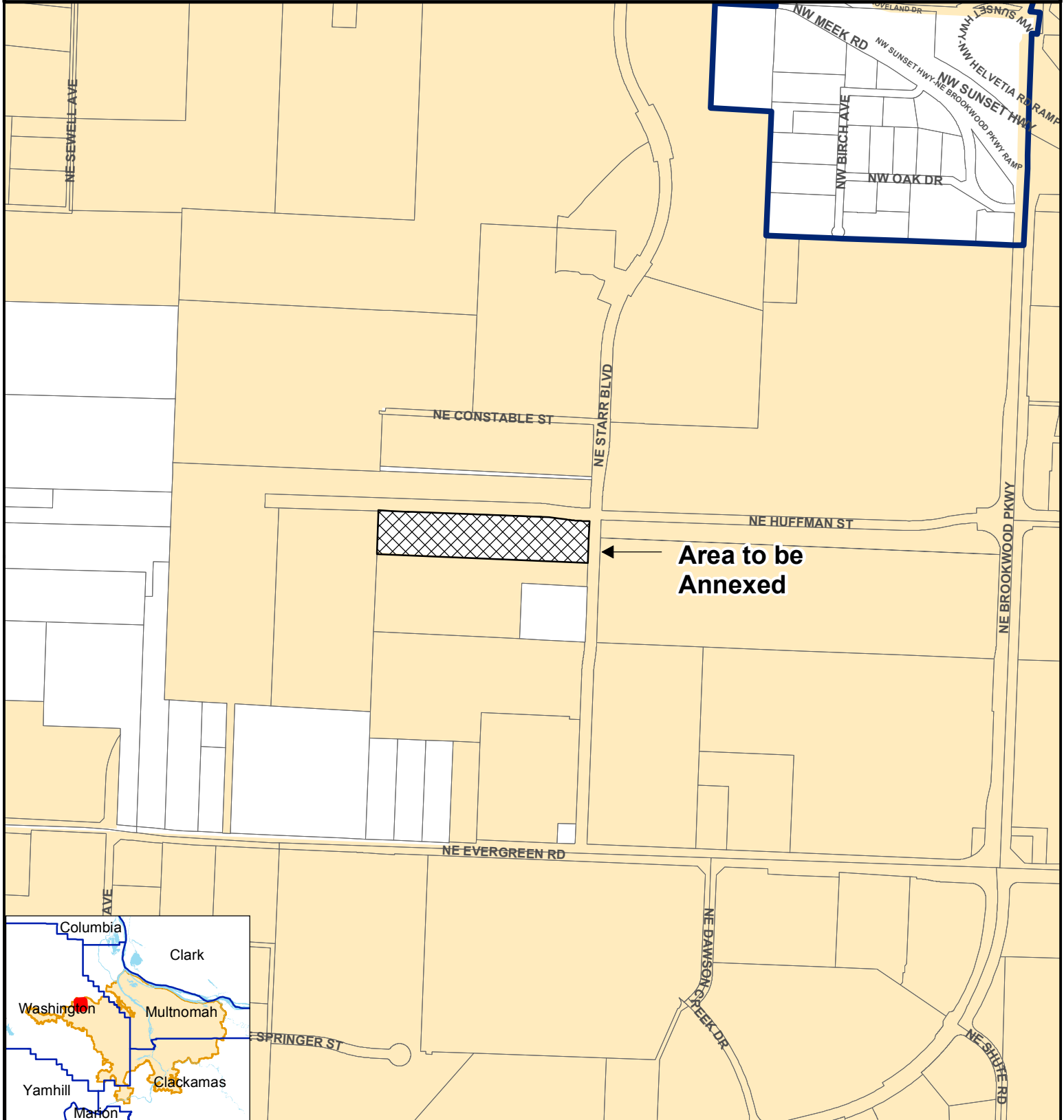
Approved as to form:

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Jaye Cromwell, Recording Secretary

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Carrie MacLaren, Metro Attorney



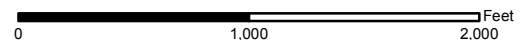
Research Center  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742  
<http://www.oregonmetro.gov/drc>

-  Urban growth boundary
-  Taxlots
-  Metro District Boundary

Proposal No. AN0421



1:10,000



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## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 21-1468, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 8.46 ACRES LOCATED WEST OF NE STARR BLVD AND SOUTH OF NE HUFFMAN STREET IN HILLSBORO

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Date: October 28, 2021  
Department: Planning & Development

Prepared by: Tim O'Brien  
Principal Regional Planner

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### BACKGROUND

CASE: AN-0421, Annexation to Metro District Boundary

PETITIONER: T5 Data Centers LLC  
3344 Peachtree Road, NE, Suite 2550  
Atlanta, GA 30326

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

LOCATION: The parcel is located west of NE Starr Blvd. and south of NE Huffman Street, totals approximately 8.46 acres in size and can be seen in Attachment 1.

ZONING: The land is zoned Future Development (FD-20) by Washington County.

The parcel was added to the urban growth boundary (UGB) in 2005 and is part of the North Hillsboro Industrial Area Plan District. The land must be annexed into the Metro District for urbanization to occur.

### APPLICABLE REVIEW CRITERIA

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

#### *3.09.070 Changes to Metro's Boundary*

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

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

#### Staff Response:

The parcel was brought into the UGB in 2005 through the Metro Council's adoption of Ordinance No. 05-1070A. Thus, the affected territory is within the UGB.

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

**Staff Response:**

The conditions of approval for Ordinance No. 05-1070A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 also requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development-20 Acres (FD-20) designation to all the land included in Ordinance No. 05-1070A to prevent premature urbanization of the expansion area prior to the completion of the comprehensive planning of the area and annexation to the City of Hillsboro. The subject property is in the process of being annexed to the City of Hillsboro and Clean Water Services. Thus, the affected territory is subject to measures that prevent urbanization until the territory is annexed to the City.

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

**Staff Response:**

The subject parcel proposed for annexation is part of Hillsboro's Evergreen Area Industrial Plan adopted by the City of Hillsboro in 2008. The Evergreen Area Industrial Plan area was incorporated into the North Hillsboro Industrial Area Plan District. The proposed annexation is consistent with these two plans and the Urban Planning Area Agreement between Washington County and the City of Hillsboro adopted in 2017. Thus, the inclusion of the affected territory within the Metro District is consistent with all applicable plans and agreements.

## **ANALYSIS/INFORMATION**

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

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

**Anticipated Effects:** This amendment will add one parcel totaling approximately 8.46 acres to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the North Hillsboro Industrial Area Plan.

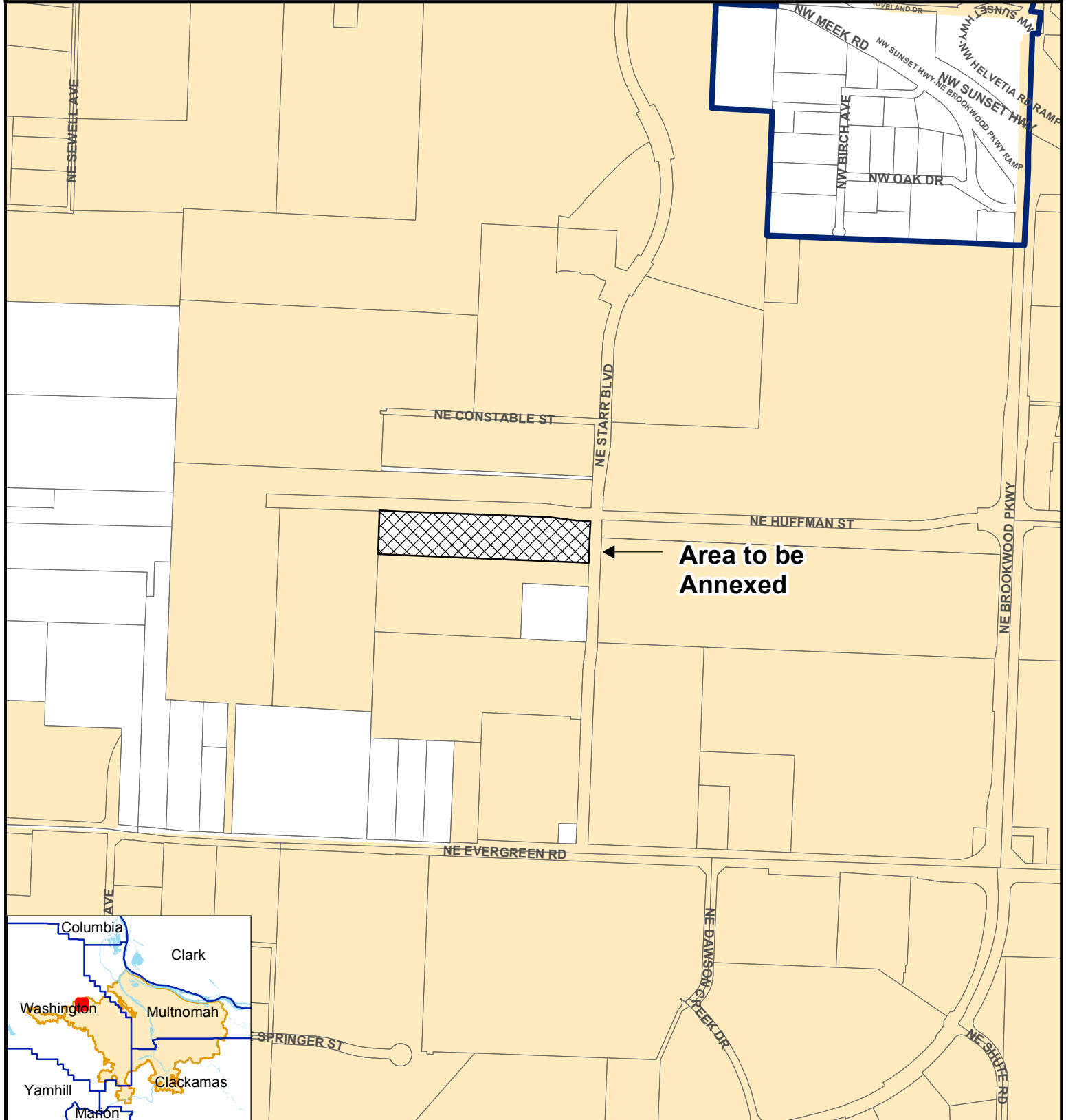
**Budget Impacts:** The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

## **RECOMMENDED ACTION**




Staff recommends adoption of Ordinance No. 21-1468.

# Proposal No. AN0421

1N2W21      Annexation to the Metro Service District      Washington County



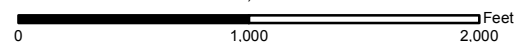
Research Center  
600 NE Grand Ave  
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(503) 797-1742  
<http://www.oregonmetro.gov/drc>

-  Urban growth boundary
-  Taxlots
-  Metro District Boundary

Proposal No. AN0421



1:10,000



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Agenda Item No. 5.2

**Ordinance No. 21-1470**, For the Purpose of Annexing to the Metro District Boundary  
Approximately 8.78 acres Located in the Vicinity of SE McInnis Street and SE Cornelius Pass  
Road in Hillsboro  
*Ordinances (second reading)*

Metro Council Meeting  
Thursday, December 02, 2021

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE	)	ORDINANCE NO. 21-1470
METRO DISTRICT BOUNDARY	)	
APPROXIMATELY 8.78 ACRES LOCATED IN	)	Introduced by Chief Operating Officer
THE VICINITY OF SE MCINNIS STREET AND	)	Marissa Madrigal with the Concurrence of
SE CORNELIUS PASS ROAD IN HILLSBORO	)	Council President Lynn Peterson

WHEREAS, Pahlisch Homes, Inc. has submitted a complete application for annexation of 8.78 acres in South Hillsboro ("the territory") to the Metro District; and

WHEREAS, the Metro Council added this portion of South Hillsboro to the UGB, including the territory, by Ordinance No. 02-969B on December 5, 2002; and

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

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

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

WHEREAS, the Council held a public hearing on the proposed amendment on November 18, 2021; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated October 28, 2021, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_\_ day of December 2021.

---

Lynn Peterson, Council President

Attest:

Approved as to form:

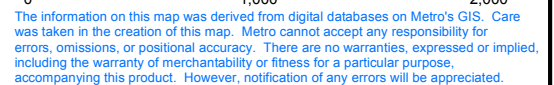
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Jaye Cromwell, Recording Secretary

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Carrie MacLaren, Metro Attorney





## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 21-1470, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 8.78 ACRES LOCATED IN THE VICINITY OF SE MCINNIS STREET AND SE CORNELIUS PASS ROAD IN HILLSBORO

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Date: October 28, 2021  
Department: Planning & Development

Prepared by: Tim O'Brien  
Principal Regional Planner

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### BACKGROUND

CASE: AN-0521, Annexation to Metro District Boundary

PETITIONER: Pahlisch Homes, Inc.  
210 SW Wilson Avenue, Suite 100  
Bend, OR 97702

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

LOCATION: The two parcels are located in the vicinity of SE McInnis Street and SE Cornelius Pass Road, totals approximately 8.78 acres in size and can be seen in Attachment 1.

ZONING: The land is zoned Future Development (FD-20) by Washington County.

The two parcels were added to the urban growth boundary (UGB) in 2002 and is part of South Hillsboro Community Plan. The land must be annexed into the Metro District for urbanization to occur.

### APPLICABLE REVIEW CRITERIA

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

#### *3.09.070 Changes to Metro's Boundary*

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

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

#### Staff Response:

The parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B. Thus the affected territory is within the UGB.

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

Staff Response:

The conditions of approval for Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 also requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development-20 Acres (FD-20) designation to all the land included in Ordinance No. 02-969B to prevent premature urbanization of the expansion area prior to the completion of the comprehensive planning of the area and annexation to the City of Hillsboro. The subject property will be annexed to the City of Hillsboro and Clean Water Services in the future. Thus, the affected territory is subject to measures that prevent urbanization until the territory is annexed to the city.

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

Staff Response:

The subject parcels proposed for annexation are part of the South Hillsboro Community Plan adopted by the City of Hillsboro in 2014. The proposed annexation is consistent with the Urban Planning Area Agreement between Washington County and the City of Hillsboro adopted in 2017. Thus, the inclusion of the affected territory within the Metro District is consistent with all applicable plans and agreements.

## ANALYSIS/INFORMATION

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

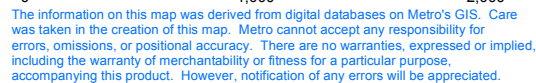
**Legal Antecedents:** Metro Code 3.09.070 allows for annexation to the Metro District boundary.

**Anticipated Effects:** This amendment will add two parcels totaling approximately 8.78 acres to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the South Hillsboro Community Plan.

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

## RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 21-1470.



Agenda Item No. 5.3

**Ordinance No. 21-1471**, For the purpose of annexing to the Metro District Boundary approximately 7.67 acres located in the vicinity of NW Brugger Road and NW 160<sup>th</sup> Avenue in the North Bethany area of Washington County  
*Ordinances (second reading)*

Metro Council Meeting  
Thursday, December 02, 2021

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE ) ORDINANCE NO. 21-1471  
METRO DISTRICT BOUNDARY )  
APPROXIMATELY 7.67 ACRES LOCATED IN ) Introduced by Chief Operating Officer  
THE VICINITY OF NW BRUGGER ROAD AND ) Marissa Madrigal with the Concurrence of  
NW 160<sup>TH</sup> AVENUE IN THE NORTH ) Council President Lynn Peterson  
BETHANY AREA OF WASHINGTON COUNTY

WHEREAS, Noyes Development Co. has submitted a complete application for annexation of 7.67 acres located in the vicinity of NW Brugger Road and NW 160<sup>th</sup> Avenue (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the North Bethany area to the UGB, including the territory, by Ordinance No. 02-987A on December 5, 2002; and

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

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

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

WHEREAS, the Council held a public hearing on the proposed amendment on November 18, 2021; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated October 28, 2021, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_\_ day of December 2021.

\_\_\_\_\_  
Lynn Peterson, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Jaye Cromwell, Recording Secretary

\_\_\_\_\_  
Carrie MacLaren, Metro Attorney



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

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 21-1471, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 7.67 ACRES LOCATED IN THE VICINITY OF NW BRUGGER ROAD AND NW 160<sup>TH</sup> AVENUE IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

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Date: October 28, 2021  
Department: Planning & Development

Prepared by: Tim O'Brien  
Principal Regional Planner

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### BACKGROUND

CASE: AN-0621, Annexation to Metro District Boundary

PETITIONER: Noyes Development Co.  
16305 NW Bethany Court, Suite 101  
Beaverton, OR 97006

PROPOSAL: The petitioner requests annexation of land in the North Bethany area of Washington County to the Metro District Boundary.

LOCATION: The land in North Bethany is approximately 7.67 acres in size, is located in the vicinity of NW Brugger Road and NW 160<sup>th</sup> Avenue, includes one parcel and some adjacent street right-of-way, and can be seen in Attachment 1.

ZONING: The land is zoned for residential use (R6-NB).

The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was adopted by Washington County. The land must be annexed into the Metro District for urbanization to occur.

### APPLICABLE REVIEW CRITERIA

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

#### *3.09.070 Changes to Metro's Boundary*

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

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

#### Staff Response:

The land in the North Bethany area of Washington County was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-987A, thus the affected territory lies within the UGB.



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

**Staff Response:**

The conditions of approval for Ordinance No. 02-987A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development 20 (FD-20) zone to the expansion area. Washington County requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring, which the applicant recently completed. Thus, the territory was subject to measures that prevented urbanization until the territory is annexed to the necessary service districts.

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

**Staff Response:**

The land is part of Washington County's North Bethany Subarea Plan and was included in the North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with the Subarea Plan, the Bethany Community Plan and the Service District agreement and is required by Washington County as part of a land use application. Thus, the inclusion of the land within the Metro District is consistent with all applicable plans.

## **ANALYSIS/INFORMATION**

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

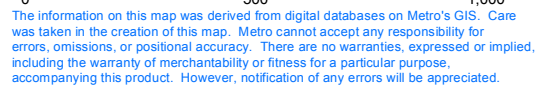
**Legal Antecedents:** Metro Code 3.09.070 allows for annexation to the Metro District boundary.

**Anticipated Effects:** This amendment will add approximately 7.67 acres in the North Bethany area of Washington County to the Metro District. All of the land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the North Bethany Subarea Plan.

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

## **RECOMMENDED ACTION**

Staff recommends adoption of Ordinance No. 21-1471.



## **Willamette Cove Contingency Remedy Update**

*Work Session Topics*

Metro Council Work Session  
Thursday, December 02, 2021

## WILLAMETTE COVE RECORD OF DECISION—STAFF DISCUSSION WITH COUNCIL

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Date: November 15, 2021  
Department: COO/Parks & Natural Areas  
Meeting Date: December 2, 2021

Prepared by: Brian Moore, COO/Parks & Natural Areas  
Presenter(s): Marissa Madrigal, Paul Slyman, Brian Moore  
Length: 15 minutes (+ 15 Q&A)

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### **ISSUE STATEMENT**

Metro Council adopted a Budget Note in June 2021 directing staff to return in November 2021 to report on the project and receive further direction regarding the type of cleanup the Council will authorize for Willamette Cove. The cleanup is being completed under the “voluntary cleanup program” with the Oregon Department of Environmental Quality (DEQ). To advance this work, Metro is in a partnership with the Port of Portland.

On March 31, 2021, DEQ issued its Record of Decision, which selects a remedial action for the responsible parties (Metro & Port of Portland) to implement. The remedial action addresses upland soil contamination at the site in accordance with state statutes and DEQ administrative rules. Following implementation of the remedial action, people can safely engage in passive recreation across the entire upland area, on and off trails, without restricted areas or fencing. Site conditions will also be safe for wildlife.

As part of this Record of Decision, DEQ has authorized a “contingency remedy.” This contingency remedy provides the opportunity, during remedial design and in consultation with DEQ, for Metro to perform additional measures beyond those identified in the selected remedy, including additional removal activities to align with final plans for Willamette Cove. Under this process, parties can eliminate or reduce the volume of soil to be consolidated onsite and instead transport the soil offsite for disposal at a regulated waste facility. Metro Council has directed staff to conduct analysis of these additional actions.

This presentation provides an overall project update and describes the current process staff is following to conduct the analysis.

Additional information and background on the site is included in the Strategic Context section of this staff report.

### **ACTION REQUESTED**

Staff is seeking Council input on the approach Metro should take in analyzing the contingency remedy and actions associated with the consolidation area.

### **IDENTIFIED POLICY OUTCOMES**

Policy Outcomes for Willamette Cove Upland Soil Remediation are driven primarily by three governing documents.

**Metro's Six Desired Regional Outcomes**—Vibrant Communities, Economic Prosperity, Safe and Reliable Transportation, Environmental Leadership, Clean Air and Water, Fairness and Equity—direct Metro staff in evaluating programs, budgets, and decisions. It is staff's desire that decisions on the remediation of Willamette Cove further several of these desired outcomes, specifically Vibrant Communities, Environmental Leadership, Clean Air and Water, and Fairness and Equity.

**Metro's Strategic Plan to Advance Racial Equity, Diversity, and Inclusion**, adopted by Metro Council in June 2016, aims to remove barriers for communities of color through a series of recommendations and actions to create equitable outcomes for all residents of the region. It does this through sharp focus on five goals outlining how we support regional partners; engage with communities of color; hire, train and promote our workforce; create safe and welcoming services and destinations; and allocate resources to advance racial equity. It is staff's desire that decisions on the remediation of Willamette Cove further several of these goals, specifically creating safe and welcoming services and destinations.

**Metro's 2019 Parks and Nature bond** will invest \$475 million to protect clean water, restore fish and wildlife habitat and provide opportunities for people to connect with nature close to home. The bond provides funding across six program areas—Protect and restore land; Local parks and nature projects; Nature in Neighborhoods capital grants; Metro parks improvements (this is the portion of the bond identified in Resolution 20-5149); Walking and biking trails; and Large-scale community visions—and centers decision-making around racial equity. It prioritizes outcomes that benefit people of color, Indigenous people, people with low incomes, people with varying abilities and other historically marginalized groups who have not benefited equitably from past investments. The bond measure also prioritizes work to make the region more resilient to climate change.

### **POLICY QUESTION(S)**

Following the Oregon Department of Environmental Quality Record of Decision, how should Metro approach the contingency remedy regarding further actions within the consolidation area?

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

On April 27, 2021, Metro Council directed staff to study additional and voluntary actions Metro could consider. The additional and voluntary actions focus on the contingency remedy as outlined in the ROD and relate to how moderately contaminated soils are managed. The spectrum of options contemplated in the ROD range from on-site containment to off-site disposal. Key characteristics for an analysis have been identified by the current remedial design consultant and include size of consolidation cell, location of consolidation cell, transportation impacts during construction, and long-term maintenance requirements.

In addition, staff is working with Tribes currently involved with the Portland Harbor Superfund, and the Portland Harbor Community Coalition, to identify factors that they believe should be analyzed. To ensure Metro's values are fully reflected in the analysis staff

requests a discussion of Metro's values as they apply to this project. Currently, staff has identified the following values Community, Environment, Cost, and Timeliness. Efforts to engage with Tribes and community stakeholders for participation in scoping the analysis and selection have been well received. Staff believes that the Tribes and community stakeholders will provide additional factors for evaluation as the work progresses. Best efforts will be made to incorporate input provided during the process. Staff believes engagement in this manner will ensure Metro's values, of community and environment will be reflected in this analysis.

Costs to date have been rough order of magnitude with significant range in accuracy (+50% to -30%). Project costs are quite complex, the proposed approach will seek revised estimates for moving some or all of the consolidation area offsite. Metro is responsible for all cost for cleanup under this contingency remedy that differs from the DEQ recommended remedy.

Our analysis must conclude by summer 2022 if we are to keep pace with in-water and upland remedial design work. Furthermore, Council has been clear that time is of the essence for moving forward with cleanup. Impacts to duration and timing of work should also be evaluated in the analysis.

*Timeline:*

March 31, 2021	DEQ Record of Decision Issued
April 27, 2021	Work Session discussion of Record of Decision and additional or voluntary actions
July 1, 2021	Following Council direction, staff requested resources (staff and consulting budget) to analyze consolidation area Staff submittal of plan for meaningful public engagement to identify community priorities for future passive recreational opportunities and trail development consistent with protection and restoration of natural resources at Willamette Cove due
August, 2021	Staff received upland Remedial Design project schedule from Apex Staff coordinating with community and begin Tribal outreach
November 17, 2021	Begin RFP process for consultant selection
*February 22, 2022	Begin Consolidation Area Analysis
*July 28, 2022	Council decision on additional actions for cleanup
*August 1, 2022	Begin Basis of Design Report for Upland Remedial Actions

\*future dates are best current estimates

*Metro values to guide analysis:*

Based on agency policy and previous council direction, the following values and priorities (in alphabetical order) have been identified to shape and guide the metrics of analysis for the contingency remedy.

- Community impacts
- Environmental impacts
- Financial costs
- Timeliness

Staff would like to better understand two things. One, are there specifics under these four values that warrant additional clarification? And two, are there values that should be added removed or modified?

**STAFF RECOMMENDATIONS**

Staff recommends Metro Council (1) affirm the values identified that will guide the analysis of the Contingency Remedy and (2) affirm involvement from Tribal partners and a community representative the continued work as it moves forward.

**STRATEGIC CONTEXT FRAMING COUNCIL DISCUSSION**

The Willamette Cove clean-up is part of the Portland Harbor Superfund Site. The US Environmental Protection Agency is the lead regulatory agency for the in-water clean-up throughout the 10+ mile Portland Harbor site. EPA issued a Record of Decision for that work in 2017. The Port of Portland, City of Portland, and State of Oregon are leading the work to develop the Remedial Design for the in-water cleanup of Willamette Cove as codified in a 2019 Agreement on Consent. As landowner, Metro is monitoring this work and providing input when the opportunity is available.

The Oregon Department of Environmental Quality (DEQ) is the lead regulatory agency for the upland cleanup. DEQ issued a Record of Decision for the upland clean-up on March 31, 2021, that is the subject of this update. Prior to finalizing a Remedial Design, the Port and Metro are engaging in additional analysis (primarily soil sampling) to support the basis of design report. The analysis of the contingency remedy also informs the basis of design report.

In addition to the regulatory agencies and the performing parties, the Tribes and community stakeholders are also involved in this broader work.

The specific Tribes involved include:

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of Grand Ronde
- Confederated Tribes of the Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation of Oregon

- Nez Perce Tribe

Per a Memorandum of Understanding signed in 2000, the Tribes engage on the cleanup issues through the Technical Coordinating Team (TCT) with both EPA and DEQ for both the in-water and upland cleanup. Additionally, the Tribes play a decision making role on natural resource decisions about the Portland Harbor Study Site through the Natural Resource Trustee Council. Some of the Tribes may choose to provide Metro input directly as the Confederated Tribes and Bands of the Yakama Nation have in their letter to Metro Council on November 30, 2020, or via consultants as is typically done with DEQ and EPA.

Community stakeholders include the Portland Harbor Community Coalition and the Portland Harbor Community Advisory Group. EPA leads Harbor-wide Collaborative Meetings with the community to discuss what is occurring in the 10-mile stretch of Lower Willamette Superfund. There has been a recent effort to consolidate stakeholder meetings at the request of the community stakeholders. In response to community and local government requests for consolidation of stakeholder meetings, Metro participates in the Willamette Cove Work Group. The first stakeholder meeting was held this year on October 19; next will be held December 15. This allows Metro to get input from stakeholders but does not replace the widespread Metro led community engagement that we need to conduct to support our own planning and decision making process.

Metro's scope of work currently includes many items. Monitoring work of in-water partners is one of our key tasks. This is important because in-water decisions affect upland decisions; and we will ultimately take control of riverbank and shoreline property through our ownership of Willamette Cove to the ordinary low waterline. Additionally, we coordinate with the Port of Portland as a partner for the upland clean-up.

In order to meet the requirements of the upland (DEQ) Record of Decision, we have to fully characterize the site through thorough sampling and analysis to develop a basis of design report for submittal and approval, then we need to develop Remedial Design drawings. This effort is timed to synchronize with the in-water work and remedial designs for both are due to the regulatory agencies Spring 2024. To support this work we have secured the critical path timeline from our shared consultant in August. . Doing so allowed us to develop a scope of work and timeline for our contingency remedy analysis, as well as flagging key concerns for the potential of a consolidation area on the site (identified previously in this staff report).

In addition to coordinating with the Port of Portland, we have researched other sites that developed consolidation areas. This has helped us understand the construction, maintenance, and aesthetic implications of these, and how this type of action might impact our site.

Project staff has also worked to develop a Tribal Engagement Framework. As part of that effort, staff researched input from the Tribes on various aspects of the Portland Harbor Superfund, including comments to EPA, DEQ, and to Metro directly. This has helped us



understand the interests and concerns that the Tribes have about the PHSS generally and Willamette Cove specifically.

Recently, staff completed a Community Engagement Plan. Council was provided a full update on this plan on July 6. It includes voices from a variety of inputs but focuses on non-stakeholder community members: folks without the resources or access to lobby council or regularly attend EPA, DEQ, City of Portland community meetings.

Staff has also engaged with Portland Harbor Community Coalition around the topic of participatory procurement. They are helping to select a community member to participate in the Request for Proposals necessary to hire a consultant to support the analysis of the contingency remedy. Staff has also extended the invitation to participate in the procurement process to each of the Tribes involved in this project.

All of the above work feeds into the contingency remedy analysis. In July 2021, Council provided funds and Parks identified staff to manage the contingency remedy analysis. As described in the DEQ ROD, the contingency remedy allows Metro, in consultation with DEQ, to move some or all of the moderately contaminated soils from a potential on-site consolidation cell to an offsite landfill. The key next steps for staff include: 1) finalizing external partner participation, 2) conduct the procurement process for consultant, 3) conduct analysis, 4) complete review of the analysis and report, and 5) present the findings to Council for consideration of the contingency remedy options.

That effort will support the overall effort by feeding into the Basis of Design Report then the Remedial Action Design.

Our next formal communication with you about the project will be the results of the analysis for the contingency remedy with the opportunity for you to deliberate the results and identify how you would like the cleanup to proceed.

#### *Background:*

Metro purchased the 26 acre Willamette Cove property in 1996 pursuant to the Open Spaces, Parks, and Streams Bond Measure 26-26 and has held the property for purposes of creating a green space and extension of the multi-use North Willamette Greenway trail. Habitat restoration plans include a natural area to support aquatic, riparian, bird and native vegetation species. The North Willamette Greenway trail is shown on the City of Portland's comprehensive plan and is part of the regional trail plan.

In November 2000, Metro and the Port of Portland entered into a Voluntary Agreement with Oregon Department of Environmental Quality to perform a remedial investigation/feasibility study (RI/FS) and implement any needed source control measure to prevent releases to Portland Harbor. In September 2021, Metro and the Port of Portland sent DEQ a "comfort letter" outlining our commitment to design and implementation of DEQ's selected remedy.

In December 2000, the US Environmental Protection Agency (USEPA) identified the Portland Harbor area of the lower Willamette River as a Superfund Site and placed it on the National Priorities List, primarily due to concerns of contamination in the Willamette River sediments and the potential risks to human health and the environment from consuming the fish.

Metro's agreement with the Port of Portland has supported a significant investment in environmental studies and testing to ensure the site is eventually managed to support our region's desires for healthy, sustainable natural areas. In addition to the many studies and samples taken at the site, Metro and the Port of Portland have ensured interim actions were taken to stabilize and secure the site.

In 2004, a petroleum sheen was observed on the water, in the innermost portion of the cove adjacent to the East Parcel. Later that year, under the scope of cleanup actions at the neighboring Baxter McCormick site, DEQ led a project which removed approximately 20 tons of soil as well as the installation of an armored cap to protect the Willamette Cove site from further releases. The excavated soil was placed offsite in a permitted landfill.

In 2008, approximately 987 tons of soil containing lead and other metals were removed from the site, including 356 tons of soil that was stabilized and 631 tons of soil that did not require stabilization, and placed offsite in a permitted landfill.

In 2015/16, approximately 5000 tons of soil containing dioxins/furans and other contaminants were excavated and disposed of offsite at a permitted landfill.

#### *Previous Metro Council Actions and Direction:*

In response to public comments and Council interest about the pending upland Record of Decision, Council sent a letter to DEQ Director Richard Whitman in November 2020 to clarify Metro's interests, as well as specify for DEQ Metro's understanding of the remedies that DEQ was evaluating for the upland soil. That letter, signed by the entire Metro Council, stated "...that the community expects us to remediate the site such that the safety of people and the environment are protected now and into the future, mature trees are protected, and a broad range of passive recreational activities, including beach access, walking, bicycling, wildlife viewing, picnicking, child play and education, swimming, fishing, non-motorized boating, and cultural interpretation may eventually be considered at the site. "

A Council business meeting was conducted in December 10, 2020, which attracted nearly 30 written comments in advance. Nineteen people provided verbal testimony during the meeting. Council also received a letter from the Yakama Nation regarding their concerns of a proposed onsite containment cell at Willamette Cove. The testimony at both the July work session and December council meeting expressed a desire for a "complete cleanup" that did not involve consolidation cells or extensive capping of environmental contamination.

Council adopted Resolution 20-5149 as amended, and directed:

1. Metro Council authorizes and directs Metro Chief Operating Officer to include Willamette Cove as a Metro parks and nature destination listed in

Exhibit E to Resolution No. 19-4988 eligible for 2019 Bond Measure funds; and

2. Metro Council affirms its support of and commitment to explore trail development, habitat restoration, and a broad range of passive recreational activities at Willamette Cove consistent with its use as a natural area, for example but not limited to, walking, hiking, bicycling, beach access, wildlife viewing, picnicking, and cultural interpretation; and
3. Metro Council shall convene a work session within 30 days of the issuance of the DEQ record of decision for Willamette Cove to discuss additional and voluntary actions that Metro could take at the site to further improve its environmental condition.
4. Metro staff shall prepare a plan for meaningful public engagement to identify community priorities for future passive recreational opportunities and trail development consistent with protection and restoration of natural resources at Willamette Cove, and submit this plan to Metro Council within four months of the date DEQ issues its record of decision on remedial action.

#### *Financial Implications:*

DEQ assembles cost estimate tables as part of ROD development and for thorough balancing-factor analysis of possible remedies. Detailed cost estimates for each examined remedy are included in the Record of Decision.

Projected costs are based on 2019 estimates and include a +50% or -30% estimation factor. Additionally, while not included in the estimate tables, the text of the DEQ ROD indicates that the March 2020 Staff Report and the ROD Table 14 and Table 15 did not account for the 1-foot topsoil cover, which purchase and placement is estimated to add \$1.3 million to either of those remedies.

Best information available at this time indicates full removal of the consolidation area to cost \$3-5 million additional dollars when compared to on-site containment. Staff will refine this information as part of our Contingency Remedy analysis.

#### **ATTACHMENTS**

A. none

For work session:

- Is legislation required for Council action? ☐ Yes ☒ No
- If yes, is draft legislation attached? ☐ Yes ☒ No