

MINUTES OF THE METRO COUNCIL MEETING

October 14, 1999

Metro Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: None

Presiding Officer Monroe convened the Regular Council Meeting at 2:00 p.m.

1. INTRODUCTIONS

None

2. CITIZEN COMMUNICATIONS

Art Llewellyn, 3205 SE 8th #9, Portland, presented testimony about his objections to ODOT (Oregon Department of Transportation) plans for the Southeast side of town starting with the Ross Island Bridge. He said that the upcoming resurfacing is an inadequate project that will lead to grievous complaints from the public. He said that he did not support the project; the bridge and surrounding area needs much more than that. He disagreed completely with ODOT and its plan on how to fix the westside bridge ramps. He said as far as the Grand Avenue viaduct rebuild they have not considered how to improve the very dangerous eastside ramps. He also disagreed with the widening of McLoughlin Blvd. He said that all of these plans are inadequate and he is testifying before this agency because in the future, as ODOT carries forward these plans, people will say that Metro had the chance to say something; and if it had maybe ODOT would have done a better job. He had one more complaint about ODOT regarding lightrail. He is on record as saying that light rail through the south corridor is possible and he thinks that is the way it should go. He has advocated leaving it on the eastside and not going downtown, saving money, building a regional system. He said that ODOT has prevented an eastside alignment because they plan to widen I-5 directly into the path where lightrail would enter the Rose Garden area. He stated that he believes it is ODOT that has killed the eastside alignment. He also said that he thinks that the acronym, ODOT doesn't fit them anymore; it should read more like the Oregon Department of Automobile Only Transportation. When planning is only done for automobiles it makes it harder to walk, harder to bike and harder to build a mass transit system. He hoped that by expressing his opinions Metro would understand where he is coming from.

3. EXECUTIVE OFFICER COMMUNICATIONS

None

4. AUDITOR COMMUNICATIONS

None

5. MPAC COMMUNICATIONS

Councilor McLain reported that the MPAC meeting last nights discussed the UBR (Urban Boundary Report) Update and what were the important issues in the material. There was quite a discussion about getting hung up on numbers versus. goals and vision for the 2040 Growth Concept. She said the committee plans to continue the discussion over the next 2-3 meetings since the Council will not be taking up these issues before at least November 18. The discussion last night centered on full communities that care about the texture and quality of their neighborhoods. She said that no decisions or motions were made, just healthy conversation.

6. CONSENT AGENDA

Motion: **Councilor McLain** moved to adopt the meeting minutes of the October 4, 1999 and October 7, 1999 Regular Council Meeting.

Seconded: **Councilor Bragdon** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

7. ORDINANCES – FIRST READING

7.1 **Ordinance No. 99-820**, For the Purpose of Granting a New Metro Yard Debris Composting Facility License to Clackamas Compost Products, LLC and Rescinding License Number YD-0197, and Declaring an Emergency.

Presiding Officer Monroe assigned Ordinance No. 99-820 to Councilor Washington and the RIM committee.

7.2 **Ordinance No. 99-822**, For the Purpose of Amending Metro Code 2.04 by Increasing Purchasing Thresholds and Making Other Required Changes.

Presiding Officer Monroe assigned Ordinance No. 99-822 to Councilor Washington and the Metro Operations Committee.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 99-823**, For the Purpose of Amending Metro Code Chapter 5.02 to Modify Charges for Direct Haul Disposal, to Modify Metro System Fees, to Create Additional Regional System Fee Credits, and Making Other Related Amendments.

8.2 **Ordinance No. 99-824**, For the Purpose of Amending Metro Code Chapter 7.01 to Modify and Adjust Excise Taxes and making other Related Amendments.

8.3 **Ordinance No. 99-825**, For the Purpose of Amending Metro Code Section 5.02.025 to Modify the Disposal Charge at the Metro South and Metro Central Transfer Stations.

Presiding Officer Monroe opened hearings on the Solid Waste Savings issue. He explained the procedures for the public hearing. First there will be opportunity for Councilor comment, then a public hearing where those who have signed up can speak to any one of the ordinances, or speak to any of the proposed amendments that are summarized on a sheet in the back. He also noted to the Council that any additional amendments Councilors might wish to have considered must be submitted to Mr. Stone, no later than 5:00 PM tomorrow, Friday. Next Thursday, October 21,

motions will be accepted on various amendments and amend the ordinances appropriately, then by rule the ordinance must be set over for at least an additional week. Final action is anticipated for October 28. This does not delay the implementation date previously discussed of February 1, 2000.

Councilor Kvistad said as Council is well aware, his philosophy on the dollars available that it is his hope to return the money to the people who paid it and not put into the Metro general fund, or spent on more government. He said his goal is to support his own, or other Councilor amendments that advance this philosophy.

Councilor Washington said throughout the process of dealing with the funds, this Council had listened to a lot of people at committee and it was a thorough and open process. He stated that it seems like every day there is a new surprise, either in the paper or from someone somewhere. There has been so many conflicting points on this money, one would think Metro was carrying \$50 million bags of money around instead of \$60 million. The Council has gotten mixed messages. This morning an in-house letter was received that challenged what Council is trying to do, while members of other governments whose policy makers are saying one thing has staff saying another. This Council has respected all viewpoints, even when disagreeing. He asked everyone to please read *The Oregonian* editorial regarding this issue: many stories have been printed; some have been accurate, many not really accurate at all. Many have made an attempt to define what Metro is trying to do. What Metro is trying to do is the right thing: listen to the many viewpoints, try to find a way to help growth, help parks, and help the citizens. He said that since so many seem to desire it, he is going to put forth an amendment before deadline tomorrow asking Council to return every red penny back to voters. If Metro Council were to give money back, he would ask it be given back in the form of a kicker, directly to citizens. The first year \$3.75 would go back the first year and for the 9-years thereafter citizens would get \$8.50 per household per year, or a grand total of \$80.25 over the next 10-years. He said that this would give back the entire \$60 million, however the rates would probably need to be increased within the next 3-years by a minimum of \$3.00. He stated that it is not a curse to serve the public, but it has been a curse to deal with this process.

Councilor Bragdon said he would second the motion when it came forward. He would like to make friendly amendment to this proposed motion even though he may not support it—one is that when savings are calculated, other than the capital fund that the savings be truly stated as savings, not inflation rate for general fund, it has to be clear. Second, is there a way they can choose when they get these checks, can they send them back for greenspaces if they so choose.

Councilor Washington said whatever the council decides. He said he is a strong supporter of greenspaces, but not an advocate of being beat up every day while trying to do the right thing.

Councilor Bragdon said Executive Officer Burton submitted his letter regarding his view of long standing on the tipping fee. He said in all fairness, his comments to MPAC, in *The Oregonian* and his submission to us in briefing book is all based on the \$62.50 tipping fee.

Councilor Atherton said he believes that the problem lies with counting garbage dollars before they are hatched. He believes that the Council should remember what caused the \$60 million bonus. It was some luck and pluck here in the agency, but also change within the industry. Council should recognize those changes and look into the future, provide for these liabilities and pay them off. He suggests paying the \$32 million in debt on transfer stations before using that money for anything else. This would result in saving for the region of some \$6-8 million over 4-

years. It may sound good to try to turn it back, but at best it would be \$.50 a month at the can. He said that with turning the savings back, there are processing costs, and they would be significant. Metro will be challenged in the near future on flow control, people are recycling more and the industry is moving towards smaller transfer facilities; therefore, he said, it is more prudent to pay down that debt.

Councilor Park said he hoped Councilor Washington's presentation would include an accurate fiscal impact in its accompanying analysis. Second, he echoed Councilor Bragdon's frustration with Mr. Burton's recent letter. To come back with a 5 o'clock memo the day before Council's discussion based on information the Council had not heard before or background on what the projection is based upon. He expressed frustration with some of the number chasing he has done in an effort to get a solid 10-year projection of what rate Metro is using reserves, and what may or may not be prudent.

Councilor McLain thanked the Presiding Officer for his decision to delay voting in order to give the councilors time to review the amendments. Second, she said that there seem to be lots of things in flux today. Therefore she wanted to revisit something the Council holds constant. The first thing she heard is that the Council wants to live up to their responsibility to meet recycling rate. The first and foremost goal with solid waste dollars is that the money be reinvested in recycling programs that increase the recycling rate and secondly, stabilizing the rate paid by the rate-payer. She felt that these 2 areas of agreements are important to remember as the amendments are reviewed. She said that even with a cursory reading of these amendments, that 6 out of the 9 amendments will not allow the Council to accomplish these goals that have been agreed to. She wanted Councilor Washington to know that she cannot support returning all the funds to the ratepayer at this point; that doesn't help recycling at the local level through the haulers' programs and it doesn't help the programs at this building. She said she appreciated the reason he brought the amendment forth, but believed it cannot fulfil either of the areas of support she had indicated support for.

Councilor Kvistad also wanted to follow up on what Councilor Bragdon and Park said regarding the letter from Executive Officer Burton. He felt it was disingenuous, and untrue. Historically from 1995, he said, when he chaired the Solid Waste committee, the Council talked about this agency taking millions of dollars and scraping it off the top for multi-million dollar contingency funds. Specifically the committee said that the rate should reflect the cost, or maybe cost plus overhead expenses instead of millions. It was agreed to lower the rates; it took years to agree to that. The Council took one rate reduction and found that there was still a major surplus; and went for another rate reduction. Now the Council is looking at this situation and the recycling rate again. He stated that recycling is a straw man here, recycling will not be ruined. There is plenty of money coming in to the solid waste system the way it is set up to deal with recycling, work with local governments and help them put on programs, rather than Metro starting a whole new program at the regional level. He stated that recycling is best done locally, that cities and garbage haulers already do a great job and do more every day. Metro is not the king of recycling but rather is here to help local governments and haulers do a better job.

He stated that in 1995 the Council looked at contract amendment 4 and sued the Executive Officer because a majority of the Council then (which has since changed) felt that the decision was wrong and not in best interest of the region. This is the second round of negotiations. He gave the Executive and the committee members credit for their negotiations with Waste Management. However, he asked that it not be forgotten that Metro was looking at \$120 million in savings at that time. Now it is \$60 million that was advocated by the same Executive Officer

who sent this letter who talked then about spending every dime and putting it back in Metro general spending for "stuff". He said that people's money should be used when it is needed for programs that they have paid for. They don't expect more planners, more programs, more general government and more employees. He said if the rate must be raised later because of higher costs, so be it, but to stabilize a rate that Council doesn't understand is not somewhere he will go. Recycling is not the issue here; money is the issue.

Presiding Officer Monroe stated that his goal throughout was to have an open process; to allow input from every interest group, individual and government in the region. He believes that this has been done. There will be 3 more opportunities in a row to come before Council and give input before the final decision is made. He said that in terms of his own view, as a fiscal conservative he is interested in stability. That means one of the things that would be most beneficial to guarantee would be a stable garbage rate that would not increase for a number of years. He also stated that he is a strong advocate of recycling. He wants to not only maintain our current recycling efforts, but increase the opportunity for citizens, organizations and corporations to reach Metro's 50%-recycling goal. He hopes to get there on his watch. If there are other resources available he wants to hear from the public on how they want the Council to invest them; not in more government, but in things that directly benefit the people such as parks and open spaces, rest rooms, trails, etc. He also thought it important to look at facilities and make them less expensive for children of the region to visit the zoo. In addition, Metro has mandates on local governments that they must meet on 2040 guidelines. It may be appropriate to provide some assistance in the form of grants to help with their planning efforts. He said he is not interested in increasing the bureaucracy of this agency, not interested in making Metro bigger; he is interested in investing any savings that Metro has to the greatest benefit of the people of this region.

Presiding Officer Monroe opened a public hearing on the Solid Waste Savings issue at 2:37. The public may speak to any aspect of the issue and the Ordinances, Numbers 99-823, 99-824 and 99-825; or the amendments listed on a sheet available at the back table. There will be not one, but two public hearings today. The second one will come later and has to do with some of the UGB (Urban Growth Boundary) issues that are also before the Council.

Amanda Fritz, 4106 SW Vacuna St., Portland, said she thought it was terrific that Metro has \$60 million to figure out what to do with. She thanked staff and Council for making this happen – that needs to be remembered. She read from a Metro publication, "garbage dollars pay for parks, planning and recycling". She said that if this money is refunded Metro is saying that there is plenty of money for parks, planning and recycling; her contention is that there is not. She supports Councilor Bragdon's option that would pay for parks, planning and recycling and promote partnerships with local jurisdictions and individual citizens. She stated that especially at Metro good works are needed and good publicity to let folks know what Metro does. She passed around a picture that she must take back that reminds her of what Metro does. Metro gave \$3,200 for a Watershed Education Grant to Marquam School. It was used to dig up the lawn, replanted and now, 3 years later it is a beautiful garden. Every year they have several cleanups in the garden, there is a sign there made by a Boy Scout that says "Metro's money made this happen". She said please don't not give me back 70 cents a month, something like this garden can't be done on 70 cents a month, but with \$60 million all kinds of wonderful projects like this garden could be done; she thinks that Metro should.

Mike Houck, 5151 NW Cornell Rd., Portland, representing the Audubon Society of Portland and Coalition for a Livable Future (CLF), stated that he and his organizations strongly support and

urge adoption of the Dakota option. They agree with philosophy embodied in this proposal. Solid Waste is one element of our ecological footprint on the natural environment of the Portland metropolitan region. He respectfully disagreed with Councilor Kvistad in that there is a very direct connection in our mind between the solid waste stream and people's impact on the region. A lot of people would like to see a drip tax increase in gasoline to reflect the true ecological impact of the transportation system. This is effort to move in that direction in the solid waste arena. He said they believe that if Metro Council clearly identifies, and this is crucial, how it will use the fund, and use for very specific and measurable purposes related to priorities that the area's residents have indicated in numerous surveys and by electing the council members to office. His groups believe that the Dakota option is best that has been reviewed so far. The establishment of a separate earth restoration protection fund is something they feel would enjoy wide public support.

Mr. Houck responded to Councilor Washington's comments, saying he was tired of hearing from others that the public should vote on everything, they elected the Council to represent them – it is representative democracy. The Council is in the best position to understand the desires of Metro's constituency. People have made it abundantly clear through countless surveys just what they want; they want Metro to protect the environment; using these funds for that purpose is the logical nexus. He said he is hopeful Council will move in that direction.

Don Baack, 6495 SW Burlingame Pl., Portland, Chair of SW Trails, said he shared many of the comments made so far, but thinks that stewardship of what Metro has purchased is a key issue. In his view government is to do things, not just sit and move money back and forth. He spoke strongly in support of the Dakota option. He said he has personally walked a number of the green spaces and have been out in them. Some of the trails there are terrible - they are degrading our watershed. He said that staff is overextended and does not have time to talk about the problems, let alone solve them. Staff are nice willing people, but they are so overloaded they haven't got time to address the existing problems. He stated that more staff is not the answer, but if they could work with citizen-led efforts together we could make things happen. There are minimal trails and need good ones. This property wasn't bought just to sit there; people want to be able to enjoy it.

Mr. Baack said that Metro has been derelict in its duty as to when lands are acquired a plan should be in place as to how it will be managed; that hasn't been done but needs to be. These lands have no route markers, no bridges, and volunteers could do a lot of this work. What is needed is guidance from Metro staff. He stated that managing open areas is serious problem, trails need to be built, existing trails need to be brought up to Title 3 standards, (which means relocating them out of stream bottoms. That work will take money and time, but it needs a plan, and planning takes time and energy. He and his group are willing to come to table, we have plans for SW Portland Metro property in hand, and just need Metro's blessing when the plans are further refined. He suggested Metro's trail coordinator should be freed up of busy work and work mainly with community groups to put together a comprehensive view of trails. He said that once this was done 3 years later they could plan to put on a National Conference on trails that would be fantastic.

Barbara Walker, 40-Mile Loop, stated that she too supports the Dakota plan. She also wanted to recognize Metro's fantastically successful Greenspaces program that was funded by the voters and has acquired as much land as there is in Forest Park. One example out of many is off the Springwater Corridor Trail there is a piece of property purchased with Greenspaces funds that connects to Barton State Park. There is no access from the trail to the park for the public except

through the Metro property. If there was a trail from the Springwater Corridor to the Park, think what we could offer people. She said she agreed with Councilor Monroe, give people back what they asked for; they asked for protection of these Greenspaces for wildlife and for people. These trails can be used to educate people as to how to use them properly. She totally agrees with Mr. Baack, we need to make sure trails are correctly placed in ecologically sensitive areas and not where we used to walk, in the streambeds. There are examples throughout the region that are just bursting with people willing to back and work with Metro. She asked Council to please make sure that when Greenspaces is looked at in the future, people won't say they locked it up and there was no provision for anyone to use it.

Jerry Rust, 3417 N Russet St., Portland, stated that attached to his letter of testimony is a copy of notes he used when he testified at the April 15 budget hearing. The testimony and notes are included in the meeting record.

Councilor Kvistad said that if the Council were doing as Mr. Rust suggested, he wouldn't have a problem, what he is unhappy with is what the Council received from the Executive Officer who had recommended restoring programs cuts that had been made in the past but that had nothing to do with solid waste. He said he agreed with Mr. Rust in principle. He referred to Councilor Washington's proposal that all the money be returned to the ratepayers, noting that returning it would be preferable to using it the wrong way.

Mr. Rust said he still hoped the Council would pull together and do the right thing. He said Councilor Atherton's proposal came closest to the one he preferred. He said he'd prefer that all the money be put into the solid waste program, then decide how to allocate it from there. He warned against long-range, unforeseen problems in the solid waste arena. He said he sympathized with the challenge of having state mandates without state money to carry them out.

Larry Harvey, Friends of the Regional Facilities, 22830 SW 93rd, Tualatin, said he empathized with the Council. They have a difficult job to do. He had reviewed all the recommendations. He saw a kernel of truth in all positions. He said he was not certain what an "excise use tax" was. He suggested addressing the meaning of collecting a "use" tax. He said people who pay zoo admission also pay a tax, as do those who pay to get into the Expo. He said if Metro was going to provide tax relief, it should be fair. He suggested the Council might use this an opportunity to be a good steward for the entire region. He expressed his appreciation to the Council for being willing to listen. He said he understood the frustration. He urged support for Councilor Bragdon's position.

Jackie Dingfelder, 2124 Northeast 54th Avenue, Portland, spoke in support of the Dakota proposal. She said it presented a win/win solution. She said it demonstrated that Metro was accountable and fiscally responsible, committed to its existing missions. She agreed with Mr. Harvey, that all the points of view expressed contained elements of truth. She urged more support for waste-reduction and recycling efforts. She supported using the funds for environmental purposes. She said the public has indicated its support for investing more in natural resources through passing the greenspaces bond measure and, last year, Measure 66. She urged more support for and technical assistance to local jurisdictions to help them meet the mandates in Title 3.

Jayne Cronlund, Executive Director, Three Rivers Land Conservancy, 398 Tenth Street, Portland, urged the Council to support the Dakota plan. She said the Conservancy supports the previous testimony of the Coalition for a Livable Future and that of Ms. Dingfelder. She added

that using the \$60 million surplus could be used to build a bridge to local communities by providing local communities with incentives to comply with natural resource and waste-management obligations. She said the more Metro was seen as supplementing local resources rather than creating new obligations, the less necessary public relations campaigns would be. She said passage of Measure 66 demonstrated that the public supports using money for open space and parks acquisitions.

Doug Drennen, Lakeside Reclamation Landfill, 14930 Southwest Vandermost Road, spoke to Ordinance 99-824, which would change the excise tax from a percentage to a per-ton rate. His company's concern was that the conversion would impact market conditions with respect to the competition. He said the company did not have a problem collecting the tax, as it was currently built into the rate structure. Paying on a per ton basis means not only that more money must be collected to pay the charge, but also it would affect the difference between what his company pays and what the competition pays. He suggested that any conversion to a per ton basis be revenue-neutral, recognizing the market it would affect. He said his company did not agree with the suggestion that this would be an administrative problem. He said the company currently has a designated facility agreement with Metro that specifies its per unit cost. If that were to change, the company would need to change its accounting system, raise its rates, and notify its customers of the change. That would increase administrative costs for them.

Jim Edelson, Portland Supported Employment, Post Office Box 1011, Portland, said Portland Supported Employment is a small recycling company that employs disabled workers. The company has been working under a Metro grant on a program to divert corrugated cardboard from the landfill into the recycle stream. He said Metro small grant makes a huge difference in the amount of cardboard that is recycled just in the one mall where the company is located. It makes a big difference to the tenants of the mall and in the lives of the disabled people the company hires. The company would urge Metro to use some of the savings to provide more grants like this. Mr. Edelson said he disagreed with Councilor Kvistad that the businesslike thing to do would be to reduce the rate. In his view it would be the wrong thing to do. He said recycling was not a market opportunity because the waste-disposal and use of natural resources has been heavily subsidized by government economic forces. He urged Metro not to reduce the rates, but rather to use the money for recycling programs.

Councilor Park asked Mr. Drennen if he had any suggestions for setting an amount per ton to equalize the amount that residents from Hillsboro, Wilsonville, and Gresham pay.

Mr. Drennen said he had not had time to think about alternative impacts. He said the customer base has responded for years at the current rate. He said the existing facilities have the current system figured in. He said he understood Councilor Park's point about fairness. His point was that converting the system modifies the system, which currently has the amount built in.

Councilor Kvistad said he wanted it on the record that supports recycling. He said he had worked with Councilor McLain to save the recycling grants programs when they were nearly cut a few years ago. He said recycling was being used as the straw man. He said the proposals he objected to would keep the money but spending it on things that had nothing to do with recycling.

Mr. Edelson said he did not mean to suggest that Councilor Kvistad was opposed to recycling. He said his point was that Councilor Kvistad's efforts to reduce the rate provided the wrong market signal; it would encourage disposal in the landfill rather than recycling. He said he appreciated Councilor Kvistad's support for recycling.

Presiding Officer Monroe closed the public hearing.

Councilor Bragdon said the Council had received considerable advice on both the revenue and the expenditure sides of this issue. On the revenue side—the tip fee—the issues are subtle and confusing. Officials from the same jurisdiction have disagreed—some advising Metro to keep the tip fee where it is while other have advised Metro to cut the tip fee. Within Metro, the Executive Officer has advised the Council both to cut it and to keep it where it is. The Council has received conflicting advice. He said his own view was that cutting the tip fee by too much would hurt recycling. He would also prefer the rate remain stable over the next two or three years. He would like to ensure that the capital fund could replace expensive equipment or do expensive repairs. He said would advocate drawing down the slush funds. On the expenditure side, he said although he would not support it, he appreciated Councilor Atherton's proposal because it was coherent and explainable to people. He said the same was true of Councilor Kivistad's and Councilor Washington's. The main point was that the money be kept and used in a way that can be identified—that it not just disappear into a general fund to be turned into office furniture. He said the intention of his Dakota option was to remain consistent with this agency's mission and work in partnership with other agencies and jurisdictions within the region.

Councilor Atherton said it was clear that the Councilors had differences of opinion and it behooved them to provide clear explanation. He said his proposal would keep almost all of garbage money in garbage system. He said there are benefits in doing that, including the fact that it would keep faith with the public. He said if you covert fees paid for garbage to something else, it becomes a tax. He said people are concerned with how the tax money would be used. He said sending the money to local jurisdictions to do planning for growth instead of charging developers for it represents a kind of tax many people would not support. Using garbage money for parks would be a tax. He said he recognized the need to create a steady source of funding for parks, but this was not it. He said he had suggested the option of creating a legacy fund and a system development fund for parks. He said his proposal also would provide incentives for recycling in ways that would remain consistent with public testimony. It would support the food bank's efforts to remove usable food from the waste stream; it would enhance investment with recycling businesses; and it would pay down debt. Paying down debt would be particularly important in this time of uncertainty in the solid waste industry. He said he would keep the money, but use it all within the solid waste system. He thought that would be the most logical for people.

Councilor Washington said he wanted to make sure people understood his intentions in proposing his plan to return all the money to the ratepayers. He said he believed it was important to have all the options out on the table, and giving all the money back was one of them. He said he had gotten more calls from people about this \$.80 than he had on anything else since he had been at Metro. He said he hoped those who did not want their yearly "big Mac and fries" would make that known. But that option should be on the table. He said he had always supported recycling. He said the record would speak for itself regarding his support for greenspaces. The purpose was to simply put that on the table.

Councilor Park said fiscal prudence was key to the all the options. No one wanted the money to evaporate so that people could not identify where the money went. He said he wanted to make the \$60 million question clear. He said that although there would be a \$60 million savings, accompanying that would be a \$20 million liability. He said reserves have been drawn down to sustain current programs. He said people needed to be aware that one-third of the money has already been committed. He said one of his questions has been, what is a sustainable rate? He

said some of the plans that have been presented would draw the reserves too low. He said the Dakota plan would not do that, but others might put the agency into deficit spending. He said this would be a 10-year contract. He would prefer to have a 10-year projection to see the net effect. He said the current Council might be gone in four years, and the next Council could be left with no money in the funds to serve the region. He said that would be irresponsible. He said good projections were necessary to make good policy decisions. He thanked the Council for its hard work and the public for its input.

Presiding Officer Monroe announced that resolutions would be considered next.

9. RESOLUTIONS

9.1 **Resolution No. 99-2835**, For the Purpose of Expressing Council Intent to Amend the Region 2040 Growth Concept Map to Designate the City of Milwaukie as a Town Center.

Motion: **Councilor Bragdon** moved to adopt Resolution No. 99-2835.

Seconded: **Councilor McLain** seconded the motion.

Councilor Bragdon said it was important to remind the Council and the public that the 2040 Growth Concept was not just a map drawn at Metro, but a reflection of what was actually happening in the community. He said Milwaukie has a downtown redevelopment plan that fits the characterization of a town center. The city government had asked Metro to designate Milwaukie as a town center as part of the 2040 growth concept. It had previously been designated as a regional center. He said the Growth Management Committee had voted unanimously in favor of this resolution.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed unanimously.

9.2 **Resolution No. 99-2840**, For the Purpose of Confirming the Reappointment of Herbert S. Plep and the Appointment of Brian R. Williams and James C. Aalberg to the Investment Advisory Board.

Motion: **Councilor Atherton** moved to adopt Resolution No. 99-2840.

Seconded: **Councilor Washington** seconded the motion.

Councilor Atherton presented Resolution No. 99-2840. (A staff report to the resolution includes information presented by Councilor Atherton and is included in the meeting record.)

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed unanimously.

9.3 **Resolution No. 99-2942**, For the Purpose of Authorizing the Executive Officer to Extend the Termination Date of Existing Intergovernmental Agreements with Local Parks Providers who are Implementing the Local Share Component of Metro's Open Spaces, Parks and Streams Bond Measure.

Motion: **Councilor Kvistad** moved to adopt Resolution No. 99-2942.

Seconded: Councilor Washington seconded the motion.

Councilor Kvistad presented Resolution No. 99-2942. (A staff report to the resolution includes information presented by Councilor Kvistad and is included in the meeting record.)

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed unanimously.

9.4 **Resolution No. 99-2834A, For the Purpose of Granting Time Extensions for the Cities of Milwaukie and Gladstone for Compliance with Title 3 of the Urban Growth Management Functional Plan.**

Motion: Councilor Bragdon moved to adopt Resolution No. 99-2834A.

Seconded: Councilor Atherton seconded the motion.

Councilor Bragdon presented Resolution No. 99-2834A. (A staff report to the resolution includes information presented by Councilor Bragdon and is included in the meeting record.)

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.5 **Resolution No. 99-2844, For the Purpose of Granting Time Extension for the City of Gresham for Compliance with Title 3 of the Urban Growth Management Functional Plan.**

Motion: Councilor Bragdon moved to adopt Resolution No. 99-2844.

Seconded: Councilor McLain seconded the motion.

Councilor Bragdon said this resolution is similar to the previous one, but has been presented separately at the request of one of the Councilors, who wished to abstain on it. He said the city of Gresham has its plan in place to comply with title 3 by October of 2000. The Growth Management Committee approved this by a majority vote of two, with one abstention.

Councilor Park stated he would be abstaining on this vote because of a potential conflict of interest.

Councilor Atherton said he had received a letter today from Mr. Scott Forrester. The letter said this would allow nearly a year of development to occur without substantial compliance with Title 3. He asked for responses from the rest of the Council.

Councilor McLain said the Council had offered extensions so that jurisdictions would not ask for exceptions. She said the request was not for an exception but for an extension, to enable the jurisdiction to complete work already begun.

Larry Shaw, Senior Assistant Counsel, said that Title I of the Urban Growth Management Functional Plan prohibits actions inconsistent with any title of the plan during the period in which full compliance plans are being prepared. That means that although further development can occur under the existing comprehensive plan, but no large changes can be made in the comprehensive plan nor can zoning be instituted that would be incompatible. Metro can intervene if any city council appears likely to make a decision otherwise.

Councilor Atherton said most of his concern went to comments about enforcement. He said local jurisdictions would be relied upon for enforcement—most specifically for erosion control at construction sites. He asked how Metro would respond to inadequate enforcement on the local level.

Mr. Shaw said enforcement was a separate issue. That would imply that the functional plan provision in question had already been adopted. He said Metro has no provisions for enforcement on the local level once the local jurisdiction's comprehensive plan has been brought into compliance.

Councilor Atherton said just because laws are on the book does not mean they will be followed. He asked if it was still true in Oregon that citizens who sue the government cannot recover attorney's fees.

Mr. Shaw said that that Oregon law generally does not provide for recovery of attorney's fees unless a specific statute provides for them.

Vote: The vote was 6 aye/0 nay/1 abstain, and the motion passed.

Presiding Officer Monroe opened a public hearing on Urban Growth Boundary issues at 3:38 PM.

10. PUBLIC HEARING ON URBAN GROWTH BOUNDARY ISSUES

- Urban Growth Report update and its potential impact on Urban Growth Boundary (UGB) Decision
- Urban Reserve Areas that could potentially come into the UGB
- Should Metro request a time extension to act on UGB pending new federal ESA listing

Wendie Kellington, Schwabe Williamson and Wyatt, representing Home Builders Association and Partnership for Sensible Growth, read testimony into the record. A copy of her written testimony is included in the meeting record, and includes information presented to the Council. She said there were substantial flaws in the Urban Growth Report (UGR) update, which was being used to determine the urban growth boundary (UGB) expansion at the end of 1999. She said while the Urban Growth Report contained a lot of documentation, it read like a syllogism: all fish can swim, Wendie can swim, therefore Wendie is a fish. She noted a map of Dunthorpe showing all land which the UGR determined to be vacant, and noted that among the "vacant" parcels were multi-million dollar estates, road right of ways, the Franciscan Retreat, property owned by Lewis and Clark College, and the Protestant Episcopal property. She said the Grotto on the Mayfield Park map was also determined by the UGR to be vacant, subject to redevelopment or development in the 20-year planning horizon. There was an additional map demonstrating that land under television and radio towers in the Skyline area were also determined to be vacant. She said that was the first critical assumption the UGR used to then apply a number of variables to determine what land was actually available for development. She submitted to the Council that the initial assumption was wrong.

Ms. Kellington said second, the Urban Growth Report subtracted less lands for schools than it subtracted previously: it assumed more kids being crammed into greater classrooms, despite good evidence from educators that this was the wrong paradigm for the next 20 years in order to avoid

Columbine disenfranchisement for kids. It also refused to acknowledge that kids needed to have ball fields: there was nothing in the UGR that provided ball fields for kids, or buffers for neighborhoods to avoid the adverse impacts associated with those activities. She submitted that the region had to plan for kids for the next 20 years. She asked, what about parks? Should Metro assume adequate parks for kids and the rest of the region's population over the 20-year planning horizon? Fifty-seven percent of the new parks to accommodate the multitude of children will be outside of the UGB, and a large percentage of those will be passive parks under Metro's greenspaces acquisition program. She submitted that those were not parks suitable for kids; adding that it was against the law to have parks outside the UGB.

Ms. Kellington said finally, she submitted a map of the Johnson Creek Watershed, demonstrating that the region did not consider existing environmental zoning that currently applied to land that was otherwise considered to be vacant. The purple areas were the areas within Johnson Creek that had environmental protection (EP) or environmental conservation (EC) zoning applied to them by the City of Portland. Property owners can do nothing in the EP zoning, and almost nothing in the EC zoning. She said the existing UGR did not really consider that or other tree cutting ordinances or sensitive lands ordinances.

Steve Clark, Vice President, Westside Economic Alliance, said his organization represented businesses with a combined employment of 40,000 people on the west side of Portland. The purpose of the Alliance was to advocate for a healthy business environment, one that was conducive to business and personal growth, and healthy community livability. Because of its interest in the continued economic vitality of the area, and its reservations regarding the conclusions of the Urban Growth Report, it formed the Partnership for Sensible Growth, a coalition of interests supporting growth management policies that preserve the region's affordability and economic appeal. He said they supported Metro's Region 2040 Concept of well planned communities. Well planned meant finding real solutions to existing and future problems. The Partnership for Sensible Growth believed managing the region's growth meant good planning based upon facts and common sense. To make decisions based upon facts, good data was needed. They were concerned about the validity of Metro's proposed update on its Urban Growth Report that concluded that the region had adequate space to meet future housing needs. The Partnership Commission hired EcoNorthwest to analyze the update. He said in general, the report overlooked real problems such as 1) market factors affecting land availability for affordable housing, 2) housing near jobs, 3) industrial land near existing housing, and 4) adequate room for urban open spaces, parks, and school sites. This report simply failed to accord for, let alone anticipate, the region's future growth needs.

Mr. Clark said in their view, there were far greater risks in failing to account for and anticipate growth than by underestimating its potential effects. A recently completed industrial lands survey warned that the Portland region may deplete its available Tier A industrial land in less than 10 years. Even the perceived absence of quality industrial land could mean the loss of attractive family-wage jobs that will be critical to supporting Oregon's economy and generating the tax revenues to pay for crucial services, including public schools. If Metro did not appropriately expand the urban growth boundary to account for and anticipate the region's growth, it would not be managing growth; it would be deflecting it elsewhere. The real losers would be the families who would be shoved outside the metropolitan area to find affordable housing, then forced to commute long distances to go to work. Ironically, other losers would be farmers in the Willamette and Tualatin Valleys who were watching as more families were pushed out of the metropolitan area into outlying communities, putting pressure to expand boundaries in those small towns into adjoining farmland. The region could not afford to leave its needs unmatched in

this way. He urged the Council to take a smart approach to growth that matched solutions to problems and gave the best assurance that there was land for a wide range of housing, parks, schools, and quality jobs. In closing, he did not believe that the Council and the Partnership for Sensible Growth were that far away in concept or in goal, as evidenced by the Regional Transportation Plan (RTP) policies adopted by the Council. He urged the Council to read the RTP goals and match them to the planning for the Urban Growth Report.

David Rohr, Portland Metropolitan Association of Realtors and Partnership for Sensible Growth, read from written testimony, a copy of which is included in the meeting record.

John Godsey, President, Home Builders Association of Metropolitan Portland, and Partnership for Sensible Growth, read from written testimony, a copy of which is included in the meeting record.

Councilor McLain thanked Betty Atteberry and the Westside Economic Alliance, and Mr. Godsey and the Partnership for Sensible Growth for their time and work. She said she thought it would be appropriate to ask Elaine Wilkerson, Director of Growth Management Services, to answer the questions posed by the people who testified. She said the Growth Management Committee had directed staff to review the reports and comments that have been presented by both the Westside Economic Alliance and the Partnership for Sensible Growth, and to take the reports for review to the Metro Technical Advisory Committee (MTAC) and the Metro Policy Advisory Committee (MPAC).

Councilor Washington called for a point of order. He said this was a public hearing, and he preferred to hear from everyone who wished to testify before asking Ms. Wilkerson to respond.

Stephan Lashbrook, Planning Director, City of Wilsonville, read from written testimony, a copy of which is included in the meeting record.

Councilor Atherton asked whether bringing in all of the urban reserves in the Wilsonville area (UR 36, 37, 35, 41, 42, and 39) would provide the lands necessary to satisfy the current jobs/housing imbalance to which Mr. Lashbrook referred.

Mr. Lashbrook said he did not think that even that combination would achieve a total balance, but it would certainly help a lot. He said it was somewhat premature to talk about the areas on the east side of Wilsonville, even though there were six urban reserves around Wilsonville, and the City was committed to planning for all of them. He said the City of Wilsonville had not even started planning for the area northeast and north of town because there was no expressed interest by neighbors or developers in those areas, and because the City was busy with other issues like the prison siting and the building moratorium. He said the City has begun master planning for stormwater and natural resource protection efforts, but it has not looked at specific land uses or housing densities. Mr. Lashbrook submitted for the record a letter from Keith Lyden of McKeever/Morris, who represented the school district, regarding Urban Reserve 39.

David Adams, 19621 South Hazelhurst Lane, West Linn, spoke as a resident of the Northern Stafford Area. Mr. Adams read from written testimony, a copy of which is included in the record.

Councilor McLain asked Ms. Wilkerson to come forward and answer two questions. First, what has Metro done to review the work presented by Partnership for Sensible Growth and the Westside Economic Alliance? Second, where is MTAC in its review?

Ms. Wilkerson said she circulated a memo dated October 8, which she wrote to Lou Ogden, Chair of MPAC, which was the result of MTAC's first meeting. She said there would be another discussion at MTAC next week. She said last night, MPAC had its second meeting reviewing the work of Dr. Randy Pozdena of EcoNorthwest.

Councilor McLain noted that the first three pages of Ms. Wilkerson's memo included specific responses to the issues raised by EcoNorthwest.

Ms. Wilkerson said yes, the review by MTAC was only in detail on the first issue crosschecks of market conditions on page 2 of that memo. There were a number of detailed comments and a conclusion that MTAC made on that issue. MTAC also passed a resolution by a vote of 11 to 5 in general support of the update, but also committed to doing further work on the material submitted and detailed review. She said she anticipated next week that the following issues identified in the memo, which currently only had a staff analysis, would be joined by MTAC analysis, that would enable MPAC to see the input it was receiving from its planning directors.

Councilor McLain asked Ms. Wilkerson to describe what the committee and Council have already committed to go forward on, as far as other issues in the work plan that deal with some of these same issues.

Ms. Wilkerson said the end of the UGR included a section about further research and work. She said there were basically two components: 1) Goal 5 (fish and wildlife habitat) work and a reexamination of the assumed densities for Title 3 areas, and 2) jobs analysis. She said when staff concluded a small surplus of aggregate land for non-residential use in the UGR, they immediately recognized inconsistencies in the distribution by type, location, and size, but that their work program to date was a brand new program looking at that kind of detail, and they had not concluded, and needed a lot more time to work on it. Staff has set out a very comprehensive work program which they shared with the Growth Management Committee and MPAC, who will address distribution issues. Sort of as a base of that, staff will be doing an update of their forecast and looking at capture rate and jobs/housing balance. From that, staff feels that when the placeholder is determined, and staff knows how much the will be regulated, both non-residential land and residential land will need to be brought in the UGB. With the jobs research underway, staff feels that it will have a better ideas where the jobs lands should be, and how it should be, and what type it should be.

Councilor Atherton asked Ms. Wilkerson if she knew the zoning in the Dunthorpe map presented earlier.

Ms. Wilkerson said she did not know the local zoning personally, but staff could find out.

Councilor Atherton said he would be interested to know the zoning.

Councilor Kvistad said when the Council is looking at the map of Dunthorpe, it was looking at an accurate map. He said no one was going to build a tract house behind his or her multi-million dollar home. He said this was happening all over, and Dunthorpe was a perfect example. There was no way that the land was developable. He said the numbers in the Urban Growth Report

were askew. It was obvious that these homes were not going anywhere, and people would not put accessory dwelling units behind those homes. He said Mr. Godsey and Mr. Clark's statements were right on point. He said the Council was responding, but not listening, to what EcoNorthwest brought forward and what the Council saw in the numbers. He said they were not hearing and implementing what they were being told; there was process but not completion. Whether it was a new work plan or a placeholder, quite frankly, the Council needed to finish the work it did before and not change the numbers in midstream. He said he did not care that MTAC was working on something. MTAC was an advisory committee to an advisory committee, not to the Council and not to the growth team. He said the Council may staff MPAC, but MPAC was not the Council. The Council had to decide whether it was making the right decision, was it going in the right direction, were the numbers being used correct, were the infill or refill numbers correct. The new ones coming forward were not, as shown by the fact that staff counted as available land that would never be developed. He said the EcoNorthwest report was very solid, and he agreed with what the people who testified were saying. He said he hoped the Council would take it to heart. In responding, he said he had the MTAC review and recommendations, which was all well and good, but he would rather hear from the people who were actually working in the community, because sometimes they knew better than those caged up in government buildings.

Councilor Atherton asked Shaw if the issue was that it would be developed or was it that the land was available. He asked what state law required? He said Councilor Kvistad just offered his subjective opinion that the land in Dunthorpe and Stafford would never be further developed, and he needed as clear an explanation as possible whether it was the Council's duty to provide land that will be developed, or that can be developed?

Mr. Shaw said this question had been answered in simplistic terms for the rest of the state, and of course, it was tougher to answer for Metro. He said in general for the rest of the state, if it was vacant land by any reasonable definition, regardless of whether grandma was holding onto the market for 50 years, or it held a century farm, it was available for purposes of counting for a 20 year growth boundary. He said there was case law that it could not be based on market conditions, in the sense of someone holding it off the market. But in this instance, the Council might be able to make an argument and get expert testimony and say that the price of all these homes was 300% of the medium price of homes, and have some other expert opinion that this would never happen. He said the problem was that as the staff report indicated, sometimes it did happen, such as the addition of a subdivision on the Frank Estate near his home. Generally, if land was vacant and available, it had to be counted that way, however the Council could attempt to establish a record and show why certain circumstances made that untrue in a particular area. He said anyone who lived in Portland knew that Dunthorpe had some of the characteristics being discussed here in terms of history.

Councilor Park said he had a question to follow up on Mr. Shaw's suggestion to construct a record in order to move remove land from a countable basis. He said for example, Alpenrose Dairy had a conservation easement that would never develop, so therefore it was removed from the buildable inventory. He asked whether, if these had some type of deed restrictions overlay, it would then be a legal basis for not counting the land as buildable?

Mr. Shaw said that was an excellent example of the kind of factual record that could be presented, and may in fact be the case in certain areas of Dunthorpe in certain areas.

Councilor Kvistad said when dealing with the Frank Estate versus Dunthorpe, it was important to remember that Frank Estate was a stand alone estate in the middle of a fairly rural community

at the time it was built. It was not one of a community of estates, it was a single operating unit outside in a unique environment. He said Dunthorpe was a completely different situation; it was one of the more upscale of the communities in the region, and each lot was similar to each other. He said this was such a telling piece of material because a standard of reasonableness dictated that this would not be developed, and to count this land as developable was really not something that helped Metro's numbers to be more accurate. In other areas, there was a potential to redevelop a large farm or estate, but that was in a different category.

Councilor Bragdon said this could go on forever, and he found it very interesting that people raised these issues and the Council's immediate reaction was to turn to the lawyer or to the statisticians. He said to him, that was not what planning should be about. There was a legal function, and he meant no disrespect to the legal profession, but that was not what making a community was really about. He wanted the Council to somehow get beyond the statistics and the code in Dunthorpe, and talk about what it wanted the region to look like. He said people from the commercial world were raising some good points. He said Metro could wage a battle of numbers, but he would rather hear from folks in the commercial world and talk about how things could be done slightly differently. He said it did not need to be big changes, but with regard to the school district, for example, was it possible to build two-story suburban schools? That would go a long way. When talking about industrial lands, of course the Council wanted this to be a prosperous area, but did it mean that industrial all had to be one-story, big box, surrounded by parking lots? Was it possible to do that slightly differently? He said he would like to hear from people in private industry an acknowledgement that it was possible to do things slightly differently. He said he would have a much easier time dealing with it on that basis.

Councilor McLain said there had been one comment made by a number of different people, and she wanted staff to be ready to answer it when it had a full presentation around November 18. One of those questions was that the numbers and the concepts or criteria were somehow different from 1997 to 1999. She said there was some conversation at the committee level about why refinements were made. She said it went to Councilor Bragdon's comment, and to some comments made last night by Metro's community partners at MPAC, and that was, lets go back and say it terms of, what should the full community look like? She said that did mean an active, vital economy, and plenty of parks and schools. She said one item raised at committee that was so telling was the fact that the region had more land counted for park needs now than in 1997. She asked staff to please put these answers in narration with comparison showing similarities.

Councilor Washington said that he hoped that a decision could be made by November 18, 1999. It was time to settle the matter in a format that was acceptable.

Councilor Park shared Councilor Bragdon's frustration. The reports bring interesting questions. He said he was interested in the five-year land supply of what actually was developable versus the 20-year, 30-year or 40-year plan.

Councilor Atherton said the 20-year land law was the driving force. The focus must be building livable communities, turning away from the state, central planning mandate and the numbers game. He was looking forward to the possibility of removing the 20-year land supply law so the staff could be directed towards productive work on livable communities.

COUNCILOR COMMUNICATIONS

Jeff Stone, Chief of Staff, reminded the Councilors that effective Monday, October 18, 1999, he was taking a two-month family leave, and provided information as to how to contact him.

Councilor Park commented that he did not know quite what to make of the recent budget meetings that were held on Monday and Tuesday. The receipt of the Executive Officer's communication late Wednesday without supporting documentation, and the lack of an explanatory presentation by the Executive Officer or his staff was not right. He felt that opportunities for Mr. Burton to present information to the Council had not been utilized. He hoped the Presiding Officer was going to ask the Executive Officer and his staff to disclose the background for their numbers, where the numbers came from, and why a presentation was not given prior to the Council meeting.

Presiding Officer Monroe said he was meeting with Mr. Burton on Monday morning to discuss this, among other items.

Councilor Bragdon's opinion was that the Executive Officer held a bit of contempt for the Council, for the policy making process that Councilor Washington had been managing for the past several months, and basically, for the truth. He asked the Presiding Officer to convey his impression to the Executive Officer.

The public hearing was closed.

ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting.

Prepared by,



Chris Billington
Clerk of the Council

MINUTES OF THE METRO COUNCIL MEETING

October 21, 1999

Metro Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:12 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, said there were new annexation deadlines and fees established under the Metro Code, Chapter 3.09 with an amendment to clarify annexation responsibilities for Metro and for local jurisdictions. This amendments required that forms, fees be created to allow cities, counties and property owners to annex to a city, special district or Metro boundary. He reported that yesterday he had signed Executive Order No. 73 establishing a \$3,000 fee, actually a deposit, under authority of the Metro Code, which would be charged to property owners wanting to annex to Metro. After annexation to Metro, the property could be brought into the UGB through another process. He said, per Council's instructions, forms had been prepared to assure that those property owners understood the process and requirements. He noted that the fees did not apply to any properties the Council desired to add to their boundaries through Metro's own initiative. He noted he had entered a copy into the record as required by code, along with a copy of the Executive Order and the forms and procedures.

Councilor McLain wanted to be sure it was clear they were trying to recover administrative costs and that if the fees were more than \$500 more than those used by the previous Metro boundary commission that there was an explanation of how the new fees were arrived at.

Mr. Burton assured her it was clear they were recovering costs, but felt showing the comparison to previous fees was a good idea and he would make that available.

He continued that staff from Council, the Executive Office and General Counsel were in discussions with the City of Portland, Multnomah County and other parties to the OCC bond measure. He urged the Councilors to express any concerns to staff to be sure all their questions were addressed. He said a more serious issue was that the City of Portland's arrangements for the stadium were not moving along as smoothly as they should. There had been no mention so far in the Calgary newspapers about a deal being cut for the team. He assured the Council that it had

been made very clear to the City that Metro had no fiscal responsibility for any failure on the part of the City in regard to the stadium project. He had other concerns also, and suggested that Council may want to ask the principles of the stadium deal to come have some discussion, particularly regarding the timing. There was a question regarding when the City should take back the stadium. If the facility had not been turned over to the City by March 31 costs would begin to accrue for the operation. He said there would be no revenue because nothing had been marketed or booked beyond a certain date pending this deal.

Presiding Officer Monroe asked who Mr. Burton suggested inviting for dialogue.

Mr. Burton felt an inquiry to the Mayor's office would be in order. He continued with his final issue, the Willamette Harbor cleanup. He reminded Council that Metro had become involved because of the purchase of Willamette Cove at Swan Island a few years ago under the open spaces program. He said extensive testing had been done prior to the purchase to determine the levels of contaminants and what would be needed for remediation. DEQ had also consulted and involved in the review of the property. DEQ sent a letter saying they would hold Metro harmless for any contaminants related to the McCormick and Baxter site north of Willamette Cove because of the potential down river flow from that supersite. He said the Portland Harbor was now receiving attention from the EPA and the DEQ said that the pre-purchase agreements we had with them are no longer valid. He said that required us to do further testing of the site and he was concerned about the potential of a large fiscal impact on Metro for potential responsibility of the cleanup. He reported that Metro had hired outside counsel and was in the process of retaining a consultant to do additional testing on the site. He said DEQ did say they would not hold Metro responsible for any seepage from the McCormick and Baxter site. He felt reasonably safe that the original tests were valid. He said he sent letters to the DEQ, past property owners and the Governor's office expressing Metro's belief that the Division of State Lands (DSL) had some culpability for the pollution and the related costs since they were the lessor of the properties over that period of time. He said they had not yet heard back from our counsel.

Councilor Atherton asked if McCormick and Baxter's whereabouts were known.

Mr. Burton's understanding was that the corporation had gone to the DEQ and the EPA and voluntarily listed themselves as a supersite.

Councilor Bragdon said there seemed to be a couple of parts to this issue, the potential liability for our property as well as a pool of property owners who had pledged to participate in a study, regardless of what that would eventually show. He asked if Metro had any liability on the study part.

Mr. Burton said Metro had indicated we would pay for studies within our site. He said it was yet to be determined if we would contribute to the larger study question. He commented that Councilor Bragdon was correct about there being two parts. He said Metro was proceeding with additional studies on our site anyway. He did not want there to be any question about whether or not the site was contaminated.

Councilor Bragdon clarified that Metro was not part of the apparent unraveling of the partnership's commitment to the study.

Mr. Burton said that was correct.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

None.

6. CONSENT AGENDA

6.1 Consideration of the Meeting Minutes of the October 11 Budget Workshop and October 12 Council Public Hearing Minutes

Motion: **Councilor Atherton** moved to adopt the meeting minutes of October 11, 1999 Budget Workshop and the October 21, 1999 Council Public Hearing.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion carried.

7. ORDINANCES – SECOND READING

Presiding Officer Monroe explained the process for this public hearing. He said there would be no final action on any of the resolutions until next week. Council would be considering amendments at this meeting, however.

Councilor Kvistad commented that this process had been very confusing. He confirmed that they would be dealing with the revenue side. The motions today would be on revenue, whether or not to accept or to move it into category, not on what there may or may not be allocated to.

Presiding Officer Monroe said that was correct, the motions would be on the tip fee, revenue split and spending decisions.

Councilor Park had a concern about the balance in the discussion. He understood they would not be going into them until the budget cycle, but where they thought the funds ought to be going was the concern as to how much did they convert to actual excise tax, how much did they leave in the solid waste system. Some of the proposed amendments ended up with a 60/40 split and not knowing where they were heading on the spending amount made it difficult to plan.

Councilor McLain also wanted to make sure everyone was aware, even though Council had already been through a 7-8 month process dealing with different possibilities for the revenue, there would be a full blown budget process to scrutinize the use of this money, whether in solid waste or other programs.

Presiding Officer Monroe thanked Councilor Washington, Chair of the REM Committee, and the committee for their time and effort. He opened a public hearing and said people should feel free to speak on any or all of the 3 ordinances before council.

Geri Washington, 5825 N. Greeley Ave., Portland OR 972171, Environmental Justice Action Group (EJAG), was present to encourage the Council's allocation of some of the available dollars to brown field revitalization. She said there were approximately 595 brown fields throughout the city, with another 1,600 areas with some level of contamination that could label them as brown fields. Her concern was a large portion of the brown fields were located in north and northeast Portland which was a low income area. She said they had grants for \$200,000 but that would not clear up the problem. This stable funding would make neighborhoods look better.

Presiding Officer Monroe said Council was not making specific spending decisions this day but would be deciding on how much discretionary funds were available for all kinds of investment needs such as this one.

Councilor Atherton asked if there was any way that brown fields remediation could be considered a solid waste function.

Marv Fjordbeck, General Counsel, said he could see certain brown field features fitting in to a solid waste expenditure and would be happy to review that point during the budget process.

Councilor Atherton asked if that related to their decisions because of any excise tax increase.

Mr. Fjordbeck responded that the discretionary funds could include some solid waste money.

Allen Hipolito, 10 N. Russell, Portland, OR 97227, Urban League and Coalition for a Livable Future, said his testimony was also regarding brown fields. He said cleaning up contaminated land was a fundamental issue in our regional growth planning strategies. He said these kinds of proactive efforts will not come to any real fruition unless we can access some consistent resources to clean up the land. He urged consideration of this fact in deciding for the money.

Scott Bradley, division vice president for Waste Management, 7227 NE 55th Portland OR 97221 entered his letter regarding Ordinance No. 99-824 into the record (a copy of which may be found in the permanent record of this meeting). He summarized this letter for the council and commended the Council for their criteria to guide solid waste rate and excise tax policy. He said they could support Monroe Amendment No. 2.

Mike Houck, 5151 NW Cornell Rd., Portland, OR 97210, Audubon Society and Coalition for a Livable Future supported the Dakota option. (He submitted a letter into the record, a copy of which may be found in the permanent record. He added his support for the previous brown field testimony.

Warren Fluker, 6205 NE 28th Ave., Portland, OR 97211, of the Brown Fields Showcase Citizen's Advisory Committee, testified before council. He said he had been traveling around the country this summer to see how other urban environmental areas were dealing with their brown fields. Twenty years ago, he had been doing the same for the Portland area, and had a youth project to clean up and reclaim deserted and abandoned properties. He was here to testify

because the Portland area had the opportunity to make a significant difference in creating a national model on how to deal with brown fields. He felt Portland had a head start on the rest of the country as far as taking care of the brown fields. He felt the Dakota option was a sensible way for everyone to have an immediate impact on the environment. The affect would be far reaching, even to genetically affecting our grandchildren and great grandchildren in the next 50-60 years. He said using some of the funds in the Dakota option would have an impact and create a national model..

Tom Badrick, President of the Sunnyside Neighborhood Association, 4216 SE Madison, Portland OR 97215, testified in support of the Dakota option. He said it would improve the livability and was a responsible and proactive solution to the situation.

Presiding Officer Monroe closed the public hearing.

7.1 **Ordinance No. 99-825**, For the Purpose of Amending Metro Code Section 5.02.025 to Modify the Disposal Charge at the Metro South and Metro Central Transfer Stations.

Motion: **Councilor Bragdon** moved to adopt Ordinance No. 99-825.

Seconded: **Councilor McLain** seconded the motion

Motion to

Amend: #1: **Councilor Bragdon** moved amend Ordinance No. 99-825 to substitute a \$62.50 rate for the proposed \$62 rate.

Seconded: **Councilor Park** seconded the amendment.

Councilor Bragdon said this amendment came after discussion at the solid waste advisory committee and conversation and testimony from the recycling industry in regard to the tip fee.

Presiding Officer Monroe added that the committee had voted overwhelmingly to keep the tip rate at \$62.50, and recycling advocates all over the region agreed that a substantial cut in the tip fee would negatively impact recycling.

Councilor McLain clarified for the waste industry that the Council understand their advisory vote was 2 motions, the second one tied to the \$62.50, which indicated they wanted to be sure Metro's contingency funds were in good shape. She said they talked yesterday at REM about the 3 funds necessary to make sure our solid waste system was in good shape.

Councilor Atherton asked why the change was needed in Ordinance No. 99-825 if the rate was not changing. He said he would move to table the ordinance if needed.

Mr. Fjordbeck said if they were going to leave the rate as it was, the appropriate mechanism would be to amend it to retain the current provision. That left the provision in (b) and the elimination of Section F in this particular ordinance.

Councilor McLain said she felt this ordinance reaffirmed the status quo. she

Councilor Kvistad asked if this was the ordinance at which they had to make any adjustments in the tipping fee to reflect a reduction that had to do with the \$60 million.

Presiding Officer Monroe said this was the ordinance at which it would be proper to make adjustments in the tipping fee.

Councilor Kvistad clarified this was the vehicle they had to amend in order to make changes in the way they would allocate that money.

Presiding Officer Monroe said this was an appropriate for such change.

Councilor Kvistad said he had an amendment to make after the current one was vote on, but prior to its adoption.

Councilor Atherton felt the staff report reflected that this was much more than the status quo as it increased the general fund revenues for non-solid waste Metro responsibilities by about \$3 million per year.

Presiding Officer Monroe clarified that Councilor Atherton was speaking to Ordinance No. 99-825. He was.

Mr. Fjordbeck said the ordinance as originally proposed it changed the tip fee and the tonnage charges. He thought it was to that language regarding the tonnage charge that Councilor Atherton's comments were going to in the staff report.

Terry Peterson, REM Director, said there were a number of fee components in Section B that totaled up to the \$62 tip fee as the ordinance was originally filed. He said if the tip fee was amended to \$62.50, and if no other changes were made in the disposal charge components, the additional revenue raised by that 50¢ would stay in the solid waste revenue fund. On the other hand, if that revenue was moved over to the general fund, Council would need to lower the disposal charge in B(1) and increase the excise tax in the following ordinance.

Presiding Officer Monroe asked if there were provisions in Ordinance No. 99-824 that would accomplish that. Mr. Peterson said there were.

Vote to

Amend:

The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors Atherton and Kvistad voting nay.

Motion to

Amend: #2:

Councilor Kvistad moved to amend Ordinance No. 99-825 to reflect a reduction in tipping fee to return all the monies with the exception of a \$1.5 million to the people of the region.

Presiding Officer Monroe asked whether the \$1.5 million was one time only or yearly.

Councilor Kvistad responded it was one time only.

Seconded: **Councilor Bragdon** seconded the amendment.

Councilor Kvistad was concerned that if they did not return the money directly, a major portion of it may be siphoned off into general fund expenditures for this government. He believed that was inappropriate. He was aware that more amendments were coming that might change things, but it was his intent to not move any money from this savings into any general fund spending whatsoever for any programs in this agency, but to be returned directly to the people that paid it. Should this pass it would take care of itself, should it not, he had follow-up amendments.

Councilor Park asked what this would do to the solid waste reserve accounts over the life of the contract.

Mr. Peterson said in order maintain the capital reserves at a level the department considered appropriate, they would have to raise the rate in the future to make the additional contributions. The reserve account of particular concern was the capital reserve account. In future years that would take a contribution from a rate if there were a decrease to that level at this point.

Councilor Park asked if any numbers were available to show the initial effect. He thought it appeared to return approximately \$4.5 million in some form. He wondered what it would do to the time forward on the reserve accounts and what would be the net financial effect on the solid waste system.

Mr. Peterson summarized the cost inflationary increases on current solid waste programs. With an operating budget of \$47 million, at an inflationary increase of 2.3%, the annual increase would be \$1.1 million. If the savings were not used to cover the \$1.1 million per year cost increase, it would have to be covered through reductions in the programs or through use of the reserve accounts at a faster rate. He noted that, in order to maintain the capital reserve at an appropriate level, they projected they would need \$400,000 per year over the next 3 years. At that point, it would take roughly \$1.5 million per year to cover the capital expenditure. He said if Council chose not to use the savings to cover those costs, the choices would be drawing down the reserves even further to cover the costs or reducing the program costs.

Councilor Park said this was the first time he had seen these amendments. He hoped to have a fiscal impact statement similar to the known impacts of the Dakota plan to help them evaluate the programs against each other. He did not know what this would do for future fiscal stability.

Councilor McLain said she reviewed the lavender sheets with the Council Informal material they received on the Dakota plan and other issues. She compared how far those reserves could be carried out with the amount of savings toward those funds. She said it pointed out to her that the tipping fee would have to be raised much sooner or they would have to cut solid waste programs drastically to keep the reserve funds at the rate they would under the Dakota plan. She thought it was pretty easy to see that they would have to be raising the tipping fee within 2 years instead of the 3-5 year reserves they were trying for.

Councilor Washington said he would not be supporting this amendment but felt this motion as well as his recommendation to return all of the money back to the voters should be on the table for review. He said this was extremely complicated and felt they needed more than 30 minutes to evaluate the information. He said the committee process had taken 6-8 weeks to go over this information. He said his recommendation could be dealt with through the budget process so he would not bring an amendment today.

Councilor Atherton said he generally supported Councilor Kvistad's thoughts but could not support it because it lowered the tipping fee substantially which would have an impact on recycling. He commented that they had made a commitment to recycling and had a state mandate as well as broad public support for it. His second point was they had substantial liabilities in the solid waste system to take care of. He hoped his proposal would address these liabilities and that Councilor Kvistad could see his thinking expressed in a satisfactory way as well.

Councilor Bragdon wished to clarify why he would not be supporting this motion even though he seconded it. He said he supported Councilor Kvistad's intention on the expenditure side, that this fund not disappear into a bureaucratic black hole in this building. He felt the funds needed to be tracked in a very disciplined and focused way and if the amendment failed, he would work with Councilor Kvistad to make sure the expenditures were handled in a responsible fashion.

Presiding Officer Monroe said he could not support this amendment. He noted testimony concerning how recycling, which was his highest priority for the money, would be affected, and the need to stabilize the reserve funds so they would not have to raise the tip fee again in the near future. He felt that stability was something the industry and the citizens were asking Metro to provide. He said this amendment allowed no discretion for investments in parks and open spaces, local government planning grants, lower admission fees for children at the zoo, brown fields or any other investments they may find.

Councilor Kvistad closed by saying he was accountable for the way he conducted himself as a member of the council as well as to the 1.4 million people of the region. He felt rates should reflect costs. He saw the problem had been that while they were stabilizing rates, they had not necessarily made it clear to people exactly what the costs for the programs were. He felt rates should go up when costs went up, and down when the rates went down. He felt he had a pretty good idea of how the recycling system worked. He said if the money was given back to the system that created the savings and stayed there, he would not be presenting this amendment. He felt he had to do something to bring to people's attention that money from the solid waste system should not be used for general government. He noted that he had supported recycling consistently. He said he had been hearing discussions about putting the money back into the general fund for unidentified spending. He said he had another proposal that would eliminate the Zoo and MERC money from the Metro budget and leave it to the facilities that would be coming separately, depending on how the dollars were divided. He said if this Council was planning to spend the money in any way other than on the solid waste system, the money ought to be returned to the voters. He was not willing to give the extra revenue to this government for things he felt it did poorly.

Vote to

Amend #2: The vote was 1 aye/ 6 nay/ 0 abstain. The motion failed with Councilor Kvistad voting aye.

The Presiding Officer set aside this ordinance for final action next week. He explained to the on-lookers that any time a substantive change was made to an ordinance, the Council was required to delay final action for a week.

7.2 Ordinance No. 99-824, For the Purpose of Amending Metro Code Chapter 7.01 to Modify and Adjust Excise Taxes and making other Related Amendments.

Motion: Councilor Washington moved to adopt Ordinance No. 99-824.

Seconded: Councilor McLain seconded the motion.

Councilor Washington said this ordinance had been discussed for quite some time and he couldn't add anything further. He urged approval from the council.

Presiding Officer Monroe asked Mr. Fjordbeck to review this ordinance to avoid any confusion with the other two in front of the council at this time.

Mr. Fjordbeck explained this was the vehicle by which the council could change the method by which the excise was collected, and was the primary vehicle by which the council would deal with the allocation of those funds.

Motion to Amend: #1: Councilor McLain moved Monroe Amendment #1.

Seconded: Councilor Washington seconded the amendment.

Councilor McLain reviewed that this ordinance modified the tax rates proposed in Ordinance 99-824 and 99-825 to provide for allocating 60% of the projected savings to the general fund and 40% to the solid waste revenue fund. She understood that if they were going to be able to carry out operations projected in the Dakota plan as presented by Councilor Bragdon, this type of amendment was necessary for the ordinance. It allowed some of the issues to be addressed through having the dollars in the correct area for the budget discussions in February.

Presiding Officer Monroe asked Mr. Peterson to step forward. He asked if this amendment would allow the solid waste department to function with a \$62.50 tip fee for at least 3 years and what additional resources would be available for recycling and household hazardous waste enhancements.

Mr. Peterson referred to his earlier statements about solid waste needs. He said maintaining the status quo for existing programs would take about \$1.1 million per year. Maintaining the reserve accounts would take another \$400,000 in contribution per year to the capital reserve over the next 3 years. At a \$62.50 rate with that contribution to the solid waste program, they would be able to maintain the tip fee for 3 years. There would be an increase needed in the following year if they were to continue the programs and keep their reserves at the same level.

Councilor Washington asked the estimate of the increase in the fourth year if it was needed.

Mr. Peterson responded the increase was approximately \$1.50-2.00.

Councilor Washington asked if it could be more.

Mr. Peterson said there was certainly some degree of uncertainty in the solid waste industry at this time. He said the projections were dependent on the tonnage forecast and there were some changes going on right now in the industry.

Councilor Washington asked Mr. Peterson if he was willing to give a worst case scenario number on this.

Mr. Peterson said he was confident in the \$62.50 rate for 3 years, even with the uncertainties.

Presiding Officer Monroe said in addition the discretionary money would all be available for solid waste needs at the determination of this council.

Councilor Bragdon brought up the need for enforcement of illegal dumping. He asked if those efforts would continue under the 40% split.

Mr. Peterson said at those funding levels the program would continue at its current level. He added that during the budget process the council would have the opportunity to reallocate the \$1 million between waste reduction, hazardous waste and enforcement.

Councilor Atherton asked if the transfer stations were considered state-of-the-art.

Mr. Peterson thought they were very good. He said they had some of the highest recovery rates of any general-purpose transfer station he was aware of. The North Portland facility was designed with recovery in mind and could be considered state-of-the-art. The Oregon City facility was older and the lack of recovery opportunity made it less so. He added it was in the CIP to upgrade that station.

Councilor Atherton mentioned that at yesterday's SWAC meeting, there was sentiment to extend the rate stabilization out at least 5 years, probably 7. He asked if the funds to carry out that principal were available in this recommendation.

Mr. Peterson said at a \$62.50 overall tip fee and the contribution to reserves like they talked about, the answer was no, they would be able hold the tip fee for three years. Adjustments somewhere else would have to be made to hold it longer.

Councilor Park asked if the proposals that Mr. Peterson had been describing regarding stabilization and tip fee was the REM option.

Mr. Peterson said that was correct

Councilor Park appreciated the work Mr. Peterson had done outlining the variables and what it did to the accounts. He thought the potential increase number they were looking for in the fourth year was about \$1.38 under this projection. He asked Mr. Peterson to reiterate his assumptions regarding the reserve account amounts.

Mr. Peterson said they were comfortable with the capital reserve account being maintained at a \$3 million level, which was a 2 year reserve based on actual capital expenditures over the last 5 years. He said the undesignated fund balance would be drawn down to zero within 3 fiscal years and the renewal and replacement account would be consistent with the 20 year projection of the capital and equipment requirements per bond covenants.

Councilor Park thanked him again for the work his department had done. He said it was the kind of work from which good policy decisions could be made.

Motion to

Amend: #2: **Councilor Atherton** moved to substitute the Atherton amendment #1 for the Monroe amendment #1.

Seconded: **Councilor Kvistad** seconded the amendment to the amendment.

Councilor Atherton preferred to call this the "taking care of business option" because he felt it focused on doing just that. He distributed a handout summarizing his idea. He said this \$60 million was basically a bonus to Metro and the region. He suggested a more prudent course for the money because of the extraordinary opportunity to stabilize a core business well into the future. He felt moving more prudently and restricting 90% of the funds to the solid waste system and 10% outside the solid waste system to do agency business was the way to go. He agreed that the Oregon Food Bank was a good business expense because of the substantial amount of material the Food Bank removed from the waste stream. He said he would accept a friendly amendment from Councilor Kvistad to add an Expo Center landscape master plan which he felt was also a good business decision. He included a part to stabilize children's admission at the Zoo which he felt was also a part of taking care of business. He felt it was entirely appropriate to celebrate the good work that had been done by stabilizing that fee. He asked for approval of his amendment including the Expo Center landscape master plan.

**Friendly amendment
to Atherton**

Amendment #1. **Councilor Kvistad** accepted the friendly amendment.

Councilor Bragdon read that the amendment as written did not address where the 10% portion to the general fund actually went so that decision would be made later as to whether it went to the Expo Center landscaping or the Food Bank or any of a number of other places. He added that although he would not be supporting the amendment, he saluted Councilor Atherton for coming up with a coherent plan. He said it was very fiscally responsible and he appreciated the effort.

Councilor Kvistad reiterated a vote on the motion to substitute basically put this on the table. A vote in favor or against did not endorse or pass it, it put the motion on the table for discussion.

Presiding Officer Monroe said that was correct, it would actually take 2 votes to make it a part of the ordinance.

Councilor Park asked for clarification on how much would be used to pay down the debt

Councilor Atherton responded \$2.5 million per year.

Councilor Park asked Mr. Peterson what this would do to the reserve funds and the rates.

Mr. Peterson did not have Councilor Atherton's proposal in front of him but thought it would allow them to keep the reserves at the appropriate levels as they had discussed. He believed Councilor Atherton was adding the additional debt service requirement into the Monroe amendment.

Councilor McLain felt the Atherton amendment assumed the desire to buy down the debt in the year 2000.

Councilor Kvistad called a point of information: on the motion to substitute, he wanted to be sure they did not get into debating the motion before them.

Presiding Officer Monroe responded that debating the substance of something that would be substituted was in order.

Councilor McLain said there had been a lengthy discussion at the Council Informal about bonds being bought down in 1999 vs 2003. She said two issues made her uncomfortable about this substitution: 1) possible penalties in some areas, and 2) a possible range of missed opportunities if the bonds were bought down before 2003. She asked if this assumed the buy down process would start in the next budget year.

Mr. Peterson's understanding was it would require an annual contribution of \$5 million for the next 5 years. At that point there would be sufficient reserves to pay off our bonds.

Presiding Officer Monroe understood as well that to pay off the bonds before the year 2004 would require significant penalties and that was why it was structured the way it was.

Councilor Atherton said that was correct, but there was a defeasance process where you put the money in an escrow account to gather interest. He said instead of paying the interest on the borrowed money, you could instead put it in the bank and gather interest which provided a savings.

Councilor Washington asked Councilor Atherton about collecting interest. In terms of the funds that they set aside there were restrictions on

Councilor Washington asked Councilor Atherton about collecting interest. He asked if Councilor Atherton was referring to arbitrage when he said Metro could collect interest. He asked if Metro would be restricted.

Mr. Petersen said he believed so. He believed that the reserve account that the Council would set up would not have the same kind of restrictions that Metro's current debt service accounts would have.

Presiding Officer Monroe said the only restriction, he believed, would be on the prudent, conservative types of investments into which government money must be placed.

Councilor Kvistad said as a point of information, the arbitrage rule was basically on Metro's state or federal monies that were tied directly to Metro's programs, and they had specific requirements in terms of how Metro invests. The prudent investment strategy policy was the policy of the agency, so any escrow money was invested under Metro's investment policy under that strategy, which the Council approved.

Councilor Washington said he understood that Councilor Atherton was referring to the amount of interest that Metro would save by putting the money aside.

Presiding Officer Monroe called for additional discussion of the motion to substitute.

Councilor Bragdon asked, as a point of information, whether a yes vote meant the Council would discuss this option.

Presiding Officer Monroe said no, an aye vote would negate Monroe Amendment #1 and replace it with Atherton Amendment. Since passage of the Atherton Amendment would nullify his own amendment, Presiding Officer Monroe added that prudent use of revenue bonding, where the revenue stream was known, was the most common method for governments to make capital investments. As examples, he cited the first phase of the Oregon Convention Center in 1986, the transfer stations, and school district bonds to build new schools. He said governments put out revenue bonds to paid for capital investments, and pay them off over time at a low government interest rate of around 5 percent. He said if Metro had no other significant needs for investment, which have been identified by the region's citizens, then this might be a reasonable way to use this money, and he applauded Councilor Atherton for his thoughtful efforts along this line. He disagreed, however, that this was the highest and best use of these resources at this time, and therefore, he would not support Councilor Atherton's motion.

Councilor Atherton closed by saying said he disagreed with the Presiding Officer. In no way had he ever challenged the prudent investment and the revenue bond stream. However, he said, this was an industry in flux, and his motion would maintain the greatest amount of flexibility for Metro in the future, until Metro can settle on the issue of whether the other expenditures alluded to during the meeting were the best investments. In this state of uncertainty, Councilor Atherton believed Metro's best investment was to put the money aside, not commit it, earn interest, give the region's ratepayers a dividend on their investment, and certainly not incur more debt by

expanding government programs with no end in sight. He said the direction that would be established by approving his motion would clearly rein in the spending and provide more certainty for Metro's core business, solid waste.

Vote to Amend: The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Atherton and Kvistad voting aye.

Presiding Officer Monroe called for further discussion on Monroe Amendment #1.

Councilor Kvistad said he could not support an amendment before the Council which splits out spending. He said he was uncomfortable with the convoluted nature of the process: if the debate was on not only how the Council was dealing with the revenue, but also how it was planning to focus and spend that revenue, then this might make sense. Instead, Monroe Amendment #1 said that the Council would spend 40% for this and 60% for that, but with no identified specifics, components, or policies behind how the money would be spent. He said he did not think this was a prudent way for the Council to go. He said he was disappointed with the process because it left these decisions dangling. This motion was particularly troubling to him because it did not provide any touch points for the Council on the expenditure side, and without those touch points, there was no way for the Council to set funding levels. He said since this was the place where the Council should have these policy discussions, he urged the members of the Council not to pass an amendment that was not tied to anything, because then the Council would be in a position where, should it have to come back and make changes, it will have made a funding split that was not tied to revenue or to expenditure, and did not go anywhere. He said he had an amendment which he may move as a substitution later in the meeting. He urged the Council to vote no on Monroe Amendment #1, leave the money where it was, go through whatever further amendment process it had, and at the end of that time, potentially hold a greater discussion about the policy implications. He did not feel this amendment was healthy for the process at this point.

Councilor Bragdon said he also was uncomfortable with the ambiguity about the 60% and where it would go, and the uncertainty of collecting \$1.2 million dollars this year, or \$3 million in future years, without specifically stating where the money will go. Rather than simply express his dissatisfaction with that, he was trying to quickly bring some specificity to it through the Dakota Plan. He said the Dakota Plan was not so much about what the Council was spending the money on, it was about bringing some specificity to it so that the Council was not, in effect, buying "a pig in a poke." He reiterated that now the Council was discussing the 60% expenditure side, and he thought it was exceedingly important to be as accountable as possible. He wanted to know where every penny of the savings went, a year from now, two years from now, and on through the course of the contract. He said the first step was quantifying exactly how much money was at stake, and the Council now know it was not \$60 million, due to liabilities. The second step was realistically determining Metro's base general fund budget to maintain existing programs. Once the Council completed the first two steps, it would be time to address the expenditure of the savings. He said his goal was to add focus to the savings, and put them into the natural resources area. He said if Monroe Amendment #1 passed, he would return to Council in one or two weeks with a proposal to add structure. First, his proposal would be to establish criteria for evaluating how to spend the funds, similar to the funding criteria used by the Joint Policy Advisory Committee on Transportation (JPACT). The next step would be the highest degree of public involvement, including local officials, in determining how to keep the funds together. He suggested letting Metro's general fund programs contend with theirs. He

said if Metro needed to put the money in a fund and establish a Board of Trustees, he was willing to do that, let Metro's funds contend with other governments' funds, and produce an annual report demonstrating how the money was used. He said the results were important, and if the Council did not structure the expenditure side in a very fiscally responsible and accountable way, then he will return next year supporting Councilors Washington and Kvistad's proposal to give the money back. He said he knew this was somewhat premature. He thought the process had been a little upside down, which was unfortunate, but a product of how the budget worked. He wanted to assure Councilor Kvistad and anyone else that the Council does move forward on the expenditure side as rapidly as possible with criteria and clear direction. He said the money would not disappear into a bureaucratic black hole, it would not buy new office furniture for the building, it would be out in the community providing items people has said it wants.

Presiding Officer Monroe said the Council was the Board of Trustees. The Monroe Amendment #1 would lock up 40% of the money in the solid waste area, as Mr. Petersen identified as needed, and leave the Board of Trustees to determine the highest and best need, in terms of investment for the benefit of the people of this region, for the rest of the money. Some of that highest and best need may be in the solid waste area, some of it may be in other areas. He applauded the Dakota Plan and its priorities, and his proposal allowed those priorities to be given every consideration. But they, like any other proposals, will need to go through the public hearing and deliberation process, and will need an affirmative vote of the Metro Council before one penny can be spent. Not the Executive Officer, any member of the Council, or any special interest group would be able to determine the allocation of the funds; only an affirmative vote of a majority of the Council would be able to do that. He did not believe that a vote for Monroe Amendment #1 in any way would cause the Council to lose any control, but in fact would maximize the Council's control over listening to the public and determining the highest and best use of these resources.

Councilor Park said to echo a number of Councilor Bragdon's sentiments, the topic at hand was resource allocation. It was unfortunate that the Council was locked into approaching the issue backwards: determining first how much money it had, instead of what it really needed to be spent on. That being said, regardless of which Councilor's plan was chosen, it was important to remember that when the money was in this particular spot, it could go into a black hole, because it would be at the discretion of the Metro Council, and councils change. He agreed with Councilor Bragdon's point that the Council needed to be accountable to the public for where every penny of the savings went. As the Council solicited and reviewed projects, some of the ideas put forth by Councilors Kvistad and Atherton would also be in the mix: the Council would not be precluded from paying down debt or reducing the excise tax. He said he would judge the various projects based on their worthiness compared to the other projects. As to the exact process, he did not completely agree with Councilor Bragdon's proposal to form a Board of Trustees, but he did agree with establishing criteria for making decisions. He said this was a matter of resource allocation, and the Council has said it believes a tipping fee of \$62.50 is the right amount to balance disposal cost and the recycling rate. Given that, it was now a question of how to allocate the resource. He said he would support Councilors Bragdon, Kvistad, Washington, and Atherton in giving the money back to the public, if the Council cannot come to an agreement on how to spend the money responsibly.

Councilor Washington said he thought the issue at the heart of the discussion was resource allocation. He was thoroughly convinced that the current Council was responsible, accountable,

and had gone through a thorough process. He said the only unknown was the future of the industry, and as the Council makes its plans, it needs to consider that any plans will be impacted by the industry's future. He was not uncomfortable with where the Council was in this process, and he knew that every viewpoint would be heard and further studied. He said this was just the beginning.

Councilor Atherton said it was clear that the members of the Council had different opinions and philosophies, and it hinged on the word "control." If the Council passed Monroe Amendment in front of it, the Council would create a tax, robbing Peter to pay Paul, and not keeping faith with the ratepayers who paid their money for solid waste fees. Instead, the Council would be taxing them to support other projects, worthwhile as they may be. He said there were problems with this approach: it was too easy to raise a tax, the industry's future was uncertain, and Metro needed to maintain its core business. He repeated that this was a tax, and if there were no other options, he could support it. However, he felt there were other options, and he respected the simple elegance of an accountable system in a economic democracy. When someone pays money for something, he or she expects to receive goods in return. And when the money is paid, and goes to something else, it destroys faith in the system. He said the Council had other options for doing the worthwhile things that it has been discussing. He said every member of the Council supports giving more money to greenspaces. He noted that there were definite disagreements about providing planning money to local jurisdictions to meddle in their business, if he could make an editorial comment. But the upshot was that it was all about control, accountability, and a process that he would like to see kept whole. One of the founding principles of Metro was that it would be based on a user-pay principle, and that they would not take a big tax from one group and do something else with it. He said that was one of the key methods of restraint in the agency, and he thought the Council broke that cycle here. His primary concern was keeping faith with the ratepayers, not keeping faith with the system that was originally proposed. He said if there were no other options, maybe he could support the other ideas, but he thought there were other options for taking care of Metro's greenspaces and water quality concerns. He said he could not support Monroe Amendment #1 as it stands.

Councilor Washington clarified that Metro has never meddled in any city's business.

Presiding Officer Monroe said that fact was, 80% of the Metro's general fund already came from solid waste, and without that money, Metro would not exist.

Councilor Park noted that when Metro chartered in 1992, controls were put into place, including a spending cap of \$12.5 million, indexed for inflation. In addition, Metro was given a certain taxing base, and he felt the Council was working within that base. He thought the Council was being responsible and acting within the constraints it was given.

Councilor Kvistad said this amendment was a tax increase that would raise what Metro charges per ton for garbage from \$8.23 to \$9.00. To couch it as a split did not reflect the language of the amendment. He said a vote for Monroe Amendment #1 was a vote to spend more money, to increase taxes, and to do exactly what members of the Council have said they do not want to do. He said he was not willing to increase taxes when the Council was looking at spending 60% of the savings, \$36 million, outside of the solid waste system. He said it would happen over his cold, dead, political body. He was not just a split, it was a tax increase. He said if the members of the Council wanted to look at options later for spending more on something, this was not the

way to do it: to preset the limits, to change the per-ton fees, before the Council has even discussed the policy issues. He has not brought forward his split off the excise tax proposal off of Metro's other facilities because it seemed that this particular policy decision making phase was not congruent. He urged the Council to read the amendment carefully: voting for it was voting to increase taxes.

Presiding Officer Monroe said it was not a tax increase for two reasons. First, it would Metro into conformity with the previous action of moving the tip fee back from \$62.00 to \$62.50. Secondly, by reallocating between solid waste and discretionary investment money, it tended to shift somewhat. The \$62.50 tip fee, which has been the law for the last two years, would remain exactly the same, so there was no increase. He called on Councilor McLain to close.

Councilor McLain said she usually liked rebuttals, but after the past 45 minutes of discussion, this rebuttal would be more difficult. She said every single Councilor who spoke had a valid point and spoke at least one kernel of a truth. However, the Council needed to put it together in a way that it could actually get to a budget season, and the only way to do that was to give staff numbers so that they could come before the Council with proposals. The Council has talked about spending, has talked about programs like the Dakota Plan and Councilor Atherton's program where the Council could bring forward that spending in a particular structure. The first item was connecting the actual spending, and it had been done over the last nine months since February. It was discussed in Regional Environmental Management Committee, in Council/Executive Officer Informal meetings, and at Council. She asked the Council to first understand that they were trying to get to the step that people say they want to get to: talking about the budgeting to make sure there are no black holes. The Council will have a complete and thorough opportunity for debate on each and every one of the Councilors' favorite programs and structures for how and when the budget will be spent.

Councilor McLain said she was voting for Monroe Amendment #1 because after the discussions of the past nine months, it became very apparent that the Council was concerned about contingency funds, investment in the right places for stability of the rate, and for the stability of the solid waste system. Monroe Amendment #1 allows the Council to have thorough conversations on which contingency fund receives \$1 million, which contingency fund will be used for stabilization of the rate, and which programs will be continued and which will not. She supported the amendment because she believed the Council's conversations on spending indicated that if all the 90% was left in the solid waste fund, Metro might not be able to address brownfields and other the environmentally connected issues and programs that related to Metro's work. She appreciated the conversation, and looked forward to future conversations during the budget season.

Vote to Amend: The vote was 5 aye/ 2 nay/ abstain. The motion passed with Councilors Atherton and Kvistad voting nay.

Motion to Amend: #3: Councilor McLain moved Monroe Amendment #2.

Seconded: Councilor Washington seconded the motion.

Councilor McLain noted that Monroe Amendment #2 addressed the issue on which the Council heard testimony this afternoon in the public hearing by Scott Bradley from Waste Management. She said it would affect the Forest Grove Transfer Station and similar sites, and allow them a five-month delay before the ordinance takes effect, allowing a transition time for them to deal with the change that Metro has made in its rates from percentage to per ton. It also would address a second issue, brought up by the company and Metro staff, and would allow Metro to charge an excise tax on any out-of-district waste that exceeds 10%.

Presiding Officer Monroe asked for legal clarification that Monroe Amendment #2 would amend 8.24.

Mr. Fjordbeck said yes, Monroe Amendment #2 would amend the excise tax provisions to create an alternative interim tax, which lasts for 5-months from the date the bill takes effect until July 1. It would also amend current excise tax law to exempt from taxation the first 10% of tons at the Forest Grove Transfer Station.

Presiding Officer Monroe called for discussion of Monroe Amendment #2. There was none. He said this was a part of ongoing negotiations that with people who were concerned about a sharp increase in fees. He said in his opinion, it represented a workable compromise for both parties.

Vote to Amend: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7.3 **Ordinance No. 99-823**, For the Purpose of Amending Metro Code Chapter 5.02 to Modify Charges for Direct Haul Disposal, to Modify Metro System Fees, to Create Additional Regional System Fee Credits, and Making Other Related Amendments.

Motion: **Councilor Washington** moved to adopt Ordinance No. 99-823.

Seconded: **Councilor McLain** seconded the motion.

Presiding Officer Monroe asked Mr. Petersen to explain Ordinance No. 99-823.

Mr. Petersen presented Ordinance No. 99-823. A copy of the staff report to Ordinance No. 99-823 includes information presented by Mr. Petersen and is included in the meeting record.

Councilor Kvistad said he also had a policy amendment which he would bring forward at the next Council meeting that addressed splitting off both the MERC and the zoo facilities, and allowing them to keep their excise tax. He said he would make his motion in conjunction with Ordinance No. 99-823 and Ordinance No. 99-824 coming back to Council at a later time.

Presiding Officer Monroe said those kinds of issues would also be in order during the budget process. Those in essence would be expenditures of the resources available. He said however, Councilor Kvistad could certainly make his motions at any time.

Councilor Washington said to Councilor Kvistad, he also wanted to look at some kind of split for MERC and zoo. He asked what the difference was between Councilor Kvistad doing his motion today, and the Council doing it through the budget process.

Presiding Officer Monroe said that Councilor Washington, as chair of the REM Committee, had the primary responsibilities for determining the solid waste issues involved in this decision. The budgetary responsibilities will fall to the Budget Committee, and the budget process. Once again, there will be two budget processes: 1) a mini-process to deal with savings available this year, and 2) the longer, regular, annual budget process.

Councilor Washington asked if Presiding Officer Monroe was saying that those concerns should be raised at the budget level rather than the solid waste level?

Presiding Officer Monroe said yes, because they do not directly affect solid waste and the solid waste business, but they affect some of the other responsibilities of Metro, such as running the Oregon Convention Center and the Oregon Zoo.

Councilor Kvistad respectfully disagreed. He said he would move Kvistad Amendment #3 for discussion. He asked for a second on his motion so that he could present the amendment to the Council.

Motion to Amend: Councilor Kvistad moved Kvistad Amendment #3.

Seconded: Councilor Washington seconded the motion for discussion purposes.

Councilor Kvistad said Kvistad Amendment #3 was germane to what the Council was doing. He said first, the amendment stated that the Council would sever the excise tax which it collects as an agency from its general fund. It would create a renewal and replacement fund at the zoo, with the excise tax dollars currently paid into Metro's general fund by the zoo. It creates a renewal and replacement capital fund at the MERC facilities, and which currently would stay with the MERC facilities. It would backfill with approximately \$2 million of the roughly \$6 million per year savings, and would take all of the additional \$4 million of that reserve and tie it directly into Metro's solid waste revenue fund for capital and renewal and replacement reserves. Basically, it takes the only general fund expenditure other than one that is consistent with all the proposals coming forward, and will specifically split off both the MERC facilities and the zoo to allow both of those to retain all of the money they currently pay in excise tax in their own capital reserve funds, backfilling to make Metro's agency revenue neutral. At that point then, under this amendment, the additional monies would be reserved the solid waste system only. He said since the Council has passed Ordinance No. 99-824, and is now discussing Ordinance No. 99-823, he would withdraw his amendment at this time, with the intent to bring this forward at the next Council meeting.

Presiding Officer Monroe said he intended to schedule all three ordinances for Thursday, October 28, which would allow time to meet the timeline of February 1, for which the agency has asked the Council.

8. COUNCILOR COMMUNICATION

Councilor McLain asked Councilor Kvistad for a courtesy. She said if he wants the Council to discuss and vote on his amendment in the next two weeks, outside of the budget process, then she needs to have the following items addressed. First, the presentation of the amendment as written indicated that he would spin off those facilities and that excise tax. There was no spin off the management of those facilities, and there were some guidelines in Metro's budget process that insist that the zoo and MERC have some legal coverage through Metro for collective services. She said she would need to know what budget hole would be for those excise tax for Metro's entire budget, and what it would mean to the collective services that Metro has offered to those facilities. Out of courtesy, she would appreciate having that information in attachments for review before the Council meeting.

Presiding Officer Monroe set forward Ordinance No. 99-825, Ordinance No. 99-824, and Ordinance No. 99-823 to the calendar for final action on Thursday, October 28, 1999. He called for additional Councilor Communications.

Mr. Fjordbeck reminded Presiding Officer Monroe of the technical date amendment.

7.3 Ordinance No. 99-823, For the Purpose of Amending Metro Code Chapter 5.02 to Modify Charges for Direct Haul Disposal, to Modify Metro System Fees, to Create Additional Regional System Fee Credits, and Making Other Related Amendments.

Mr. Fjordbeck said the technical amendments would set the effective date of all three ordinances as February 1, 2000, and could be taken as one motion.

Motion to Amend: #2: Councilor McLain moved that the effective date of Ordinances Nos. 99-823, 99-824, and 99-825 be February 1, 2000.

Seconded: Councilor Washington seconded the amendment.

Vote on Motion to Amend #2: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

6. COUNCILOR COMMUNICATION

Councilor Park said if additional amendments to have a fiscal impact will coming forward to the Council, it would be helpful to have them come forward in a manner similar to the REM options so that Councilors may quickly assess their impacts. He said it is very difficult to visualize some of the offsets at a glance.

Presiding Officer Monroe said that if any substantive amendments are passed next week, it will change the current timeline.

Councilor Kvistad reminded the members of the Council that the public hearings and outreach for the Regional Transportation Plan (RTP) continued that night with a public hearing in Gresham, and next week there will be one at Metro and in Clackamas County. He said

Councilors are signed up for each meeting, and any Councilors who are not signed up for specific dates are welcome to attend.

Councilor Atherton publicly thanked the staff for the incredibly complex work that went into Ordinances Nos. 99-823, 99-824, and 99-825.

9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:40 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
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METRO

102899c-04

Date: October 28, 1999

To: Metro Council

From:  Andrew C. Cotugno, Transportation Director

Subject: Resolution No. 99-2843: Portland area Conformity Determination

Attached for your consideration are results of the Conformity Determination quantitative analysis. Attachment 1 of this memo replaces pages 22 and 23 of Exhibit 1 of the Resolution.

The replacement pages contain the quantitative data that completes Tables 1 – 3 of the Determination. These tables show that the FY 2000 MTIP and the changed scope and concept of several significant transportation projects included in the 1995 RTP conform with all regional emissions budgets established in the State Implementation Plan for summer hydrocarbons (HC) and nitrogen oxides (NOx). These are precursor pollutants responsible for ozone formation. The tables also show that regional emissions budgets for wintertime carbon monoxide (CO) are met in all analysis years. Finally, the tables show that the region's transportation activities conform with five of the six established subarea emissions budgets for the Central City and the 82nd Avenue Corridor. The region has not demonstrated compliance with the 2015 CO budget in the 82nd Ave Corridor at this time. To address this issue, staff recommends inclusion of additional text (see Attachment 2) into the Conformity Determination document.

AC:TW:rmb
Attc.

TABLE 1
Emissions Summary

1995 RTP EMISSIONS COMPARED TO CO AND OZONE BUDGETS

		Winter CO (1,000's lbs)	Summer HC (tons per day)	Summer NOx (tons per day)
Budget	2005	979,000	42	51
MTIP/RTP		687,000	35	51
Difference		292,000	7	0
Budget	2015	788,000	40	55
MTIP/RTP		717,000	36	55
Difference		71,000	4	0
Budget	2020	842,000	40	59
MTIP/RTP		740,000	38	59
Difference		102,000	2	0

TABLE 2

1995 RTP EMISSIONS
COMPARED TO CCTMP
SUB-AREA CO BUDGET

1,000 Lbs/day

Winter CO

Budget	2005	92
RTP		63
Difference		0
Budget	2015	70
RTP		59
Difference		0
Budget	2020	75
RTP		58
Difference		0

TABLE 3

1995 RTP EMISSIONS
COMPARED TO 82ND AVENUE
SUB-AREA CO BUDGET

1,000 Lbs/day

Winter CO

Budget	2005	11
RTP		10
Difference		0
Budget	2015	9
RTP		10
Difference		0
Budget	2020	9
RTP		9
Difference		0

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September 23, 1999
TW:tw

Attachment 2

Staff Recommended Text Regarding 82nd Avenue Subarea Quantitative Analysis Results

Page 21, Section III.B.4.a. of the Determination is amended to include this additional finding:

Finding: 82nd Avenue Corridor Subarea. The State Implementation Plan goes beyond federal requirements in its establishment of an 82nd Avenue Subarea Emissions Budget for wintertime Carbon Monoxide. The Subarea boundaries encompass 82nd Avenue from Division Street at the north, Woodstock Blvd at the south, 88th/87th to the east and 80th/79th to the west. The subarea was established in response to several instances where the old 8 hour CO standard of 9 parts per million was exceeded at the 82nd/Division monitoring station, twice in 1989 and once in 1991. No readings have exceeded the standard since 1991 and a clear downward trend in emissions has been recorded since 1982 as shown below:

Year 8 Hr. Concentration

Standard = average of 9 ppm CO over 8 hours.

'92	7.8 ppm
'93	8.4 ppm
'94	6.4 ppm
'95	6.6 ppm
'96	6.5 ppm
'97	4.5 ppm
'98	4.4 ppm

A wintertime CO budget was established for the subarea in the July 1996 State of Oregon Portland Metro Area Carbon Monoxide Maintenance Plan. The budget was set at 5,000 pounds per day of emissions in 2005 and 4,000 pounds per day in 2015 and 2020. However, Metro staff believes that with correction of a computational error, the correct budgets should be 11,000 pounds per day of emissions in 2005 and 9,000 pounds per day in 2015 and 2020.

Accounting for these corrections, the quantitative analysis indicates that CO emissions within the subarea are within budgets established for 2005 and 2020 but that the budget is exceeded in 2015. Approximately 10,000 pounds of CO are emitted compared to the budget of 9,000 pounds per day. The federally mandated regional CO emissions budgets are all met as are budgets established for the Downtown Subarea. Approval of the Regional Conformity Determination is recommended contingent on adoption of the following 82nd Avenue Subarea CO Action Plan.

1. Metro and DEQ staff shall conduct interagency consultation to review and clarify appropriate subarea boundaries, budgets and modeling protocol.
2. If, after consultation, quantitative analysis continues to show that the CO emissions budget is exceeded, additional, more extensive consultation shall be initiated with representatives of other jurisdictions, including but not limited to ODOT, the City of Portland, Multnomah County and Clackamas County, to recommend development and funding priority for transportation management improvements within the 82nd Avenue corridor. Consideration should be given to improvement of signals and turn lanes; consolidation of commercial driveways; enhancement of transit, and assessment of other non-auto corridor enhancements including pedestrian crossing protection.

Red - This is revised. Introduce Ed Washington for an opening statement regarding what is the LUFO. Ed was

SOUTH/NORTH LIGHT RAIL PROJECT

Resolution No 99-2853A

Red
~~Red~~
Chair of the Steering Committee

**Opening Remarks
Metro Council LUFO Hearing
October 28, 1999**

Ed Washington

1. Opening Statement -- ~~President Ed Washington~~

This agenda item involves an application by Tri-Met for Council adoption of a "Land Use Final Order" amending the original South/North Land Use Final Order that the Council adopted last year by Resolution No. 98-2673. The requested amendments, known as the Interstate MAX project, involve that area of the South/North Project extending from the Steel Bridge northward to the Expo Center.

A Land Use Final Order, or "LUFO", is an order adopted in accordance with Oregon law established in House Bill 3478. It differs from the Locally Preferred Strategy, or LPS, which is adopted to meet the requirements of federal law. Earlier this year, the Council amended the LPS to incorporate the Interstate MAX project.

House Bill 3478, which the Legislature adopted in 1996, requires the Metro Council to decide the light rail route and the light rail stations,

the park-and-ride lots, the maintenance facilities and the highway improvements for the South/North project, including the "boundaries" within which these facilities and improvements may be located. The Council decides these through the adoption of what are called "Land Use Final Orders." House Bill 3478 also requires that the Council adopt supporting findings of fact demonstrating that the selected light rail route, stations, park-and-ride lots, maintenance facilities and highway improvements comply with 10 land use criteria that the Land Conservation and Development Commission adopted specifically for this Project.

Unlike Metro's typical land use decisions, Land Use Final Order decisions are governed by different, and special, procedures contained in House Bill 3478. Under that law, I must begin this hearing by announcing a number of these procedures.

First, as I just indicated, the Council, in this proceeding, will decide the light rail route, stations and park-and-ride lots for the Interstate MAX portion of the South/North Project, including their locations. In a few moments, staff will identify for you generally the

proposed route, stations, and lots that comprise the application. You also can find this information attached to Tri-Met's application and on maps posted on the walls in the back of this room. These documents are available for public review during this public hearing.

There are a number of procedural requirements set out in House Bill 3478 that affect this hearing. At this point, I'd like to ask Metro General Counsel Dan Cooper to summarize those requirements.

2. House Bill 3478 Procedural Reqs -- General Counsel Dan Cooper

Because the procedures applicable to this proceeding differ in some important respects from the typical procedures applicable to land use hearings before the Metro Council, I would ask that you listen carefully so that you fully understand the process and your participation rights under House Bill 3478.

As the Presiding Officer indicated, Metro's Land Use Final Order decisions must comply with the 10 land use criteria established by LCDC. Copies of those criteria are available on the table in the back of the room. The criteria also are listed in the proposed findings. All public testimony needs to be directed towards the application of these LCDC criteria to the proposed amendments.

Following the public hearing, the Council may adopt a Land Use Final Order amending the light rail route, stations and lots, including their locations, as applied for by Tri-Met. Alternatively, it may choose to continue the public hearing and refer the matter back to Tri-Met for further review and submittal of a new application.

Should the Council adopt a Land Use Final Order amendment, any appeal from the Council's decision must be filed within 14 days following the date the Land Use Final Order amendment has been reduced to writing and bears the necessary signatures.

Failure by a person to raise an issue at this hearing, either in person or in writing, or failure to provide sufficient specificity to afford the Council an opportunity to respond to the issues raised, will preclude appeal by that person to the Land Use Board of Appeals based on that issue.

Written notice of the Council's adoption of the Land Use Final Order amendment will be provided only to persons who have provided oral or written testimony at this public hearing and who also have provided, in writing, a request for written notice and a mailing address to which notice should be sent.

Those wishing to testify today, or to sign up to receive written notice of the Council's decision on the Land Use Final Order amendment application, must do so at the sign-up table in the back of the room.

[Rephrase if this is incorrect] Persons whose names appear only on

petitions submitted at the hearing and who do not themselves provide oral or written testimony will not be considered to have provided oral or written testimony at this hearing.

~~Attest: [Signature]~~

Councilor Kuistad to explain the hearing process and introduce the resolution.

3. Overview of Hearing -- ^{Councilor Kuistad} ~~Presiding Officer Monroe~~

Thank you, Mr. Cooper.

I would like to explain the order in which we will proceed with the hearing. First, ^I ~~we will hear from Councilor Kuistad, who~~ will move the resolution. ^I ~~Councilor Kuistad~~ will then introduce the staff, who will identify the proposed project and give the staff report.

Following the staff report and any questions the Council may have of staff, Tri-Met will present its application. Then we will open the hearing up to the general public. When you speak, please remember to state your full name and address for the record.

We will take a short break after the completion of public testimony, then hear rebuttal testimony from Tri-Met and any additional comments from staff.

In addition to oral testimony, we will accept written testimony up to the close of that portion of the hearing where we accept testimony from the general public. Once public testimony is completed and we move into rebuttal testimony from the applicant, we will accept no

further written testimony unless the Council reopens the hearing for that purpose.

At the end of the hearing, following Tri-Met's rebuttal, the Council will either close the public hearing and decide the application, or it may continue the hearing to a date certain. Should the Council continue the hearing, it may establish a schedule for further submittal of testimony, and it may limit the issues for which additional testimony will be taken. Should the Council close the hearing and determine a need to change or supplement the proposed findings, it may continue the matter to a time certain on today's agenda, or to a date certain, as it deems necessary to allow adequate time for the necessary changes to the findings to be prepared.

~~At this point, I would like to ask Councillor Kvistad to make opening comments on the proposed resolution. Council Kvistad.~~

4. Introduction to Resolution -- Councilor Kvistad

~~The following is the text of the Resolution.~~

At this point,
^

I would like to move adoption of Resolution No. 99-2853, For the Purpose of Adopting a Land Use Final Order Amending the Light Rail Route, Light Rail Stations and Park-and-Ride Lots, Including their Locations, for that Portion of the South/North Light Rail Project Extending from the Steel Bridge to the Exposition Center. The Resolution provides for the adoption of the LUFO amendment and the adoption of land use findings of fact in support of the LUFO amendment.

Ed seconds + makes comments.

[At this point, Councilor Kvistad should recognize any aspects of the Project or participants in the Project that he wishes to acknowledge]

I would like now to introduce Richard Brandman to present the staff report.

5. Staff Report: Richard Brandman

[Provide Staff Report which must "list generally" the proposed light rail route, station, and lot amendments and describe the criteria;

slides or large maps are best for identifying the project]

6. Council Questions for Staff -- Presiding Officer Monroe

Are there any questions of staff from the Council?

[Allow for questioning of staff]

*Mr
Roberts
Neil
McFarland*

7. Opening of Public Hearing -- Presiding Officer Monroe

At this time, we will open the public hearing. I would like to ask the applicant, Tri-Met, to come forward and present its application.

8.. Applicant's Statement -- Neil McFarlane or Ron Higbee

[Tri-Met presents its application]

9. Questions of the Applicant -- Presiding Officer Monroe

Does the Council have questions for the applicant?

10. Testimony from the General Public -- Presiding Officer Monroe

At this time we will open up the hearing to testimony from the general public. Please be sure to state your name and address for the record. We ask that you direct your testimony to the applicable LCDC criteria.

[Call names; allow for questions from Council members]

**11. Close Hearing to Written Testimony -- Presiding Officer
Monroe**

With the completion of testimony from proponents and opponents of this application, we will now close the hearing to written testimony. As of now, no further written testimony will be accepted unless the Council reopens the hearing for that purpose.

I would like to call for a short break.

[During this break, Tri-Met and Metro staff will decide whether to continue forward with rebuttal this evening, or to postpone rebuttal to a date certain, based on the quantity and nature of the submitted opponent testimony]

OPTION 1: CONTINUE FORWARD:

12(A) -- Continue forward with Rebuttal -- Presiding Officer Monroe

We will now resume the public hearing. Tri-Met, would you like to present rebuttal testimony?

[Tri-Met makes its rebuttal]

Are there any questions of the applicant?

13A -- Final Staff Comments -- Presiding Officer Monroe

At this time, I am going to ask staff if they have any additional comments they would like to make in response to the testimony.

[Hear from staff]

14A. -- Close Public Hearing -- Presiding Officer Monroe

I would like to thank all of you who testified this evening for your participation. I am now going to close the public hearing and open the floor for discussion among Council members. Before us is proposed Resolution No. 99-2853A, adopting a Land Use Final Order amendment for the South/North Project. Under House Bill 3478, we can either approve the Land Use Final Order amendment establishing the light rail route, stations and lots for the Interstate MAX Project, including their locations, as applied for by Tri-Met, or we can continue the public hearing and refer the proposed facilities and locations back to Tri-Met with directions on amendments we would like to see.

[Hear Council Discussion]

**15A -- Council Motion and Vote -- Council/Presiding Officer
Monroe**

[Entertain a Motion]

It has been moved and seconded [to approve Resolution No. 99-2853A] [to refer this matter back to Tri-Met] [*select one*]. Is there any further discussion?

[Allow discussion, if any]

Will the clerk please call the roll for a vote on the motion.

[Vote on Motion]

The Motion to _____ is [approved] [denied]

I would like to thank everyone here for your participation in this hearing. Let's move now to the next agenda item.

OPTION 2: CONTINUE OF HEARING OPTION

**12(A) -- Tri-Met Request for Continuance -- Presiding Officer
Monroe**

We will now resume the public hearing. Tri-Met, would you like to present rebuttal testimony?

13(A) -- Tri-Met Request for Continuance -- [Neil McFarlane]

Mr. Presiding Officer and Metro Councilors, we have received some important new evidence today and we would like some additional time to consider it carefully and respond to it. Consequently, we would like to request that our rebuttal testimony be continued to November 4, 1999.

Because this matter is time-sensitive for obtaining federal funding, we would suggest to you the following approach, which we believe avoids delays and keeps the decision-making process on track while allowing all parties reasonable opportunity to address and rebut new evidence. We propose the following schedule:

First, we ask that Tri-Met be given until 8:30 AM on Monday, November 1, to submit additional written evidence.

Second, we ask that you provide any interested party wishing to rebut new evidence from Tri-Met until 8:30 AM on Thursday, November 4 to submit rebuttal evidence. We also ask that you limit the rebuttal evidence to the specific issues addressed in our rebuttal testimony, and that you not accept testimony or evidence addressing other issues.

These proposed timelines provide Tri-Met and other interested parties each with three full days to prepare their testimony.

14B -- Council Discussion/Concurrence of Continuance -- Presiding Officer Monroe

Are there any questions of Tri-Met? If not, Tri-Met has requested a continuation of this hearing to November 4, 1999.

Are there any objections to Tri-Met's proposal? Hearing none, this hearing is continued to November 4. The hearing will begin at _____ PM [*set the time*] here in the Metro Council Chambers on the 3rd floor

of Metro's offices at 600 NE Grand Avenue in Portland. At that time, Tri-Met will be provided opportunity to offer its rebuttal testimony and make its final arguments at that time.

We will follow the following schedule for new testimony:

Tri-Met will have until 8:30 AM on Monday, November 1 to submit additional rebuttal evidence and testimony as it deems necessary.

Any interested party then will have until 8:30 AM on Thursday, November 4 to submit rebuttal evidence and testimony. Rebuttal evidence and testimony will be limited only to the specific issues addressed in Tri-Met's new testimony. Testimony or evidence addressing other issues will not be accepted into the record.

All new evidence and testimony should be delivered to Ross Roberts or Jan Farraca here at the Metro Regional Center. Anyone submitting new evidence or testimony should submit at least five (5) complete copies of that evidence or testimony to facilitate copying and distribution.

I would ask Metro staff to make extra copies of Tri-Met's testimony available to interested persons for inspection immediately following its receipt on November 1.

I would like to thank everyone here for your participation in this hearing. Let's move now to the next agenda item.

Interstate MAX Advisory Committee
Final Report
 October 1999

RECEIVED
 OCT 14 1999

BY: _____

Committee membership and charge

In May 1999 Tri-Met General manager Fred Hansen appointed 15 citizens to serve on the Interstate MAX Advisory Committee. Individuals on the committee represent neighborhood associations and other organizations and groups in the Interstate Avenue corridor. Members of the committee are:

Rick Williams, chair	Sheila Holden	Gary Madsen/Will Wright
Carl Flipper	Lisa Horne	Larry Mills
Brad Halverson	Connie Hunt	Paul Mortimer
Doug Hartman	Jerrie Johnson	Steve Rogers
Alan Hipolito	Tom Kelly	Walter Valenta

The committee was charged with:

- Commenting (in June 1999) on whether the Interstate MAX proposal had enough merit and community support to warrant a more detailed engineering study.
- Identifying issues important to the community.
- Helping devise a comprehensive community outreach program that assures anyone interested has the opportunity to learn about the proposal, ask questions, raise issues and provide input.
- Taking information on the proposed project back to the members' groups and communities.
- Providing comment to Metro on the Supplemental Draft Environmental Impact Statement.
- Participating in the City of Portland's process for obtaining community feedback on how to pay for its portion of the costs.

Meetings and other outreach

During May and June 1999, prior to and amidst hearings in front of Portland City Council, Metro Council and the Tri-Met board of directors, the committee met seven times. Between July and October, the committee met five times. Committee members participated in door-to-door outreach in their neighborhoods, served as panelists on a Portland Cable Access show about the light rail proposal, and served as facilitators at two community forums attended by over 200 residents.

Study direction from the committee

In July 1999, following public hearings in June, the committee formulated a list of recommendations for staff to address during preliminary engineering and completion of the environmental impact statement on the Interstate MAX proposal. The committee's Report #1 listing these recommendations is attached as an appendix to this final report. Topics of the recommendations were:

- Community involvement
- Traffic
- Urban design
- Station design and placement
- Funding
- Economic development
- Bus service/light rail interface
- Parking
- Bicycles
- Emergency access
- Environment: wetlands, air quality
- Vancouver connection

Each topic, the project staff's response during the July-September period, and the committee's recommendations for further consideration follow.

Committee recommendations for final design

1. **Community involvement.** *Successful, meaningful public involvement is fundamental to the success of the Interstate MAX project. Effective public involvement should be pursued aggressively and creatively throughout the life of the project. The goal of the community outreach process should be to build the capacity of members to engage in the process.* (direction to staff from the advisory committee, July 1999)

Response by the project team to item 1

With ongoing direction and input from committee members, project staff made an energetic effort to reach as many community members as possible with information about the project, and to provide meaningful ways for the community to contribute ideas and comments.

With advice from committee members, staff structured two comprehensive "community forums" on topics of community interest. Committee members participated as facilitators and provided direction for discussion of the topics. In addition, staff held two bus service planning workshops and a Kenton station location workshop. Between June and October staff made presentations to 35 community-based organizations, met with representatives of 35 other community groups, conducted a door-to-door survey of most Interstate Avenue businesses, supported a door-to-door canvas of homes within three blocks of Interstate Avenue by volunteers from Coalition for a Livable Future, and staffed displays at 10 community events. A list of organizations contacted and other outreach is attached.

Project team summary of work to be done during final design related to item 1

Outreach related to design details and pre-construction will be focused principally on residents within the Interstate corridor bounded by I-5 on the east and Denver Ave. on the west. Special outreach efforts will be conducted relating to construction jobs and contracting, the disabled community, the faith community and possibly other groups with special interests in the light rail project. Plans for outreach on the Interstate MAX project will be coordinated with those for the urban renewal district and Brownfields programs. Efforts related to light rail include:

- Meetings with each homeowner/renter on Interstate Avenue and side streets directly affected by construction.
- Regular meetings with groups of businesses on Interstate.
- Direct mail piece illustrating design concepts to all homes between I-5 and Denver.
- Possible "street walk" for area residents/businesses to review development opportunities and streetscape design issues in conjunction with PDC.
- Partnerships with community-based organizations providing materials and information for each group to share with its constituents.
- Design review sessions with neighbors along alignment in winter 2000.
- Design workshops for the Expo/PIR, Russell, Rose Quarter and other station areas as desired.
- Planning sessions with community members interested in art, including the North Portland Arts Foundation and other groups.
- Program of outreach focused on construction jobs and contracting.
- Program of outreach to major North/Northeast Portland churches coordinated with Albina Ministerial Alliance.
- Design review with Committee on Accessible Transportation with follow-up presentations to community organizations serving the disabled.
- Bus service planning outreach in conjunction with Tri-Met's annual service plan changes.
- Drop in hours at field office.
- Updates to neighborhood, community and business organizations through presentations as well as neighborhood and community newsletters.
- Presentations at neighborhood coffees and other informal settings.
- Coordination with related outreach efforts (Brownfields, urban renewal).

- Establish redefined and reconstituted citizen advisory committee from within the Interstate corridor for advice during final design.

Committee recommendations for community involvement during final design:

- *The outreach strategy should emphasize and continue efforts to go to the community rather than expect the community to come to us.*

2. -Traffic. *The committee recommends a comprehensive and creative reexamination of the streetscape design with respect to the effectiveness of travel lanes, parking and bike lanes in order to minimize negative traffic impacts.* (direction to staff from the advisory committee, July 1999)

Response by the project team to item 2

The project team undertook an intensive analysis of the design and resulting traffic impacts. At its August 8, 1999, meeting, team members presented its analysis of whether to add travel lanes by removing on-street parking, removing bike lanes or adding additional right of way. The staff's findings were that additional travel lanes could not be added without seriously compromising the functioning of the street or adding unacceptable cost and neighborhood impact.

At the same time, the team engaged a traffic consultant to apply Vissim visual simulation modeling technology. Data from the previous analytical work in spring 1999 was updated to 2020 and errors eliminated. As a result, the new model shows intersections on Interstate will function about the same with or without MAX. The model allows engineers to fine-tune length of left turn lanes and timing of signals to improve intersection functioning.

The summer 1999 analysis also corrected a serious flaw in previous modeling assumptions that exaggerated the increase in traffic volumes due to MAX on streets parallel to Interstate. It now appears that, worse case, volumes on Denver in 2020 would rise by 110 cars (28%) during the afternoon peak hour, while volumes on Albina would rise by 80 vehicles (19%), compared to volumes on these streets with and without MAX.

Visual observations counted the numbers of northbound vehicles on Interstate with and without Washington license plates. On average, 20-25 percent of all vehicles use Interstate as their route through the neighborhood, not to destinations within it. In 2020, the projected ratio of Washington drivers on Interstate (without MAX) is 30-50%, depending on location.

Work to be done during final design related to item 2

The City of Portland's detailed data on traffic volumes on individual streets will be integrated with the Vissim 2020 data to provide a more detailed picture of traffic on opening day and 2020. Measures to reduce congestion (signal timing, left-turn lane

striping, etc.) will be identified for application as the need develops. City of Portland staff will take fresh counts on all streets in the area to provide a base case against which to measure future increases. Working closely with the community, traffic calming measures will be created for streets likely to carry traffic diverted by construction delays.

The source of most of the problem traffic on Interstate and neighborhood streets, now and in the future, with and without Interstate MAX, is from Washington. Drivers seek alternative routes to avoid congestion on I-5. The appropriate place for through trips is the freeway, not neighborhood streets. ODOT's I-5 Trade Corridor study is engaged in examining measures to improve flows and capacity on I-5. This fall, the study's citizen/business Leadership Committee will present its findings, launching a more detailed study of improvements needed.

Committee recommendations for final design work on traffic mitigation:

- *The project team should explore the potential of cutting-edge traffic signal technology to increase traffic capacity on Interstate.*
- *The project team and ODOT should maintain a high level of coordination in order to reduce conflicts between scheduled I-5 maintenance and the light rail project.*
- *Efforts to mitigate impacts of traffic diverted to other streets by light rail should be coordinated with nearby neighborhood traffic calming projects in order to eliminate conflicts.*
- *PDC and the project team should coordinate with the Lower Albina Industrial Council, Swan Island, Columbia Corridor and the Port of Portland on access needs affected by the light rail project.*
- *The needs of east-west traffic crossing Interstate should be considered in determining signal timing.*
- *The team should explore alternatives to having all park and ride traffic use Victory Blvd., including making Expo Rd. public and routing traffic on Expo Rd. to Forest Blvd.*

3. Urban design. *The committee recommends the urban design treatment for Interstate MAX should reflect a coherent vision that addresses the street's form and function and sets the parameters for appropriate economic development.* (direction to staff from the advisory committee, July 1999)

4. Station design and placement. *All stations should be intelligently designed to enhance appearance, safety and community access.* (direction to staff from the advisory committee, July 1999)

Response by the project team to items 3 & 4

A major change was made to the design, substituting paved track for gravel/concrete tie treatment in the Russell station area and from Kaiser north to Kenton. Conceptual designs for the streetscape and typical station platforms have been developed by project staff and

reviewed at the community forums. In concert with representatives of the Kenton neighborhood, the location of the Kenton station has been shifted 135 feet closer to Argyle and the configuration of the Interstate/Denver/Argyle intersection redesigned.

Work to be done during final design related to items 3 & 4

During final design, with community input and review, the design team – made up of project architects, engineers and artists -- will develop detailed designs for stations, shelters, benches, ticket machines, signing, street trees (those to be saved, types of new trees planted), landscaping, catenary poles/street lights, sidewalks, tree grates, bicycle parking, trackway pavement and all other design elements.

In partnership with PDC, Tri-Met will suggest holding worksessions with the community on design details and station area plans, including pedestrian connections outside the MAX project boundaries. Station areas suggested for these sessions include Expo, Russell and Rose Quarter. Tri-Met will continue working with representatives of the Albina Industrial Area to assure designs facilitate truck movements.

Artists will create public art projects -- many involving community participation -- to integrate into the design.

Committee recommendations for final design work on urban design and station design and placement:

- *PDC, the City of Portland and Tri-Met should implement and support programs that help realize a Main Street concept along Interstate Ave.*
- *The committee commends and supports the intention to provide paved track rather than tie and ballast on much of Interstate and urges looking for ways to extend paved track as far as possible.*
- *Where possible, more greenscaping should be added to the project design.*
- *The project team should remain open and flexible to the possibility of meeting the Kenton community's goals for further reconfiguration of the station and the Argyle/Denver/Interstate intersection.*

5. Interstate MAX funding through urban renewal district. *The decision made by the mayor not to seek funds from an existing urban renewal district for the project is appropriate. Local communities within and/or affected by the proposed new district must be involved in studying the mayor's proposal for a new urban renewal district.*

(direction to staff from the advisory committee, July 1999)

6. Economic development. *With a firm grounding in the views of the affected communities, and using the full range of available tools, the involved public agencies should determine ways to finance the project infrastructure and economic revitalization, including but not limited to an urban renewal district.* (direction to staff from the advisory committee, July 1999)

Response by the project team to items 5 & 6

The project team supported outreach by PDC that culminated in a decision by the Development Commission and Portland City Council to conduct a feasibility study of an urban renewal district in the Interstate corridor.

Work to be done during final design related to items 5& 6

As PDC continues exploring ideas with the community for urban renewal projects and district boundaries, the project design team will work cooperatively with PDC to assure Interstate MAX design treatments support possible future revitalization projects.

Committee recommendations for final design work on urban renewal district funding and economic development:

- *The new urban renewal district should be designed primarily to support redevelopment and revitalization of the corridor and the surrounding communities and also provide a portion of the city's share of local funding for light rail.*
- *Local communities within and/or affected by the proposed new district must be involved in setting goals and guiding principles for the new urban renewal district.*
- *The light rail project and urban renewal project should work closely together to enhance revitalization potential.*
- *The Interstate MAX project should work closely using all available tools and resources, such as enterprise zones, to achieve economic revitalization.*
- *As a result of this project, in the areas surrounding stations, the city should evaluate setting new code standards to assure that building design is grounded in the values of the affected communities and reflects the history, culture and character of the surrounding area.*
- *The committee supports use of friendly condemnation or transactions with a willing seller in acquiring land for light rail station area development.*

7. Bus service design/light rail interface. *Based on community input, the project team should enhance and improve existing bus service to capitalize on the investment in light rail. Existing bus service in this corridor should not be reduced.* (direction to staff from the advisory committee, July 1999)

Response by the project team to item 7

Based on response at two service planning workshops in summer 1999, Tri-Met has developed bus service concepts and options for fall 2004 when MAX opens. Current bus service levels would be maintained, and "savings" from elimination of line 5 south of Lombard would be used to upgrade or add other routes connecting with MAX. A survey of line 5 riders demonstrated that a large portion of them board the bus at the location of future MAX stops. The conceptual service plan choices were presented for discussion during breakout sessions at Community Forum 2.

Work to be done during final design related to item 7

The conceptual bus service plans will be reviewed with community groups on an ongoing basis over the nearly five years between now and the start of MAX service in fall 2004.

Committee recommendations for bus service planning during final design and construction:

- *The committee has continuing concern about the distance between stations, and the loss of existing transit service, especially along Interstate Ave., as this impacts the physically challenged and the elderly. Serious consideration should be given to developing new service types such as shuttles and other innovative strategies to increase continuous and convenient access to transit service resulting from this project.*
- *All station areas need to have integrated east-west bus connections that tie to local neighborhood residential, business and employment nodes.*

8. Parking. *The committee recognizes the important role parking plays in sustaining economic vitality along Interstate, particularly in station areas. Based on discussions with the community, the project team should seriously evaluate whether to provide a park and ride facility at the Expo Center. Engineers should evaluate the potential for parking infiltration into neighborhoods and propose strategies for minimizing this. (direction to staff from the advisory committee, July 1999)*

Response by the project team to item 8

The project team reexamined plans for a 600-car park-and-ride at Expo Center. In light of the poor function and gridlock congestion of the Marine Drive interchange, the decision was made to place half of the parking in a new lot near the Portland International Raceway, and to design access to both lots to favor use of the PIR/Victory Blvd. interchange. Although regarded as "interim" lots for light rail parking, the location and design of the lots fit with master plans for expansion by Expo Center and PIR.

Work to be done during final design related to item 8

Further study will be done on ways to improve the functioning of the Victory Blvd. ramp to northbound I-5. This is especially important with respect to the route C-Tran and Tri-Met buses would follow to connect with MAX in this area. Pedestrian connections between the stations and nearby destinations (Expo Center, new pavilion, PIR, Bridgeton) will be studied in concert with PDC and with the public. Tri-Met looks to ODOT's I-5 Trade Corridor Study to examine comprehensively ways to improve traffic flow through this area.

Tri-Met will study the trade-offs between bicycle lanes, on-street parking and wider sidewalks, particularly in the vicinity of MAX stations, where turn-lanes eliminate on-street parking.

Committee recommendations for final design work on parking issues:

- *The project team should continue working with the Bridgeton, Hayden Island, and Kenton neighborhoods to assure mitigation of traffic impacts associated with the park and ride lot at the Expo Center.*
- *Metro should update its Expo Center master plan to account for this project and other proposed projects.*
- *Recognizing the direct connection between available parking and the viability of businesses, the committee recommends that supporting and maintaining on-street parking wherever possible, particularly near station areas.*
- *We need to consider an appropriate mix of on- and off-street parking in order to support desired economic uses.*

9. **Bicycles.** *The committee recognizes that bicycling is an important and legitimate transportation mode, and recommends examining innovative solutions to enhance this mode in the corridor, balancing needs for bicycling with those for capacity (automobiles and freight movement) and parking. (direction to staff from the advisory committee, July 1999)*

Response by the project team to item 9

The project team researched the policy framework for bicycle access and determined state and federal law appear to require providing for bicycle transportation on Interstate Avenue. ORS 366.514 requires that "...bicycle trails...shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated." The code allows street development without bicycle facilities if the bike facility would be "contrary to public safety," the cost "excessively disproportionate" to probable use, or the facility isn't needed due to "other available ways" or to sparse population. According to ODOT, alternate routes need to provide equal or greater access and mobility for cyclists. City of Portland policy and plans support bicycle travel on Interstate, which is the only direct link in the street network between the Rose Quarter and North Portland destinations.

City of Portland staff provided a summary of ways and costs of upgrading a route on parallel streets to provide a desirable route for bicycles between Kaiser and Killingsworth. (North of Killingsworth, bicycle lanes on Denver provide a good connection to Lombard.) Some additional costs were identified.

Responding to direction from Portland City Council, the project team identified a location for a future "bike station" with locker and shower facilities, and determined conceptual ways to provide covered bicycle parking at all stations as required by City of Portland regulations.

Work to be done during final design related to item 9

The project proposes to conduct a more thorough analysis of costs and merits of alternatives to providing bike lanes on Interstate. The routes to be studied for comparison purposes are Denver-Concord on the west side of Interstate and Maryland-Montana on the east (see attached map), along with links to each of the MAX stations. The study will use the design standards and requirements for different types of bicycle routes in the City of Portland's Bicycle Master Plan. Project staff will consult neighborhoods, the advisory committee, area businesses and the Bicycle Transportation Alliance as they develop the study, and the bicycle route options will be presented for review in one or more public meetings. The study will be completed within 90 days.

One aspect of the study will be to consider the tradeoffs between bicycle lanes and on-street parking, particularly in the vicinity of MAX stations, where turn lanes eliminate on-street parking. Consideration will be given to ways to accommodate bicycle travel on Interstate without striping lanes, particularly at these key locations.

Committee recommendations for final design work on bicycling issues:

- *PDC and the project team should continue working with the bicycle community and the neighborhoods to study the trade-offs between bicycle lanes and on-street parking, economic development and overall north/south capacity, particularly in the vicinity of stations where turn lanes eliminate on-street parking.*
- *Equal consideration should be given in the study to other adjacent streets (including Denver, Concord and Greeley) as potential bicycle options, with east-west connections to stations with bicycle facilities.*
- *Specifically, the study should examine:*
 - 1) *Costs and merits of bike lanes on Interstate compared to other options on parallel streets.*
 - 2) *Tradeoffs relative to parking and those relative to narrowing sidewalks and to impacts on pedestrians.*
 - 3) *Opportunities to enhance bicycle facilities around station nodes that would include showers and other amenities.*
 - 4) *Considerations of the needs for bicycle connections at both the north and south ends of the corridor.*

10. Emergency access. *Emergency access is needed in a configuration suitable to the emergency service providers in the area.* (direction to staff from the advisory committee, July 1999)

Response by the project team to item 10

Recognizing the needs of emergency service providers to drive over or on the trackway, the decision was made to pave the trackway between Kaiser and Kenton.

Work to be done during final design related to item 10

The project's safety and security team has been reconvened to make certain that all responsible and practical measures are taken to protect the safety and security of future light rail passengers, pedestrians, bicyclists and motorists on Interstate.

Committee recommendations for final design work on emergency access provisions:

- *The committee is comfortable with progress made to date and plans for continued work to assure the project accommodates the needs of emergency service providers.*

11. Environment -- wetlands, air quality. *The committee recommends moving aggressively to link the project with Brownfields initiatives underway, to protect wetlands, and to enhance and explain the project's benefits to air quality.* (direction to staff from the advisory committee, July 1999)

Response by the project team to item 11

The project secured agreement from the federal Environmental Protection Agency to move a previously approved Brownfields grant to the Interstate MAX area, and to coordinate that work with the City of Portland's ongoing Brownfields projects. Initial coordinating meetings between City and Tri-Met staff have resulted in efforts to have the existing citizen committee advising the City to also provide advice for the Tri-Met project.

The conceptual design has been developed to minimize taking of wetlands. Wetlands mitigation will be provided at a PIR site.

Work to be done during final design related to item 11

In early 2000, in coordination with the City of Portland and advice from its Brownfields citizen advisory committee, the Tri-Met Brownfields project will identify potential developable but contaminated sites in the Interstate corridor and select 3-5 for further study. Analysis of contamination and remediation plans for these sites will be developed by summer 2000.

Committee recommendations for final design work on environmental issues:

- *The committee is comfortable with the direction the project team is taking on environmental issues.*

12. Vancouver connection. *The project should move forward on its own merits. Addressing all of the concerns the committee has outlined, community leaders should take this opportunity to begin early discussion about the prospects for extending light rail to Vancouver.* (direction to staff from the advisory committee, July 1999)

Response by the project team to item 12

The conceptual design places the Expo Center station in a location that allows future extension of MAX to Vancouver and Clark County without relocating the station.

Work to be done during final design related to item 12

Design decisions during final design will continue reflecting the overall goal of cost effectively providing for a possible future extension to Vancouver.

Committee recommendations for further work on extending MAX to Vancouver:

- *As the evaluation of extending the line to Clark County begins, the project should use as its foundation the adopted "locally preferred strategy" developed earlier as part of the South/North project.*
- *If and when the light rail line is extended to Vancouver, there should be a complete reevaluation of the need for the park-and-ride at Expo Center and PIR.*

13. Other issues. The following recommendations address topics not included in the committee's July 1999 Report #1.

Other committee recommendations relating to construction impacts:

- *Prior to start of construction, the project team should:*
 - *Identify businesses that want to stay or go and provide support to both.*
 - *Identify jobs and skill sets needed for construction work.*
 - *Define opportunities for providing jobs and purchasing goods and services from area businesses and residents.*
- *During construction, the project team should:*
 - *Find a low-interest loan fund to help businesses weather the reduced business period.*
 - *Ensure that businesses are not cut off from customer traffic for extended periods and/or without alternative access.*

Interstate MAX Advisory Committee

Report #1

July 1999

1. Committee membership and charge

In May Tri-Met General manager Fred Hansen appointed 15 citizens to an advisory committee on a proposal for light rail from the Rose Quarter to the Expo Center along Interstate Avenue. Individuals named to serve on the committee represent neighborhood associations and other organizations and groups in the Interstate Avenue corridor.

Members of the committee are:

Rick Williams, chair	Sheila Holden	Gary Madson
Carl Flipper	Lisa Horne	Larry Mills
Brad Halverson	Connie Hunt	Paul Mortimer
Doug Hartman	Jerrie Johnson	Steve Rogers
Alan Hipolito	Tom Kelly	Walter Valenta

The committee's charge is to:

- Comment on whether the Interstate MAX proposal has enough merit and community support to warrant a more detailed engineering study.
- Identify issues important to the community.
- Help devise a comprehensive community outreach program that assures anyone interested has the opportunity to learn about the proposal, ask questions, raise issues and provide input.
- Take information on the proposed project back to the members' groups and communities.
- Provide comment to Metro on the Supplemental Draft Environmental Impact Statement.
- Participate in the City of Portland's process for obtaining community feedback on how to pay for its portion of the costs.

2. Committee meetings and other outreach efforts

During May and June 1999, the committee met seven times. Meetings were open to the public.

Three open house events were advertised and held, allowing over 200 community members to learn about the Interstate MAX proposal.

Several hundred copies of the Supplemental Draft Environmental Impact Statement on the Interstate MAX proposal were distributed. On June 1, 1999, a public hearing was held on the SDEIS. Eighty-eight citizens presented testimony to a panel of public officials that included Metro Councilor Jon Kvistad, Portland City Commissioner Charlie Hales, Tri-Met General Manager Fred Hansen, and Metro Councilor Lon Parks. A total of 397 citizens commented on the SDEIS during the 45-day comment period from April 30 through June 14, 1999. An additional 69 citizens commented in support of a proposal by Spirit for free transit for metropolitan area students.

A second public hearing on the proposal was held June 15, 1999, before Portland City Council. Seventy-two citizens spoke at the hearing and 46 others submitted written or e-mail comments.

In addition, staff made at least 35 presentations on Interstate MAX at meetings of community organizations.

3. Committee recommendations

a. Merits of the proposal

Recommendation: The committee supports light rail in this region as part of a meaningful, connected, integrated and balanced transportation system. Subject to further elaboration of issues and concerns identified below, the committee recommends moving the Interstate MAX project forward with more detailed engineering study and development of a funding package.

The majority of committee members believe the proposal has the potential to improve transportation choices in North/Northeast Portland, create a neighborly "Main Street" feeling along Interstate, and help spur economic revitalization in the area. The committee will again consider its support for the light rail proposal in fall 1999 after reviewing the results of the additional study.

Two of the 15 committee members present during the June deliberations recommended against continuing study of the proposal.

b. Community involvement

Recommendation: The committee believes successful, meaningful public involvement is fundamental to the success of the Interstate MAX project. Effective public-involvement should be pursued aggressively and creatively throughout the life of the project.

The goal of the community outreach process is to build the capacity of community members to engage in the process. Communications should use simple terms and images so lay people can easily understand issues and choices. With these tools, project staff and the committee can effectively reach out to involve individuals and communities that historically are inexperienced in influencing public projects.

Since aspects of the project touch the lives and livelihoods of people at some distance from the project, all potentially affected individuals and interests, not only those closest to the project, should be invited to participate in discussions about the project and its elements.

Outreach for separate but related subjects (i.e., urban design, traffic mitigation, urban revitalization/urban renewal, jobs development) should be coordinated among different lead agencies and not undertaken independently. The project organization should include a technical advisory committee that coordinates the technical side of community outreach on the various topics.

Community members need to understand the unfolding of decisions over time in order to understand that the quality of the project design, and their level of effectiveness, depends on their ongoing involvement, beginning early in the process.

The project's outreach capabilities and credibility can be extended by building partnerships with community organizations that have a track record of successful public outreach. Interstate MAX outreach should take advantage of groundwork done by these groups in developing the Albina Community Plan.

c. Traffic

Recommendation: The committee recommends a comprehensive and creative reexamination of the streetscape design with respect to the effectiveness of travel lanes, parking, and bike lanes in order to minimize negative traffic impacts.

The committee has significant concerns about traffic impacts. Some members are concerned that reducing Interstate to two travel lanes will divert unwanted traffic to parallel streets while increasing congestion on Interstate. Traffic flows across Interstate at key intersections will be compromised. The I/5 interchanges in the PIR/Expo area, which already function very poorly, will be further degraded. The committee is concerned about the adequacy of plans to accommodate truck traffic to and from the Lower Albina area and Swan Island.

Committee members suggested further examination of ways to mitigate adverse traffic impacts. They asked staff to explore providing additional travel lanes on Interstate, possibly by moving bike lanes to a parallel street, removing on-street parking, or restricting parking during peak hours to create a temporary travel lane. I-5 should be improved to carry through traffic that currently uses Interstate.

The committee would like to see user-friendly presentations of traffic information, including computer simulations.

d. Urban design

Recommendation: The committee recommends the urban design treatment for Interstate MAX should reflect a coherent vision that addresses the street's form and function and sets the parameters for appropriate economic development.

The committee believes urban design should build on the Albina Community Plan. The affected community should be actively involved in developing the vision and design for a new streetscape.

The committee, reflecting frequently voiced comments from community members, asks project designers to use an appropriate track pavement. Concerns range from aesthetic (avoiding the railroad look of tie-and-ballast) to functional (ability for emergency vehicles to cross the tracks mid-block). Committee members urged investigation of various paved track treatments, including sod. Light rail should not be a barrier dividing sides of the street and the community.

e. Station design and placement

Recommendation: All stations should be intelligently designed to enhance appearance, safety and community access.

Committee members believe the station at Denver should be moved closer to the intersection and to the heart of the Kenton business district. Planners need to consider how the Russell station can best serve the Eliot neighborhood. The Rose Quarter station should be designed to enhance connections to the Lloyd District, and the decision not to run trains east from Interstate should be reconsidered. Placement of the Expo station needs careful attention, particularly with respect to connections to Bridgeton and Hayden Island. The station at Going should be studied with respect to bus connections to Swan Island.

Overall, the committee recommends stations be designed to provide safe, convenient connections to their surrounding communities.

f. Funding

Recommendation: The decision made by the mayor not to seek funds from an existing urban renewal district for the project is appropriate. Local communities within and/or affected by the proposed new district must be involved in studying the mayor's proposal for a new urban renewal district.

While believing light rail can be an engine to drive economic activity, committee members expressed concern that a new urban renewal district will be unable to generate enough funds both to help finance Interstate MAX and to stimulate revitalization.

Committee members also expressed concern about the remaining \$20 million city share of project funding. The city should identify which capital projects will be canceled or delayed in favor of funding the MAX project.

g. Economic Development

Recommendation: With a firm grounding in the views of the affected communities, the Portland Development Commission should determine ways to finance the project infrastructure and economic revitalization using the full range of available tools, including but not limited to an urban renewal district.

The committee believes the rail project should enhance the community and be based on community goals. Aggressive community involvement is needed as part of urban renewal district planning. Using economic development funds for light rail capital costs is justified only if the project is designed to stimulate development desired by the community.

Businesses and residents affected by light rail construction should be assisted during planning, construction and post construction periods.

Other sources of revenue for economic development (such as Portland's existing Brownfields Showcase project) should be identified and tapped.

h. Bus service design/light rail interface

Recommendation: Based on community involvement, the project team should enhance and improve existing bus service to capitalize on the investment in light rail. Existing bus service in this corridor should not be reduced.

Committee members expressed strong support for maintaining and improving the current level of bus service in the North/Northeast Portland area. Buses are key to providing good transit service in the area. Light rail should not cannibalize the bus system.

The committee reflected the community's concern about the adequacy of light rail, with stations spaced at 1/2-mile intervals, to match the convenience of the line 5/Interstate bus, which has stops every two blocks. The committee recommends investigation of creative and innovative operational configurations, which could include additional local stops, to mitigate the possible loss of local bus service. Minibuses should be considered as a means to enhance local service.

New east/west connections are needed to get people to job sites and training programs. Service to Jantzen Beach and Vancouver city center is important. The Eliot neighborhood

will need bus service to the Russell station. Pedestrian connections are needed from bus stops to stations, especially for Columbia Blvd. workers to reach the Expo station.

i. Parking

Recommendation: Based on discussions with the community, the project team should seriously evaluate whether to provide a park and ride facility at the Expo Center. Engineers should evaluate potential for parking infiltration into neighborhoods and propose strategies to minimize this. On-street parking and its influence on capacity should be investigated.

The committee is concerned that a park and ride facility at the Expo Center would be in conflict with Expo center users. In addition to issues of capacity, patrons of exhibits must pay to park, while transit users would not pay. Parking around the Expo Center is in conflict with economic development opportunities there. Capacity concerns are exacerbated by the prospect of a new amphitheater on the Expo Center site.

The committee urges consideration of a park and ride facility near Victory Blvd. and the Portland International Raceway, assuming wetlands issues can be overcome.

The committee is concerned about loss of parking on Interstate Avenue. Many businesses are dependent on availability of parking for customers, and some homes have no driveways or other alternatives to on-street parking. Off-street replacement parking should be considered. Consideration of part-time parking restrictions for additional peak-hour traffic capacity should remember some businesses need parking for customers during peak hours.

Community members have expressed concern about infiltration of park and riders into neighborhoods near stations. The committee suggests affected neighborhoods may wish to consider a parking permit program to limit non-resident parking.

The committee wishes to review a complete inventory of available parking and parking needs.

j. Bicycles

Recommendation: The committee recognizes that bicycling is an important and legitimate transportation mode, and recommends examining innovative solutions to enhance this mode in the corridor, balancing needs for bicycling with those for capacity (automobiles and freight movement) and parking.

Bicycle commuters, unlike recreational bicyclists, need direct routes to their places of work and other destinations. Nonetheless, some committee members believe some parallel streets may provide better bike routes.

k. Emergency access

Recommendation: Emergency access is needed in a configuration suitable to the emergency service providers in this area.

The committee has heard community members, including community police officers, express concern about maintaining quick response times in the Interstate corridor. It should be recognized that Interstate is the only street in North Portland that connects directly to the north and south ends of the district. It provides emergency access to mishaps on I-5.

The committee found that emergency access is a particular issue on tie-and-ballast track, since motor vehicles cannot drive across. For this reason, resolution of urban design treatment needs to be developed with attention to emergency access needs.

l. Environment: wetlands, air quality

Recommendation: The committee recommends moving aggressively to link the project with Brownfields initiatives underway, to protect wetlands, and to enhance and explain the project's benefits to air quality.

Historically, large-scale civic improvements in North Portland have been linked to disproportionate negative environmental impacts on low-income communities and communities of color. The Interstate MAX project provides an opportunity for civic improvements to provide environmental benefits. Accordingly, the project's environmental benefits – for example, improved air quality – must be clearly communicated and linked to related environmental efforts underway in North/Northeast Portland.

The committee commends the Interstate MAX proposal for causing no displacements of homes or businesses. In contrast, earlier proposals for light rail in North/Northeast Portland would have necessitated up to 150 displacements.

Design of the project must be undertaken with sensitivity to preserving and improving wetlands in the area north of Columbia Blvd. Mitigation efforts necessitated by permitted dredging and fill operations should result in no net loss of wetlands.

Opportunities for environmental enhancement should be pursued in parallel to light rail development. Efforts to restore contaminated land to productive reuse should be emphasized, as exemplified by Tri-Met's moving a previously received Brownfields pilot grant to North Portland. Landscaping plans should include new trees. During construction, emphasis should be placed on "building green" and mitigating the negative environmental impacts of construction.

m. Vancouver connection

Recommendation: The project should move forward on its merits, addressing all of the concerns the committee has outlined, community leaders should take this opportunity to begin early discussions about the prospects for extending light rail to Vancouver.

Committee members recognize the benefits of increased ridership and reduced automobile travel demand through North Portland that a Vancouver extension offers. Members also believe it is important to recognize that the project as proposed should be pursued on its own, significant merits.

The committee believes elected officials should be called upon to explain the real potential for approval and funding of a MAX extension across the Columbia into Washington state.

SIBA *Swan Island Business Association*

P.O. BOX 4773, Portland, OR 97208 503-285-9517

October 25, 1999

Tri-Met Board of Directors and Metro Council
Portland, OR

Re: Regional funding for Interstate MAX

To Whom It May Concern:

In June of this year, the Swan Island Business Association approved a resolution in support of continuing study of the Interstate MAX proposal with the following conditions:

1. Efforts be made to mitigate the impacts of that project on the movement of traffic east/west on N. Going Street.
2. Tri-Met provide in their transit planning for the project significantly improved bus connections between Swan Island and the proposed light-rail line.

It is the view of the Swan Island Business Association that both these conditions are being satisfactorily met. And while, SIBA recognizes the concerns of some residents over the impact of this project and urges that Final Design address as much as possible those concerns, the Swan Island Business Association Board of Directors nevertheless supports the regional funding for the Interstate MAX.

Sincerely,



Wayne E. Cozad, II
President



TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON

4012 S.E. 17TH AVENUE
PORTLAND, OREGON 97202
(503) 238-4831 FAX: (503) 239-6259

October 26, 1999

The Honorable Jon Kvistad, Chair,
Metro Council Transportation Planning Committee
Metro
600 N. E. Grand Avenue
Portland, Oregon 97232-2736

Subject: Interstate MAX/Expo Stations

Dear Counselor Kvistad:

Interstate MAX will reach new milestones this week with the completion of the City/Tri-Met funding agreement, filing of the FEIS and adoption by the Metro Council of the Land Use Final Order (LUFO). We thank you for your leadership in getting us so far so fast.

Throughout this process, you have consistently raised the concern that the current (East) Expo terminus station may be inconvenient and unsafe. You preferred a station closer to the Expo facility. Because of these concerns, be assured that Tri-Met will continue to develop these two stations alternatives in final design, allowing a decision based on more detailed analysis.

Once again, thank you for your continued support of the Interstate MAX project.

Cordially,

George Passadore, President
Tri-Met Board of Directors

Fred Hansen
General Manager

Testimony at Portland hearing on "North" light rail. **Oct 28,**
~~1999~~, 1999

Art Lewellan

I support the "North" light rail proposal. It is our prime example of how to improve the entire "South/North" light rail expansion. It has minimal environmental impacts & reasonably simple engineering. These important changes in route design have brought it's costs down 22%. The extension to Expo Center is crucial to attract Vancouver ridership. I guarantee that just as the Westside park-n-rides are filled daily, so will the Expo park-n-ride be filled every day. Support from Vancouver to finish the line will grow. Compared to the original proposal, the "North" light rail is obviously more supportable.

I have not given up hope that a light rail line will be built to Oregon City. Personally, I think diesel & even natural gas buses suck. I do not support the bus expansion plan that includes widening McLoughlin Blvd between SE 17th & Tacoma Street. Only by removing the stoplights on McLoughlin can traffic & transit be improved through this corridor. I'm afraid that widening McLoughlin will eliminate the light rail right of way. I'm afraid that the eastern row of mature trees will have to be cut down. I'm afraid that the widening is not going to help either transit or traffic.

At this point, I must say that Portland did not take a step backward with the "widely" rejected South/North. The "North" light rail is proof that impacts & costs can be reduced & this was an important lesson if we are to continue light rail expansion. Other lessons we learned during the controversial planning have resulted in more new rail projects, than we may have been able to realize, if the South/North were left unopposed. We now have the Airport MAX, the Central City Streetcar & its' expansion plans, the Washington County Commuter-rail, the country's first high-speed train service, the resurgence of the "Amtrak Pioneer", the improved "North" light rail & what I feel is a rail transit proposal that we should "pounce on", the rail transit shuttle between Milwaukie, Lake Oswego & points west.

We have also broadened our land-use planning guidelines by realizing its limits, with regard to what affected residents can accept. And, we have discovered new urban design potential through the concerted effort to maintain confidence that rail transit, particularly surface light rail, should become the standard transit feature of Portland & more American cities.

The best bicycle route North/South
 through North Portland is 1 block
 west on Concord & Greenwich.

Peter Teneau
2715 N Terry 97217

10/28/99

Kenton resident and former Board member
Former member of the County Jail Working Group at Radio Towers (wetland mitigation)
Represent PAS on the CSWC (serve on the Environmental Mitigation sub-com.)
Member of the PIR Master Plan Working Group.
Board of Friends of Smith and Bybee Lakes

First I wish to express my full and enthusiastic support of North Max. As a North Portland activist I've been on the street, in the trenches, and at a lot of meetings over the past five years to see that it happened. Even at the post-mortem after the defeat of funding for S/N a couple of years ago when we North Portland advocates discussed how to salvage what we could. The route to where we are now has been long and complicated and I commend the public agencies for an extensive outreach effort in engaging citizens participation.

I support North Max because it will alleviate traffic congestion along a stretch of North I-5 seriously choked now for hours each day. In my opinion it is inevitable that one day Vancouver will invite its northern extension. We are beginning to see that interest in the recent testimony of a downtown Vancouver business proponent before the Portland City council. When this extension is realized the congested I-5 corridor will be relieved further by mitigated traffic volume. An improved environment and enhanced livability will benefit the whole region but especially those of us living in North Portland who bear the brunt of the congestion.

But I also support North Max because in conjunction with a newly created Urban Renewal District it will add enormously to the revitalization of Interstate Avenue. Just how this will be accomplished depends on how light rail and urban renewal are coordinated -- for example how might the two parallel efforts attract business that serves the local community. Citizen involvement is mandatory in working out the details. Both friends of light rail as well as those having legitimate concerns with negative impacts (temporary construction and traffic problems for example) must be folded into the process. The huge effort that Kenton has made in planning and promoting a revitalized Denver Avenue town center must be respected. Recognizing the tremendous contribution light rail will make toward the goal every effort has been made by the neighborhood to integrate land use and transportation. Light rail and Kenton should be looked on as equal partners.

Concerns of citizens and their input does not and should not end at Kenton Center. The design must serve PIR, Haydon Meadows and East Delta Park to the maximum extent possible. Future developments at Expo must take into account proximity to the North Max station so that fewer visitors use their cars to get there. Metro should especially pay attention to this. It is after all a Metro facility and it is Metro's mission to coordinate land use and transportation. In fact MERC as a component of Metro has a responsibility for setting an example of good planning and coordination of land use and transportation.

Finally let me say that there are Environmental impacts to the project in the stretch through Pen-1. Every effort should be made to minimize the addition of impervious surface and encroachment into both sensitive environmental areas and open space

recognizing the important asset that Pen-1 is and the vision contained in the NRMP. This assumes the preservation of all forested upland and wetlands.

As a player and consistent with its principles as the regions planning agency, promoter of livability and protector of open space I simply ask that Metro be a good custodian of our resources, that it show an example of good coordination. Its own principles and values should shine in this project.

SOUTH-NORTH LAND USE CRITERIA

1. Coordinate with and provide an opportunity for Clackamas and Multnomah Counties, the cities of Gladstone, Milwaukie, Oregon City and Portland, the Tri-County Metropolitan Transportation District of Oregon and the Oregon Department of Transportation to submit testimony on the light rail route, light rail stations, park-and-ride lots and vehicle maintenance facilities, and the highway improvements, including their locations.
2. Hold a public hearing to provide an opportunity for the public to submit testimony on the light rail route, light rail stations, park-and-ride lots and vehicle maintenance facilities, and the highway improvements, including their locations.
3. Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers. Identify measures to reduce those impacts which could be imposed as conditions of approval during the National Environmental Policy Act (NEPA) process or, if reasonable and necessary, by affected local governments during the local permitting process.
 - A. Provide for a light rail route and light rail stations, park-and-ride lots and vehicle maintenance facilities, including their locations, balancing (1) the need for light rail proximity and service to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership; (2) the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and (3) the need to protect affected neighborhoods from the identified adverse impacts.
 - B. Provide for associated highway improvements, including their locations, balancing (1) the need to improve the highway system with (2) the need to protect affected neighborhoods from the identified adverse impacts.
4. Identify adverse noise impacts and identify measures to reduce noise impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by affected local governments during the permitting process.
5. Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.
6. Identify adverse impacts on significant fish and wildlife, scenic and open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in acknowledged local comprehensive plans. Where adverse impacts cannot practicably be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during

the NEPA process or, if reasonable and necessary, by local governments during the permitting process.

7. Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal and protect water quality which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.

8. Identify adverse impacts on significant historic and cultural resources protected in acknowledged comprehensive plans. Where adverse impacts cannot practicably be avoided, identify local, state or federal review processes that are available to address and to reduce adverse impacts to the affected resources.

9. Consider a light rail route connecting the Clackamas Town Center area with the City of Milwaukie's Downtown. Consider an extension of the light rail route connecting the City of Oregon City and the City of Gladstone with the City of Milwaukie via the Interstate 205 corridor and/or the McLoughlin Boulevard corridor.

10. Consider a light rail route connecting Portland's Central City with the City of Milwaukie's Downtown via inner southeast Portland neighborhoods and, in the City of Milwaukie, the McLoughlin Boulevard corridor, and further connecting the Central City with north and inner northeast Portland neighborhoods via the Interstate 5/Interstate Avenue corridor.

Proposed Findings of Fact and Conclusions of Law

South/North LRT Land Use Final Order Amendment

Interstate MAX

10/19/99

2. Amendments to the Light Rail Route, Stations, Lots and Maintenance Facilities for the Project, Including Their Locations

2.1 Introduction

In the original LUFO, the Council approved the light rail route, stations, lots and maintenance facilities, and highway improvements for the Project, including their locations. The Council's decision considered the entirety of Phase 1, from the Clackamas Town Center to the Columbia River.

The modifications adopted by this LUFO amendment involve only that portion of the Project extending from the Steel Bridge northward to the Expo Center. The remainder of the Project is unchanged. However, for an interim period prior to construction of the Downtown Portland Segment alignment, trains traveling between downtown Portland and the Expo Center will travel on the existing east-west MAX light rail alignment along SW First Avenue and SW Morrison and SW Yamhill Streets in downtown Portland. The result will be increased use of the capacity of the existing system. Increased use of existing downtown Portland light rail facilities will have some adverse traffic impacts. Those impacts are addressed in these LUFO findings. No other adverse impacts along the existing downtown Portland alignment are anticipated beyond those identified and addressed in the original Eastside MAX Final Environmental Impact Statement.

Except as otherwise noted in this document, these findings replace and supersede the segment-specific findings for the Eliot Segment and the North Portland Segment that the Council adopted in support of the original LUFO.¹ They also supplement the findings for the Downtown Portland Segment to address interim traffic impacts resulting from use of the existing light rail alignment through downtown to the SW 11th Avenue Turnaround.

Further, to the extent these findings create inconsistencies with other sections of the original LUFO findings [see, e.g., Sections 2.1 and 6.1 (descriptions of Eliot and North Portland segments)], these findings control and supersede the earlier findings. To the extent these findings are not inconsistent with the findings supporting the original LUFO, the original LUFO findings remain valid, and they are incorporated herein by this reference in support of the amendments identified herein.

2.2 Selected South/North Amendments

The Council amends the original LUFO to select the light rail route, stations and lots that are summarized below. More detailed descriptions are provided on a segment by segment basis later in these findings. The Council finds that its selected light rail route, stations and lots, including their locations, are identical to those for which Tri-Met requested Metro Council approval in its "Application for South/North Land Use Final Order Amendment", which Tri-Met filed on September 24, 1999 and which the Council incorporates herein by this reference. The light rail route, stations and lots selected by this amendment are described textually and illustrated on maps in the Council's adopted LUFO.

¹ See original LUFO findings. Sections 6.4.7, 6.4.8 and 7.2

In the original LUFO, the areas affected by these amendments were located within what the Council referred to as the Eliot and North Portland segments of the Project. Based on the nature of the changes to the Project, and consistent with Tri-Met's application and the recommendation of the South/North LUFO Steering Committee, the Council now deems it appropriate to divide the area directly affected by the modifications into three segments: Albina, Upper Interstate, and Expo Center. These segments are described in more detail in Section 6 of these findings.

Albina Segment

- Interstate Avenue Alignment; 2 LRT stations
- Stations in vicinity of Rose Quarter and N Russell Street

Upper Interstate Segment

- Interstate Avenue Alignment; 6 LRT stations
- Stations in vicinity of Edgar Kaiser Medical Center, N Going Street, N Killingsworth Street, N Portland Boulevard, N Lombard Street, N. Denver Avenue.

Expo Center Segment

- N Denver Avenue/N Expo Road Alignment; 2 LRT stations; 2 Park-and Ride Lots
- Stations in vicinity of Portland International Raceway and the Expo Center
- Park-and-Ride Lots in the vicinity of Portland International Raceway and the Expo Center

1. Introduction

1.1 Nature of the Metro Council's Action

This action adopts a Land Use Final Order (LUFO) for the South/North Light Rail Project. The action is taken pursuant to Oregon Laws 1996 (Special Session), Chapter 12 (referred to herein as "House Bill 3478" or "the Act"), which directs the Metro Council (the "Council") to issue LUFOs establishing the light rail route, the light rail stations, park-and-ride lots and maintenance facilities, and the highway improvements for the South/North Project, including their locations (i.e. the boundaries within which these facilities and improvements may be located).

On July 23, 1998, the Metro Council adopted Resolution No. 98-2673, adopting a LUFO ("the original LUFO") for the South/North Project. The original LUFO established the light rail route, stations, lots and maintenance facilities and the highway improvements, including their locations, for the first phase of the South/North Project, *i.e.* that portion extending from Clackamas Town Center to the Columbia River¹ (hereinafter the "Project")².

This LUFO amends the original LUFO with respect to that portion of the Project extending from the Steel Bridge northward to the Exposition Center (Expo Center). It modifies the light rail alignment; establishes, relocates or expands light rail station boundaries along that alignment; and authorizes park-and-ride lots at Portland International Raceway (PIR) and the Expo Center along the light rail route.

1.2 Relationship of Council's Order to Requirements of the National Environmental Policy Act of 1969

Like the original LUFO, this action is taken solely to implement the provisions in HB 3478 authorizing the Council to make land use decisions on the light rail route, stations, lots and maintenance facilities and the highway improvements for the South/North Project, including their locations. This land use decision is not required by the National Environmental Policy Act of 1969 (NEPA) or other federal law.

1.3 Requirements of House Bill 3478

Section 6(1) of House Bill 3478 requires the Council to "establish the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project or project extension, including their locations." Section 6(1)(a) further provides that the locations for each of these facilities and improvements:

¹The Council's jurisdiction is limited only to the Oregon portion of the South/North Project.

²Section 1(18) of HB 3478 defines the "Project" as that portion of the South/North Project set forth in the Phase I South North Corridor Project Locally Preferred Alternative Report. In lay terms, this is the segment extending westward from the Clackamas Town Center area to downtown Milwaukie and then northward through downtown Portland to northeast and north Portland. Section 1(19) of HB 3478 defines the "Project Extension" as that portion of the South/North Project set forth in the Phase 2 South North Corridor Project Locally Preferred Alternative Report. This would include the extension of light rail southward through Gladstone to Oregon City.

"shall be in the form of boundaries within which the light rail route, stations, lots and maintenance facilities, and the highway improvements shall be located. These boundaries shall be sufficient to accommodate adjustments to the specific placements of the light rail route, stations, lots and maintenance facilities, and the highway improvements for which need commonly arises upon the development of more detailed environmental or engineering data following approval of a Full Funding Grant Agreement."

Section 6(2) of the Act addresses amendments to the original LUFO. As relevant to this proceeding, it provides that any siting of the light rail route or a station, lot or maintenance facility outside the boundaries previously established in a LUFO, or any new station, lot or maintenance facility, "shall require a land use final order amendment or a new land use final order which shall be adopted in accordance with the process provided for in subsection (1) of this section."

Section 7 of HB 3478 requires the Council to apply land use criteria established by the Land Conservation and Development Commission ("LCDC") in making decisions in a land use final order on the light rail route, stations, lots and maintenance facilities, and the highway improvements, including their locations, and to prepare and adopt findings of fact and conclusions of law demonstrating compliance with those criteria. *These findings serve to demonstrate compliance with LCDC's criteria for the modifications selected in this LUFO amendment.*

Section 3(1) of HB 3478 provides that the procedures and requirements set out in the Act are the only land use procedures and requirements to which the Council's decisions on the light rail route, the stations, lots and maintenance facilities, and the highways improvements for the Project, including their locations, are subject. Consequently, these findings focus on the matters identified in HB 3478 as land use actions being taken at this time.

4. Implementation of a Land Use Final Order

4.1 Overview of Process for Selecting Mitigation Measures

LCDC Criteria 3 through 8 require the Council to identify (1) specified adverse impacts (e.g., impacts to neighborhoods and natural resources) that would result as a consequence of its decisions, and (2) "measures" to reduce those impacts which potentially could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the local jurisdiction permitting processes. Consideration of appropriate measures is consistent with local comprehensive plan policies and land use regulations which recognize that development can have adverse impacts on persons and property and which seek to reduce those impacts to the extent reasonable and permitted by law.¹

The Council's decisions selecting the light rail route, stations, lots and maintenance facilities, and the highway improvements for the Project, including their locations, are not the final steps in the process culminating with completion of construction of the South/North Project. Subsequent to or (as here) concurrent with Council actions, Final Environmental Impact Statements (FEIS) are submitted to the Federal Transit Administration (FTA). As part of the FEIS process, mitigation plans are developed addressing mitigation of adverse impacts associated with the selected rail and highway improvements for the Project. In each case, following federal approval of the FEIS, issuance of a Record of Decision by FTA and the signing of a Full Funding Grant Agreement with FTA, the Final Design phase will begin. During Final Design, all necessary federal and state permits for project construction are obtained.

Also during Final Design, the siting of light rail and highway improvements is subject to local permitting processes. Section 8(1)(b) of House Bill 3478 directs all affected local governments and agencies to "issue the appropriate development approvals, permits, licenses and certificates necessary for the construction of the project or project extension consistent with a land use final order." Section 8(1)(b) further allows these affected local governments to attach approval conditions to their development approvals permits, licenses and certificates. However, any such conditions must be "reasonable and necessary" and "may not, by themselves or cumulatively, prevent implementation of a land use final order." Under Section 8(3) of HB 3478, unreasonable or unnecessary conditions would include 1) measures for which there are insufficient funds within the project budget to pay for those measures; 2) measures that would significantly delay the completion or otherwise prevent the timely implementation of the project; and 3) measures that would significantly negatively impact project operations. See also *Tri-Met v. City of Beaverton*, 132 Or App 253 (1995). A condition prevents implementation of a LUFO if its imposition would require Tri-Met to finance construction of the condition at the expense of improvements funded under the Full Funding Grant Agreement or to go beyond the available federal funds and local matching funds for the Project. The Council finds that these funds constitute the envelope of available funds for the Project.

¹Section 1(17) of HB 3478 defines "measures" to include "any mitigation measures, design features, or other amenities or improvements associated with the project or project extension."

In summary, Criterion 3 through 8 require the Council to identify measures which potentially "could be imposed" later on in the process as part of an approved mitigation plan under NEPA or through local permitting (if reasonable and necessary). However, the actual determination and imposition of appropriate measures occurs only through these latter federal or local processes, not through this Council action. The Council finds this approach to be reasonable and appropriate, particularly given that the LUFO is not based on final design plans. Through final design, many identified adverse impacts may be avoided, and appropriate mitigation can be better determined.

4.2 Effect of Land Use Final Order on Local Comprehensive Plans and Land Use Regulations

Section 8(1)(a) of HB 3478 requires the affected cities and counties and Metro to amend their comprehensive or functional plans, including their public facility and transportation system plans and land use regulations, to the extent necessary to make them consistent with a land use final order. Section 8(2) further provides that a LUFO "shall be fully effective upon adoption."

The legal effect of these provisions are (1) to immediately authorize, as permitted uses, the light rail route, stations, lots and maintenance facilities and the highway improvements, including their locations, as identified and approved in a land use final order, and (2) to require appropriate plan and land use regulation amendments so that local land use requirements are consistent with a land use final order.² However, as noted above, the uses approved in a land use final order remain subject to local imposition of reasonable and necessary approval conditions under Section 8(1)(b).

While approval of a LUFO identifies where rail and highway improvements may go and authorizes their development at these locations subject to reasonable and necessary conditions, it does not concurrently prevent other uses allowed by existing zoning. Stated another way, a LUFO is not a right-of-way preservation tool. It does not prevent development of economically feasible uses currently permitted under acknowledged plans and land use regulations. It merely adds to the list of uses permitted on the properties affected by the LUFO without eliminating other uses from that list.

Similarly, a LUFO does not require local zoning amendments to allow more intense scales of development. Instead, it requires amendments only as necessary to authorize the approved project elements and ancillary facilities or improvements that may be required to ensure the safe and proper functioning and operation of the light rail system, provide project access, improve traffic flow, circulation or safety in the project vicinity, or to mitigate adverse impacts resulting from the Project.

In summary, Council adoption of a LUFO has the immediate effect of permitting, on the affected properties, the light rail and highway facilities and improvements approved in the LUFO. It also identifies the affected locations for future public acquisition for rail or highway purposes. However, LUFO adoption in no way prevents or limits currently allowed uses on these properties during the interim period pending ultimate public acquisition, nor does it mandate the rezoning of areas nearby light rail stations to achieve regional growth management objectives.

²This may require amendments to authorize the ancillary facilities and improvements for the South/North Project.

3. South/North Project Land Use Final Order Criteria

On May 30, 1996, pursuant to Section 4 of HB 3478, LCDC established the criteria to be used by the Metro Council in making land use decisions establishing or amending the light rail route, stations, lots and maintenance facilities, and the highway improvements for the Project or Project Extension, including their locations. The approved criteria include two procedural, six substantive, and two alignment-specific standards, set out as follows:

3.1 Procedural Criteria

1. Coordinate with and provide an opportunity for Clackamas and Multnomah Counties, the cities of Gladstone, Milwaukie, Oregon City and Portland, the Tri-County Metropolitan Transportation District of Oregon and the Oregon Department of Transportation to submit testimony on the light rail route, light rail stations, park-and-ride lots and vehicle maintenance facilities, and the highway improvements, including their locations.
2. Hold a public hearing to provide an opportunity for the public to submit testimony on the light rail route, light rail stations, park-and-ride lots and vehicle maintenance facilities, and the highway improvements, including their locations.

3.2 Substantive Criteria

3. Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers. Identify measures to reduce those impacts which could be imposed as conditions of approval during the National Environmental Policy Act (NEPA) process or, if reasonable and necessary, by affected local governments during the local permitting process.
 - A. Provide for a light rail route and light rail stations, park-and-ride lots and vehicle maintenance facilities, including their locations, balancing (1) the need for light rail proximity and service to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership; (2) the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and (3) the need to protect affected neighborhoods from the identified adverse impacts.
 - B. Provide for associated highway improvements, including their locations, balancing (1) the need to improve the highway system with (2) the need to protect affected neighborhoods from the identified adverse impacts.
4. Identify adverse noise impacts and identify measures to reduce noise impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by affected local governments during the permitting process.
5. Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques

which could be imposed during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.

6. Identify adverse impacts on significant fish and wildlife, scenic and open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in acknowledged local comprehensive plans. Where adverse impacts cannot practicably be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.
7. Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal and protect water quality which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.
8. Identify adverse impacts on significant historic and cultural resources protected in acknowledged comprehensive plans. Where adverse impacts cannot practicably be avoided, identify local, state or federal review processes that are available to address and to reduce adverse impacts to the affected resources.

3.3 Alignment-Specific Criteria

9. Consider a light rail route connecting the Clackamas Town Center area with the City of Milwaukie's Downtown. Consider an extension of the light rail route connecting the City of Oregon City and the City of Gladstone with the City of Milwaukie via the Interstate 205 corridor and/or the McLoughlin Boulevard corridor.
10. Consider a light rail route connecting Portland's Central City with the City of Milwaukie's Downtown via inner southeast Portland neighborhoods and, in the City of Milwaukie, the McLoughlin Boulevard corridor, and further connecting the Central City with north and inner northeast Portland neighborhoods via the Interstate 5/Interstate Avenue corridor.

Compliance with Criteria 1 and 2 is demonstrated in Section 5 of these findings. Compliance with Criteria 3 through 8 is demonstrated in Section 6 (long-term impacts) and Section 7 (short term construction impacts) of these findings. These amendments do not affect Criterion 9. Compliance with Criterion 10 is demonstrated in Section 8 of these findings. For all of the reasons set out in these findings, the Council finds and concludes that this LUFO amendment complies with the applicable LCDC criteria.

5. Compliance with Procedural Criteria (1-2)

5.1 Criterion 1: Agency Coordination

"Coordinate with and provide an opportunity for Clackamas and Multnomah Counties, the cities of Gladstone, Milwaukie, Oregon City and Portland, the Tri-County Metropolitan Transportation District of Oregon and the Oregon Department of Transportation to submit testimony on the light rail route, light rail stations, park-and-ride lots and vehicle maintenance facilities, and the highway improvements, including their locations."

Criterion 1 ensures Metro coordination with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Oregon Department of Transportation (ODOT), and the six cities and counties that are directly affected by the Project or Project Extension. Criterion 1 further requires Metro to provide these jurisdictions and agencies an opportunity to submit testimony on the light rail and highway facilities and improvements for the Project or Project Extension, including their locations.

The light rail route, station and lot decisions that are the subject of this LUFO amendment fall entirely within the jurisdictional boundaries of the City of Portland. The Council finds that Portland planning, engineering, and other technical staff, as well as staff from Tri-Met, have been actively involved in the process resulting in these proposed amendments.

For those jurisdictions and agencies not directly affected by this amendment, the Council finds that coordination has occurred consistent with Criterion 1 through their participation on the LUFO Steering Committee and/or through notice and opportunity to provide comments and concerns to Tri-Met through the LUFO Steering Committee as part of its process for making recommendations to Tri-Met on a land use final order or a land use final order amendment. More specifically, the Council finds that Tri-Met mailed letters to ODOT and to elected officials of the cities of Portland, Milwaukie, Oregon City and Gladstone, the counties of Multnomah and Clackamas, and Metro, providing them with information regarding the proposed "North Interstate" amendments to the original LUFO and advising them of their opportunity to submit comments to the LUFO Steering Committee on the proposed amendments. The Council further finds that the LUFO Steering Committee, which includes members from Metro, Tri-Met, ODOT, Clackamas and Multnomah Counties, and the cities of Portland and Milwaukie, reviewed the proposed LUFO amendments and made recommendations to Tri-Met on those amendments as provided for in House Bill 3478.

In addition, the Council finds that notice of the Council's October 28, 1999 public hearing to consider this LUFO amendment was mailed directly to each of the local governments and agencies identified in Criterion 1, thus providing those local governments and agencies with the opportunity to submit testimony to the Council on the proposed LUFO amendments at that hearing.

In adopting these LUFO amendments, the Council carefully considered the recommendations of the Steering Committee and the comments of the affected jurisdictions and agencies. The Council's decision in this LUFO amendment proceeding is fully consistent with Tri-Met's application, which in turn is consistent with the recommendation of the LUFO Steering Committee.

For all of these reasons, the Council finds that Criterion 1 is satisfied.

5.2 Criterion 2: Citizen Participation

"Hold a public hearing to provide an opportunity for the public to submit testimony on the light rail route, light rail stations, park-and-ride lots and vehicle maintenance facilities, and the highway improvements, including their locations."

Criterion 2 ensures that the public has an opportunity to submit testimony and be heard in the process leading to the Council's selection of the light rail route, stations, lots and maintenance facilities, and the highway improvements for the Project, including their locations.

On October 28, 1999, consistent with Criterion 2, the Council held a public hearing and accepted public testimony on the proposed amendments to the original LUFO. This followed public notice, which Metro published in The Oregonian on October 8, 1999, which is more than 14 days prior to its hearing. The Council finds that this publication of notice in The Oregonian meets all requirements for notice set out in HB 3478.

In addition to the published notice, a postcard mailing announcing the hearing was mailed to people on Metro's South/North mailing list for the Interstate MAX amendments. This list includes owners of property within close proximity to the light rail alignment. Further, announcements of the public hearing were included on Tri-Met's website, on Metro's transportation hotline, and in a press release issued by Metro on October 13, 1999.

Further, the Council finds that there has been substantial community participation in the process leading to the selection of the proposed amendments. The Metro Council takes notice of, and incorporates by reference herein, the description of the public participation process for these LUFO amendments as set out at pages P-2 to P-3 of the *South/North Corridor Project Supplemental Draft Environmental Impact Statement* (April 1999).

In summary, the Council finds that the holding of the public hearing on October 28, 1999, satisfies the requirement of Criterion 2. It further determines and concludes that the notices provided through publication, mailings, recorded announcements and by other means were reasonably calculated to give notice to people who may be substantially affected by the Council's decision on Tri-Met's application.

6. Compliance with Substantive Criteria (3 - 8) Long-Term Impacts

6.1 Introduction

The original LUFO divided the Oregon portion of the South/North Project into nine segments extending from the Clackamas Regional Center Segment in the south to the Hayden Island Segment in the north. The modifications to the Project adopted through this LUFO amendment, which change only the portion of the Project located between the Steel Bridge and the Expo Center, involve just two of those original segments: Eliot and North Portland.

As approved in the original LUFO, the light rail alignment would have passed along N Flint Avenue and N Russell Street through the center of the Eliot neighborhood, connecting to I-5 before crossing over to N Interstate Avenue. With this amendment, often referred to as "Interstate MAX", the alignment now follows N Interstate Avenue all the way from the Rose Quarter to Kenton, passing through the Albina industrial district rather than the center of the Eliot neighborhood. With this change, the Council finds it more convenient and appropriate to divide the affected area into three segments – Albina, Upper Interstate, and Expo Center -- for purposes of addressing compliance with the applicable land use criteria. The Albina Segment extends northward from the Steel Bridge to approximately N Overlook Boulevard. The Upper Interstate Segment continues northward from approximately N Overlook Boulevard to approximately N Columbia Boulevard. The Expo Center Segment extends northward from approximately N Columbia Boulevard to the Expo Center.

Because significant changes have been made to the Project in these segments, the findings contained in this section replace and supersede the segment-specific findings set out in Sections 6.4.7 and 6.4.8 adopted in support of the original LUFO, except for the original findings in Section 6.4.8 justifying the Kenton and Expo Center Stations and their locations, which are hereby expressly retained. To the extent the findings contained herein conflict with the original findings for the Kenton and Expo Center Stations, including their locations, these new findings control. These findings also supplement the Downtown Portland Segment findings to address traffic impacts associated with increased use of the existing Eastside MAX light rail alignment in downtown Portland between the Steel Bridge and the SW 11th Avenue Turnaround. However, this amendment makes no changes to the existing light rail route or stations, including their locations, in downtown Portland.

6.2 Supporting Documentation

In addition to these findings of fact addressing the light rail route, station and lot amendments identified herein, the Metro Council believes, accepts, adopts and incorporates by reference herein the facts and conclusions set forth in the documents identified in Section 6.2 of the findings in support of the original LUFO to the extent they are relevant to these identified amendments, as well as the facts and conclusions set forth in the following documents:

South/North Corridor Project "Supplemental Draft Environmental Impact Statement" (April, 1999) ("*SDEIS*")

South/North Corridor Project "North Corridor Interstate MAX Final Environmental Impact Statement" (October 1999) ("*FEIS*"), including the supporting documents identified therein

South/North Corridor Project "North Corridor Interstate MAX Light Rail Project: Local Traffic Mitigation Plan" (October 1999)

Interstate MAX Draft Bus Service Concept Plan

South/North Corridor Project "North Corridor Interstate MAX Light Rail Project: Noise and Vibration Mitigation Plan" (October 1999)

South/North Corridor Project "North Corridor Interstate MAX Light Rail Project: Ecosystems Mitigation Plan" (October 1999)

Throughout these findings, references are made to information contained in various Results Reports prepared as supporting documents to the *South/North Corridor Project Draft Environmental Impact Statement*. Much of that the information contained in those reports remains accurate, relevant and applicable to these findings, and the Council continues to rely on that information as supporting evidence for its decisions herein. However, some of the information contained in those reports is out of date or is no longer accurate as a result of these amendments to the Project. Similarly, some information in the *SDEIS* is no longer accurate because of changes subsequently made to mitigate identified impacts. The Council finds that updated, corrected information is set out in the *North Corridor Interstate MAX Final Environmental Impact Statement (FEIS)* and its supporting documents. To the extent that information in the *FEIS* and its supporting documents conflicts with information contained in the *DEIS*, its supporting results reports, and the *SDEIS*, the Council disregards the earlier conflicting evidence, finds that the newer information controls, and relies on the newer evidence as the evidentiary support for its decisions in this LUFO amendment. When the facts contained in the earlier documents are relevant and not inconsistent with the facts in the *FEIS* and its supporting document, the Council continues to rely on them in support of its decisions herein.

6.3 General Impacts and Mitigation Measures Applicable to All Segments ("General Findings")

Section 6.3 of the findings in support of the original LUFO addresses a broad range of impacts relevant to LCDC Criteria 3-8 that are expected to occur throughout the South/North Corridor as opposed to one or a few discrete properties or places. The Council finds that the impacts addressed in Section 6.3 of the original LUFO findings are also likely to occur in the areas affected by this LUFO amendment, and that the analysis in Section 6.3 of the original LUFO findings applies to the light rail route, station and lot amendments identified herein as it did to the originally approved route and stations. Accordingly, the Council expressly adopts and incorporates herein by this reference those original findings.

Of course, the changes to the Project, particularly in its alignment, will render some of these earlier general findings no longer accurate or relevant. For example, the potential loss of parking near NE Flint Avenue identified in Section 6.3 of the original LUFO findings is no longer a

concern because, with this amendment, the light rail alignment no longer passes through that location. Similarly, all findings relating to a crossover from I-5 to Interstate Avenue no longer have relevance, and the finding that most residential displacements would occur in the Eliot and North Portland segments is no longer accurate. To the extent those earlier findings are now incorrect or irrelevant or conflict with the more specific findings set out below, the Council disregards them.

The general findings include discussions of measures potentially available to mitigate the broad range of identified adverse impacts. The Council finds that it is just as appropriate to consider these measures with respect to impacts resulting from the amended light rail route, stations and lots as it was for the impacts from the originally approved alignment and stations.

6.4 Segment-Specific Findings and Mitigation Measures

As noted above, the light rail route, station and park-and-ride lot modifications resulting from this LUFO amendment change only that portion of the Project located in the Eliot and North Portland Segments as identified in the original LUFO. No other segments identified in the original South/North LUFO are directly affected. However, the amendments will have interim traffic impacts on the Downtown Portland Segment by utilizing more of the existing capacity on the existing MAX light rail line between the Steel Bridge and the SW 11th Avenue Turnaround.

Accordingly, the findings contained in this section supplement the findings in Section 6.4.6.2 of the original LUFO findings and replace the findings in Sections 6.4.7 and 6.4.8 of the original LUFO findings (except for the findings addressing the Kenton and Expo Center stations in Section 6.4.8 of the original LUFO findings).

6.4.6 Downtown Portland Segment

6.4.6.2 Criterion 3: Neighborhood Impacts

The original LUFO established a "Full Mall" alignment (Irving Diagonal) and thirteen stations in the Downtown Segment, extending from SW Front Avenue at SW Harrison Street to the east end of the Steel Bridge. The supporting findings for the Downtown Portland Segment are found on pages 6-162 through 6-188 of the original LUFO Findings.

The "Full-Interstate Alignment Alternative" that is the subject of this LUFO amendment differs from the original LUFO in that, for an interim period pending future construction of the Full Mall alignment, it will not operate on the Full Mall alignment, but instead will utilize approximately 1.5 miles of existing track between the SW 11th Avenue downtown turnaround and the Rose Quarter Transit Center. The *FEIS* includes an expanded analysis of the traffic impacts of operating additional light rail trains on the existing tracks in the Downtown Segment, which the Council incorporates herein by reference.

Based on the additional analysis in the *FEIS*, the Council hereby adopts the following supplemental findings under Criterion 3 of the Downtown Portland Segment findings to address

the interim traffic impacts associated with the increased headways on the East/West MAX alignment in downtown Portland. The Council finds that the impacts are interim because the South/North Project provides for the ultimate relocation of these light rail operations onto the Full Mall alignment approved in the original LUFO.

The Council finds that the street system in Downtown Portland is characterized by one-way, multi-lane roadways with parallel parking and sidewalks on both sides of the street. South of W Burnside Street, roadway rights-of-way generally are 80 feet for north-south streets and 60 feet for east-west streets. Typically, north-south streets have three moving travel lanes, while east-west streets have two moving travel lanes. Streets north of W Burnside in both east-west and north-south directions typically have 60 foot rights-of-way and two travel lanes.

Because of the dense Downtown Portland street grid pattern resulting from 200-foot block lengths, the City of Portland has been able to reserve streets or portions of streets for transit or pedestrian use without reducing the capacity of the street system below its ability to serve traffic demands associated with adjacent land uses. Downtown intersections generally are controlled by traffic signals. Existing light rail trains on SW Morrison Street and SW Yamhill Street move through the downtown street grid with the existing traffic signal progression pattern. There is no light rail preemption on these streets. However, at locations where automobile turning movements would conflict with light rail trains, and along SW 1st Avenue where two-way LRT operations exist, LRT trains receive priority treatment at signals. The primary north-to-south automobile streets in downtown Portland are SW 3rd and SW 4th Avenues and SW Broadway Street. The primary east-to-west streets are SW Market, SW Clay, SW Alder, SW Washington, W Burnside, NW Everett and NW Glisan Streets. These streets generally connect to bridges across the Willamette River, except for SW Market Street and SW Clay Street which connect to Highway 26 on the west and I-5 on the east.

By the year 2001, with the opening of Airport MAX, the number of peak-direction trains running along the light rail alignment between the Rose Quarter and Downtown Portland during peak hours will increase from the current 10 to 15 trains. The average headway, in minutes, during peak hours in the peak direction will be four minutes. With the expected opening of South/North MAX service to the Expo Center in 2004, the number of peak-direction trains running between the Rose Quarter and Downtown Portland will increase to 21. This number will further increase to 23 by the year 2010, 24 by the year 2015, and 28 by the year 2020.

The Council finds that the existing cross mall alignment is capable of accommodating a maximum of 30 peak-direction trains per hour. Accordingly, the 28 trains anticipated by the year 2020 is within the capacity of the facility. At 30 trains per hour, forced flow would occur. Forced flow means that if a train is delayed and misses its green signal, it will be delayed until the next green, as will every train behind it. With three-minute headways (20 trains per hour) a signal-delayed train will seldom delay its follower.

While the existing east-west MAX alignment Downtown has the capacity to accommodate trains connecting Downtown to the Expo Center, the Council finds that the increase in train traffic through Downtown will create impacts relating to level of service and traffic queuing.

Currently, the downtown grid traffic signal system is coordinated to facilitate efficient traffic flow for designated traffic streets such as SW 4th Avenue and SW Broadway Street, and to facilitate traffic access to and from the Willamette River bridges. At intersections that provide for left turns across the tracks (SW Morrison Street at SW Broadway, SW Morrison Street at SW 11th Avenue, SW Yamhill Street at SW 4th Avenue and SW Yamhill Street, at SW 10th Avenue), all auto movements are held until a train crosses the intersection.

Even with substantially increased train traffic by the year 2020, most downtown intersections will continue to operate at acceptable levels of service. The exceptions are SW Broadway at SW Morrison Street, and SW 4th Avenue at SW Yamhill Street. For the intersections of SW Broadway at SW Morrison Street and SW 4th Avenue at SW Yamhill Street, the forecast year 2020 level of service would degrade to LOS F with 28 trains per hour. Compared to the No-Build (20 trains per hour), there would be a small increase in traffic queue lengths and slightly more delay for auto traffic, due primarily to additional "all red" phases at these intersections.

Mitigation options to improve levels of service at these affected intersections are limited. One possible mitigation strategy would be to remove or limit on-street parking on the blocks approaching these intersections. This would eliminate parallel parking activity that can add to delay and reduce the overall level of service. However, such a measure may not be needed for many years. Traffic monitoring by Tri-Met and City of Portland staff following the opening of Airport MAX and this Project can determine when, if at all, such measures would be appropriate. Construction of the Full Mall alignment also would reduce the adverse impact.

With the increase in the number of peak-direction trains by the year 2020, the intersection of NW 1st Avenue at NW Everett Street, while operating at an acceptable LOS C, will experience longer traffic queues on NW Everett Street as a result of increased signal preemption. An additional impact identified near this intersection is the need to merge all eastbound automobile traffic on the Steel Bridge into the outside traffic lane, as the Steel Bridge center lanes would be used exclusively for transit. The exclusion of automobile traffic from the center lanes of the bridge would allow removal of the signals that currently hold both eastbound and westbound Steel Bridge automobile traffic whenever a light rail vehicle is approaching. On the west end of the bridge this would require eastbound traffic from NW Everett Street and southbound to eastbound traffic on NW Naito Parkway to merge in a very short distance with northbound to eastbound traffic from NW Naito Parkway. Total traffic volumes attempting this merge are expected to approach the traffic carrying capacity of the bridge with a single, directional travel lane. Adequate sight distance at the merge point is also an issue.

Mitigation for the difficult merge condition for eastbound traffic at the west end of the Steel Bridge could include the addition of a traffic signal at the northbound NW Naito Parkway ramp onto the Steel Bridge. This signal would be coordinated with the existing traffic signal controller at the intersection of NW 1st Avenue and NW Everett Street, displaying a flashing yellow operation to allow northbound traffic to merge with the southbound-to-eastbound traffic from NW Naito Parkway. Tri-Met and the City of Portland can explore the use of the latest generation of "smart" traffic signal software to maximize the operations of both light rail and automobile traffic through this intersection and bridge merge area. Tri-Met and the City also can monitor

eastbound traffic movement across the bridge to determine if traffic management measures such as signs, channelization and signals are warranted to direct through traffic to adjacent bridges with available capacity.

6.4.7 Albina Segment

6.4.7.1 Description of Light Rail and Highway Improvements

The Albina Segment of the South/North Project includes the following LRT-related facilities:

- An alignment that extends from the Steel Bridge to the Edgar Kaiser Medical Facility within the existing N Interstate Avenue right-of-way.
- Two light rail stations – one at the Rose Quarter and the second between N Russell and N Knott Streets on N Interstate Avenue.

See Figures 1.1, 1.2 and 1.3 of the LUFO Amendment for LUFO boundaries for the Albina Segment

Light Rail Alignment

The Albina Segment extends along N Interstate Avenue from the east end of the Steel Bridge to the Kaiser Interstate Medical Office Center north of N. Fremont Street.

The LRT alignment splits from the existing east-west alignment on the east side of the Steel Bridge in the vicinity of the Rose Quarter, where the alignment turns north into the center of N Interstate Avenue. A station is located in the median of N. Interstate Avenue in the vicinity of the intersection of N Multnomah Street and N Interstate Avenue adjacent to the Rose Garden, approximately 200 yards west of the existing Rose Quarter Transit Center. North from the Rose Quarter, the tracks are aligned in the middle of N Interstate Avenue and pass underneath the Broadway Bridge. A center platform station is located in the vicinity of N Russell and N Knott Streets on N Interstate Avenue. From the intersection of N Greeley Avenue, the alignment proceeds north within the N Interstate Avenue right-of-way up to Overlook Park and the Edgar Kaiser Medical Center.

Light Rail Stations

Two stations are provided in the Albina Segment.

Rose Quarter Station. The South/North Project improvements will include a new station near the Rose Quarter. The Rose Quarter Station will provide direct transit access from the north to this major regional activity center, including the nearby Rose Garden Arena, the Memorial Coliseum and the Oregon Convention Center. The Rose Quarter Station will also provide close and convenient access to the Eastside and Airport MAX light rail lines via the existing light rail station platform located under I-5 and to bus connections at the Rose Quarter Transit Center.

Russell Station. A center platform station will be located between N Russell and N Knott Streets on N Interstate Avenue. This station will more directly serve the Albina Industrial District along N Interstate Avenue rather than the residential portion of the Eliot Neighborhood. However, N Russell Street provides an important east-west street connection to Emanuel Hospital and residential neighborhoods located to the east of I-5.

Park-and-Ride Lots

There are no park-and-ride lots located in the Albina Segment.

Operations & Maintenance Facilities

There are no operations and maintenance facilities located in the Albina Segment.

Highway Improvements

There are no highway improvements located in the Albina Segment.

6.4.7.2 Criterion 3: Neighborhood Impacts

“Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers. Identify measures to reduce those impacts which could be imposed as conditions of approval during the National Environmental Policy Act (NEPA) process or, if reasonable and necessary, by affected local governments during the local permitting process.”

“A. Provide for a light rail route and light rail stations, park-and-ride lots and vehicle maintenance facilities, including their locations, balancing (1) the need for light rail proximity and service to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership; (2) the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and (3) the need to protect affected neighborhoods from the identified adverse impacts.”

“B. Provide for associated highway improvements, including their locations, balancing (1) the need to improve the highway system with (2) the need to protect affected neighborhoods from the identified adverse impacts.”

Description of Affected Neighborhoods in the Albina Segment

The Albina Segment connects north Portland with downtown Portland via N Interstate Avenue. The southern portion of the Albina Segment has undergone significant changes in the last decade, with the construction of the Oregon Convention Center and the Rose Garden Arena. These facilities, along with the Memorial Coliseum, have established the area as a major recreation, entertainment and tourism center for the region. The hotels, restaurants, offices and retail establishments located in the area support these uses. The east/west couplet of NE Broadway/Weidler forms a commercial corridor linking the entertainment facilities with the Lloyd Center area. Also located within the southern portion of the segment is the Portland Public School District Administration Building.

The central and northern portions of the Albina Segment include primarily industrial and transportation uses (rail yards, freeway bridges) along N Interstate Avenue, with residential and institutional uses concentrated to the east of I-5. The Emanuel Hospital Campus is a prominent institution located east of I-5 and north of N Russell Street. The northern portion of the LRT alignment in the Albina Segment will link with another prominent institution, the Edgar Kaiser Medical Facility. The Overlook Station near Kaiser, however, is included in the Upper Interstate Segment.

The LRT alignment in the Albina Segment crosses the western portions of the Lloyd and Eliot Neighborhoods and the southeast portion of the Overlook Neighborhood. A summary description of each neighborhood follows, based on information from the *Neighborhood Results Report* and the *FEIS*.

The *Lloyd Neighborhood* is bounded by the Willamette River on the west, NE 15th Avenue on the east, NE Broadway Street on the north and the Banfield Freeway (I-84) on the south. The street pattern is primarily a grid. Major streets in the neighborhood are one way, including: NE Broadway Street, which carries traffic over the Broadway Bridge and into downtown Portland; NE Weidler Street; NE Martin Luther King Boulevard; and NE Grand Avenue. The I-5 freeway runs through the western portion of the Lloyd Neighborhood. Access to the Steel Bridge, which crosses the Willamette River into Downtown, also is located in the neighborhood. The Lloyd Neighborhood is currently served by light rail along NE Holladay Street.

The Lloyd Neighborhood is a major regional employment center and is predominantly commercial in character. The neighborhood includes a mix of uses, such as event facilities, retail and office, and housing. A number of significant destination points are located in the western portion of the neighborhood, including the Memorial Coliseum, the Oregon Convention Center and the Rose Garden Arena. The Lloyd Shopping Center, a retail destination point, is located at the eastern edge of the neighborhood. Several large office buildings also are located in this neighborhood. There are also several hotels and restaurants located in the neighborhood which provide services to users of the entertainment facilities. A small number of residential uses are scattered throughout the neighborhood.

Because the Lloyd Neighborhood is predominantly commercial, it has a low population. The neighborhood contained an estimated 1990 US Census population of 498. Since then, however, over 500 new housing units have been built. According to the *DEIS*, the mobility-limited population is significantly higher at 30 percent than for the county (1.9 percent) and the region (2.8 percent), probably because the area includes a very high proportion of persons over 65 years of age. 98.4 percent of neighborhood residents rent their housing, more than double the rental rate of the county and the region.

The *Eliot Neighborhood* extends from the Willamette River on the west to NE 7th Avenue on the east and from NE Broadway Street on the south to NE Fremont Street on the north. The I-5 freeway runs through the Eliot Neighborhood. Major north/south streets in the neighborhood are N Interstate Avenue and NE Martin Luther King Jr. Boulevard. NE Fremont Street and NE Broadway Street are the main east/west streets.

The Eliot Neighborhood is comprised of a wide range of uses including retail, office, industrial, residential and institutional. The Portland Public School (PPS) District administration building is located in the southwest corner of the neighborhood. A large industrial area is located north of the PPS administration building between I-5 and the Willamette River. Emanuel Hospital occupies a large area in the northern portion of the neighborhood, east of the I-5 freeway.

Retail uses are located along NE Broadway Street, which forms the common boundary between the Lloyd and Eliot Neighborhoods. Commercial uses are also located along NE Martin Luther King Jr. Boulevard.

The majority of residential uses are single family. Most are located east of the I-5 freeway. Matt Dishman Community Center, which includes an indoor swimming pool and other recreational facilities, is located in the neighborhood, as is the Harriet Tubman Middle School.

The Eliot Neighborhood contained an estimated 1990 US Census population of 2,861. Approximately 56.5 percent of the neighborhood population is minority compared with 13 percent of Multnomah County and 8.6 percent for the region. The mobility-limited population is considerably higher at 7 percent than for either the county (1.9 percent) or the region (2.8 percent). The percentage of population over 65 years of age is somewhat lower for the neighborhood than for the county and the region. The proportion of households below the poverty level is significantly greater in the Eliot Neighborhood (39.7 percent) than in Multnomah County (13.1 percent) and the region as a whole (9.9 percent).

Median value of housing in the neighborhood is significantly less than either the county or region. In addition, a significantly larger proportion of residents rent their home (70.6 percent) than in the county (44.7 percent) or the region (38.7 percent).

The *Overlook Neighborhood* is bounded on the south by the Fremont Bridge, on the north by N Ainsworth Street and N Willamette Boulevard, on the east by I-5 and on the west by the Willamette River. N Going Street provides access to I-5 from the Overlook Neighborhood.

Other major streets include N Interstate Avenue, N Greeley Avenue, N Willamette Boulevard, N Killingsworth and N Ainsworth Streets.

The Overlook area includes a wide range of land uses, including residential, industrial, institutional, retail and office. Swan Island, an industrial park area, makes up the northwestern portion of the neighborhood and is a major employment center. The rail yards to the south of Swan Island are part of the Overlook Neighborhood. N Interstate Avenue is primarily a commercial strip with various retail and service uses. The Edgar Kaiser Medical Center is located between N Interstate Avenue and the I-5 freeway at the southern entryway to the Overlook Neighborhood. Overlook Park is located to the west of the Kaiser Medical Center. The residential portion of the neighborhood is located between N Willamette Boulevard/N Greeley Avenue and the I-5 freeway. The neighborhood is predominantly single family with some multi-family buildings.

The Overlook Neighborhood contained an estimated 1990 US Census population of 5,596. The percentage of population that is minority, over 65 years of age and below the poverty level is somewhat higher for the Overlook Neighborhood than comparable percentages for the county and the region. The median value of housing in the neighborhood is considerably less than either the county or the region.

Identify adverse economic, social and traffic impacts on affected neighborhoods. Identify measures to reduce those impacts.

Economic, social and traffic impacts specific to the Albina Segment are addressed in the following section. Economic, social and traffic impacts applicable to neighborhoods throughout the South/North Corridor, including the Albina Segment, are addressed in the original LUFO findings, incorporated herein by this reference, under the heading "General Impacts and Mitigation Measures Applicable to All Segments" (hereinafter "General Findings"). Economic, social and traffic impacts are also described, along with corresponding mitigation measures, in the *Land Use and Economic Impacts Results Report (Land Use Report)*, the *Social and Neighborhood Impacts Results Report (Neighborhood Report)*, the *Local and Systemwide Traffic Impacts Results Report (Traffic Report)*, the *Supplemental Draft Environmental Impact Statement (SDEIS)* and the *North Corridor Interstate MAX Final Environmental Impact Statement (FEIS)*.

Economic Impacts

Overall, the South/North Project will result in positive economic impacts in the Albina Segment because improved transit capacity will be provided to serve the Rose Quarter entertainment center (including the Rose Garden Arena and the Memorial Coliseum), the nearby Convention Center, and the Lower Albina Industrial District along lower Interstate Avenue. This segment will link north Portland neighborhoods with downtown Portland and with Eastside and Airport MAX at the Rose Quarter.

The location of the LRT alignment and stations within the existing right-of-way of N Interstate Avenue will avoid displacements and associated economic costs. The new stations at the Rose Quarter and Russell Street will provide some opportunities for intensification of land uses in the vicinity of the stations consistent with land use plans for the areas.

Displacements. There will be no displacements of businesses in the Albina Segment. By contrast, the LRT alignment in the original LUFO was expected to displace 5 commercial/retail businesses, 8 industrial businesses and 2 public (school-related) uses. The revised alignment avoids the economic impacts and costs associated with business displacements.

Loss of Parking/Access. There will be no loss of parking in the Albina Segment. On-street parking is not allowed along the segment of N Interstate Avenue extending from the Steel Bridge north to the Edgar Kaiser Medical Facility.

There will be some changes in access to existing uses along this segment of N Interstate Avenue. Several existing median breaks will be closed. Access will be maintained by new traffic signals at N Albina and N Knott. These signals will allow vehicles to make left turns or U-turns.

Tax Base. The LRT alignment and stations will be located within the existing right-of-way of N Interstate Avenue and consequently will have no adverse impact on the tax base due to the displacement of business/industrial uses from the tax rolls. The Council finds that the availability of light rail in the Albina Segment may spur development and enhance property values and the tax base on a long-term basis, particularly around the two new stations.

Freight Movement. The LRT improvements in the Albina Segment will not impact *water* or *rail freight movement*. Numerous rail lines and the Albina Yard of Union Pacific Railroad are located between N Interstate Avenue and the Willamette River. However, the LRT improvements in the Albina Segment will not cross the railroad main lines or spur tracks.

Regarding *truck freight movement*, Portland's Central City Transportation Management Plan (CCTMP) designates one truck district within the Albina Segment, located adjacent to Albina Yard, Union Pacific's current intermodal facility for the Portland region. The truck district is bounded by I-405 on the north, Interstate Avenue on the east, N Albina Avenue on the south, and the Willamette River on the west. The *FEIS* notes that heavy trucks typically comprise on the order of eight percent of the total traffic on key streets in the Albina Segment during the PM peak period. Access to the district is via N Interstate Avenue, which is designated in the CCTMP as a minor truck street. Other truck streets in the Albina Segment include N Larrabee Street, N Weidler Street, and N Broadway. The NE Martin Luther King, Jr. Boulevard/NE Grand Avenue couplet is designated as a major truck street. The Transportation Element of the *Portland Comprehensive Plan* designates N Kerby Avenue and N Russell Street as minor truck streets. Access to I-5, I-84, and I-405, all regional truck routes, is via the I-5 interchange at NE Broadway/NE Weidler Street, and via the I-405 ramps connecting to N Kerby Avenue.

The City of Portland's Albina Overcrossing Project will mitigate freight/traffic conditions in the Albina Segment. This project has funding (it is not a part of the South/North Project) and is

scheduled for construction in 2000. With implementation of the City of Portland's Albina Overcrossing Project, truck access into the Lower Albina Industrial District west of N Interstate Avenue will change. At-grade rail crossings at N Albina Avenue, N Lewis Avenue, N Clark Avenue and N Harding Avenue will be closed and direct access to industrial uses west of the freight rail line will be provided exclusively via the new overcrossing.

Northbound to eastbound truck access into the Lower Albina Industrial District will stay the same as it is now. Southbound left-turn access will be restricted at some existing locations, with left turn pockets provided at N Tillamook Street and N Russell Street.

Based on the information included in the *Traffic Report*, the *SDEIS* and the *FEIS*, the Council finds that the LRT improvements along N Interstate Avenue in the Albina Segment will result in only minor adverse impacts to truck freight movement and truck access to the Albina Yards. Additionally, the reduction in the traffic carrying capacity of N Interstate Avenue and the associated diversion of traffic will slightly improve the level of service at existing intersections along N Interstate Avenue relative to No-Build conditions.

Social Impacts

The Council finds that the LRT improvements in the Albina Segment have neutral social impacts on the affected neighborhoods. Light rail will provide improved transit access to the entertainment facilities and jobs in the Albina Industrial District. However, the improvements will not directly serve the residential areas of the Eliot Neighborhood, Emanuel Hospital, or the Broadway/Weidler corridor. The Overlook Neighborhood will have direct access to LRT transit with the Interstate Avenue alignment.

Displacements. The Interstate alignment in the Albina Segment avoids residential displacements and associated social impacts. By contrast, the LRT alignment in the original LUFO for the Eliot Segment would have displaced a total of 33 multi-family units, including one 26-unit apartment building near Holladay Park Hospital, a 5-plex on N Flint Street, and a duplex on N Kerby Street. Additionally, 4 single-family dwellings would have been displaced by the LRT alignment, including two along N Flint Avenue and 2 along N Kerby Avenue. Because there are no displacements with the new alignment and station locations in the Albina Segment, the Council finds that adverse social impacts to inner-northeast neighborhood quality have been avoided.

Access to Community Facilities. The Council finds that the South/North Project improvements in the Albina Segment will provide slightly better access for residents to community facilities, regional entertainment centers and regional employment centers than the No-Build Alternative. Affected neighborhoods within this segment have higher percentages of mobility-impaired, elderly, poor and minority residents than the region or the county.

Residents of the Overlook Neighborhood will have improved access to community facilities near the Expo Center, Portland International Raceway, the Rose Quarter, and in Downtown Portland, in addition to community facilities along N Interstate Avenue. However, LRT improvements in

the Albina Segment will not directly serve the residential portions of the Lloyd and Eliot Neighborhoods or community facilities such as Emanuel Hospital and the Dishman Community Center.

Some individuals have commented that they currently are provided with good bus service, and they are concerned that LRT will displace or reduce the existing level of service. In response, Tri-Met has made a commitment that there will be no net loss of bus service to N/NE Portland. Numerous east-west or cross-town bus routes cross N Interstate Avenue today at major intersections such as N Killingsworth Street, N Lombard Street and N Portland Boulevard. All connecting bus service to N Interstate Avenue will be retained or enhanced. The Interstate MAX Draft Bus Service Concept Plan proposes that all east-west service between N Russell Street and N Lombard Street be brought up to 15 minute service to enhance the connection to light rail. LRT stations and bus stops have been designed to allow convenient transfers between buses and light rail.

Barriers to Neighborhood Interaction. The Council finds that the LRT alignment in the Albina Segment will not result in barriers to neighborhood interaction. The I-5 freeway already functions as a significant barrier and boundary between neighborhoods. The LRT improvements within the right-of-way of N Interstate Avenue will serve areas dominated by large-scale entertainment and industrial uses which are distinct from the residential neighborhoods located to the east of I-5. The tie-and-ballast track treatment in this segment is consistent with the largely industrial character.

Safety and Security. The Council is sensitive to the importance of safety and security in neighborhoods affected by the South/North Project. The Council finds that, with appropriate design and implementation of systemwide transit security measures as described in the General Findings referenced above, safety and security will not be adversely affected by the LRT improvements in the Albina Segment. Because the alignment in this segment is located within the N Interstate Avenue right-of-way and is generally bounded by employment uses, station security is a sensitive issue, particularly during evening hours. The Council finds that the location of stations in the middle of the roadway maximizes safety by facilitating public views of stations by passing vehicles.

The Rose Quarter Station will be located at-grade, adjacent to busy public streets and active uses. The LRT improvements at the Rose Quarter will be subject to City of Portland review by the Design Commission. The Council understands that affected businesses, neighborhood associations, Tri-Met and the City of Portland Police Bureau will be involved in the review of the final design of the Rose Quarter Station to maximize safety and security.

The Russell Station will be located at-grade between N Russell Street and N Knott Street, near an active brew pub. Again, the Council expects that nearby employers, the Eliot Neighborhood Association, Tri-Met and the City of Portland Police Bureau will be involved in safety and security plans for the Russell Station.

The two stations are located in close proximity to signalized crossings of N Interstate Avenue to provide safe and convenient locations for pedestrians to cross the street and access the station platforms. In addition, flashing "Pedestrian Warning" signs will be installed at the station platform ends.

Visual/Aesthetic. The concentration of large regional facilities (Rose Garden Arena, Memorial Coliseum and the Convention Center) between the Steel Bridge and the Broadway Bridge dominates the visual character of the south end of the Albina Segment. Views of the Willamette River, bridges, Downtown and the West Hills are other key visual elements. Specific impacts on designated significant and protected scenic resources are addressed under Criterion 6, Natural Resource impacts.

The Eliot Neighborhood retains the visual character of an old central city area with long blocks of moderately scaled, older brick industrial and commercial buildings interspersed with vacant lots, some parks, schools and churches and busy commercial/industrial streets. This pattern breaks up as the topography slopes under the I-5 freeway down to the river, and commercial and residential blocks give way to larger scale blocks of loosely arranged industrial structures, vacant land, and parking and storage areas under the columns of I-5. The I-5 and I-405 freeways are the dominant visual features in the north end of the Albina Segment.

The LRT alignment and station at the Rose Quarter will result in slight modifications to existing roads. These include a short segment of new track connecting to the existing east/west LRT line at the Steel Bridge; lowering the street grade of N Interstate Avenue; and removing an existing overpass near the Rose Quarter Entertainment Complex. The Council finds that these changes will not result in significant visual impacts, primarily because of the scale of the existing environment and the dominance of the Rose Garden Arena and the bridge approaches.

Overall, the Council finds that the light rail improvements will have a minimal impact on the existing visual character of the Albina Segment, primarily because of the industrial nature of the adjacent land uses, the absence of displacements and the location of the alignment and stations within the N Interstate Avenue right-of-way. Some individuals have commented on the negative visual impact of the tie and ballast track treatment. However, the Council finds that the tie and ballast track will significantly reduce project costs and is consistent with the industrial character of the majority of the Albina Segment. A paved track will be used in the Upper Interstate Segment to support the planned "Main Street" character of that segment of N Interstate Avenue.

Traffic Impacts

Existing System. The Albina Segment extends from the east end of the Steel Bridge crossing of the Willamette River north to the Edgar Kaiser Medical Facility. Surface transportation facilities within the Albina Segment are under the jurisdiction of the City of Portland and ODOT.

I-5 is the major regional highway serving this portion of the corridor. Peak hour volumes in the north Portland portion of I-5 range from 5,500 (northbound - PM peak) to 6,500 vehicles (southbound - A.M. peak). Average northbound speeds during the PM peak hour in north

Portland operate at Level of Service F, exhibiting speeds as low as 24 miles per hour in certain sections.

Key north/south local streets in the Albina Segment are N Interstate Avenue, the N Vancouver/Williams Avenue couplet and NE Martin Luther King Jr. Boulevard. Primary east/west local streets are the N/NE Broadway/Weidler couplet, N/NE Russell Street, and N Fremont Street. Daily traffic volumes along N Interstate Avenue in this segment are approximately 12,400 north of N Tillamook Street. Key intersections along N Interstate Avenue within the segment operate at acceptable levels of service.

N Interstate Avenue was the primary north-south regional highway route through North Portland prior to the construction of I-5. At present, it is classified by the city as a major city traffic street, regional transitway, major city transit street, and major truck street. It is a city bikeway south of N Lombard Street and a city walkway for its entire length. The posted speed on N Interstate Avenue is 35 MPH. It generally has four lanes with curbs and sidewalks along most of its length. Striped bike lanes are provided along N Interstate Avenue for less than one block north and south of N Tillamook Street. A four-foot wide curbed median limits left-turn access to adjacent properties and some local service streets for the majority of the length of N Interstate Avenue through North Portland. Left turn lanes are provided at most intersections with collector or arterial streets. At other locations, the cross-streets are controlled by stop signs. At many of these stop sign-controlled intersections, the curbed median on N Interstate Avenue limits cross-street traffic to right-in, right-out maneuvers.

Local Traffic Impacts. The LRT improvements in the Albina Segment will be aligned in the middle of N Interstate Avenue. Between N Multnomah and N Larrabee Streets on N Interstate Avenue, two vehicular travel lanes will be provided for northbound traffic and one lane will be provided for southbound traffic. North of the Broadway Bridge, the LRT alignment, one general traffic lane and a bike lane in each direction will fit within the existing N Interstate Avenue right-of-way, which varies in width between 80 and 100 feet in this segment.

Truck access into the Lower Albina Industrial District will be provided at N Tillamook Street at the location of the City of Portland's Lower Albina Overpass Project. Turning lanes will be provided at N Tillamook Street, N Russell Street, N Knott Street and N Greeley Avenue. A traffic signal will be modified and turn lanes provided to allow access into Kaiser medical buildings on the east and west sides of N Interstate Avenue at the north end of the Albina Segment. The roadway along N Interstate Avenue within the Albina Segment has been designed to accommodate turning movements by trucks that are longer than the typical sized vehicles currently using the Lower Albina Industrial Area. Also, the design at the Lower Albina Overcrossing is being refined to accommodate these longer trucks at N Tillamook.

The major traffic issues in this segment include access to the Steel Bridge for buses, light rail and automobiles; access and egress for Rose Quarter events; truck access and circulation in the Lower Albina Industrial District; and traffic operations at key intersections.

Automobile access to the east end of the Steel Bridge is provided at the intersection of N Multnomah Street and N Interstate Avenue. Bus and east/west MAX light rail access to the bridge is provided at a separate ramp immediately south of N Multnomah Street. Light rail trains currently have a preempted signal crossing of N Interstate Avenue and continue through to the center lane of the Steel Bridge. Buses receive a green signal within the signal cycle following detection of a bus waiting at the ramp signal. South/North Interstate MAX LRT would include an additional light rail signal preemption at the intersection of N Multnomah Avenue and N Interstate Avenue.

In 2020, without Interstate MAX LRT, this intersection would operate at LOS D. With Interstate MAX LRT, an additional 14 preemption events would occur during the peak hour (8 trains in the peak direction and 6 in the off-peak direction). This would degrade intersection operation to LOS E. Preemption at this intersection currently includes an all red phase that provides adequate time for trains to clear the intersection and progress up the bridge ramp.

A trackway connection between the east/west MAX line and the South/North Interstate MAX line will be used only during non-peak periods to move trains between the Ruby Junction Operations and Maintenance Facility and the Interstate MAX line. This trackway connection is designed only as a non-revenue service track and no east-to-north service is planned. No traffic impacts were identified as a result of providing non-peak and non-revenue connections with this service track.

Another traffic issue is the ability to provide for adequate automobile access to and egress from the Rose Quarter parking structures prior to and following major events at the Rose Garden arena and Memorial Coliseum. Event access typically occurs after the evening peak hour (approximately 6:30 PM to 7:30 PM), and occurs over a longer period of time than event egress. With the provision of two northbound traffic lanes between N Multnomah Street and N Larrabee Street, and provision of a left-turn signal at N Dribble Drive and N Interstate Avenue, LRT would operate in a manner similar to the No-Build Alternative. The northbound through lane could be operated as a through-right lane to provide maximum efficiency for pre-event access.

Automobile egress out of the two parking structures located adjacent to N Broadway, which is bound for the Steel Bridge westbound, would likely be via westbound N Winning Way and westbound N Larrabee Avenue to southbound N Interstate Avenue. LRT along N Interstate Avenue would reduce the southbound capacity to a single lane, which would require eliminating one of the two existing left-turn lanes from westbound N Larrabee Avenue to N Interstate Avenue. This lane reduction would increase the time required to empty the two Broadway parking structures by approximately 20 to 40 minutes.

The Lower Albina Overcrossing Project has funding and should begin construction in 2000 to improve accessibility within the Lower Albina Industrial District. This overcrossing will connect to N Interstate Avenue at N Tillamook Street. The design of the light rail alignment has been coordinated with that project to ensure that adequate traffic circulation through and within the industrial area is provided. The 2020 level of service at the intersection of N Interstate Avenue with the Overcrossing would be an acceptable LOS C with light rail transit.

Table 3.3-4 of the *FEIS* summarizes the 2020 level-of-service analysis of five key intersections in the Albina Segment. Those five are the intersections of N Interstate Avenue with N Multnomah Street, N Larrabee Street, N Tillamook/Albina Overcrossing, N Russell Street and N Greeley Avenue. With the exception of N Multnomah Street at N Interstate Avenue, which would operate at LOS E, all intersections would operate at LOS D or better with light rail transit.

Station Impacts. The Council finds that the potential for transit-related park-and-ride activity in the Rose Quarter Station area will be low because of existing parking controls on off-street parking in the area plus the on-street parking meter program in the Lloyd District that the City recently implemented. Recent upgrades to pedestrian and bicycle facilities in the vicinity will provide good access to the Rose Quarter Station from nearby activity centers.

The proximity of the Russell Station to adjacent surface streets with uncontrolled on-street parking results in a moderate potential for station-related parking in areas within 600 feet of the station. This potential impact could be mitigated in a number of ways, including implementation of a permit parking program for portions of the Eliot neighborhood.

Mitigation Strategies. Conceptual engineering plans and the *FEIS* identify transportation related improvements to mitigate adverse traffic impacts in the Albina Segment, including but not limited to the following:

- Modify existing signals at N Interstate Avenue intersections with N Holladay Street, NE Multnomah Street, N Larrabee Avenue, N Russell Street, N Greeley Avenue and N Fremont Street
- Install new signals at N Interstate Avenue intersections with the Rose Quarter Parking garage access point, N Tillamook Street, N Albina Avenue, and N Knott Street
- Develop and implement "smart" signal software during final design to maximize operations of light rail, bus and automobile traffic through the N Multnomah Street at N Interstate Avenue intersection.
- Study the long-term function of a ring road surrounding the Rose Quarter, considering strategies such as grade-separation to maintain light rail signal preemption while maximizing efficient automobile movement.
- Evaluate traffic management strategies that might be implemented during the post-event traffic egress period at the Rose Quarter, such as opening the N Winning Way at N Vancouver Avenue intersection to all exiting traffic

The Council finds that the improvements identified above can mitigate most of the adverse traffic impacts of the South/North Project in the Albina Segment. Refinement of mitigation plans can be addressed in final design.

Provide for a light rail route and associated facilities, balancing the need for light rail proximity and service to areas that are capable of enhancing transit ridership; the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and the need to protect affected neighborhoods from the identified adverse impacts.

The *Region 2040 Growth Concept* designates most of the area within the Albina Segment as part of the Portland Central City, the major activity center of the region that serves as the employment and cultural hub for the metropolitan area. The *Growth Concept* anticipates that a significant increase in density will be required overall in the Portland Central City to maintain the Central City's 20 percent share of regional employment. The population and employment densities for the Central City are projected to increase from 150 people per acre to 250 people per acre by 2040. Improvements to the transit system network, including South/North LRT, will play an important role in achieving this goal. Concentration of density in an area well served by a multi-modal transportation system is a key component of the regional and local vision of an efficient and compact urban form.

Most of the Albina Segment is also within Portland's *Central City Plan* boundaries. The *Central City Plan*, first adopted in 1988, outlined a course of action for revitalizing downtown Portland by encouraging a high density mix of uses and promoting alternative transportation modes, including transit. The plan identifies the east side of the Steel Bridge near the Rose Garden Arena as an important gateway to the Central City. Portions of the Albina Segment are also within the boundaries of the *Albina Community Plan*, which envisions and supports light rail service to the area.

The location of the Oregon Convention Center, Rose Garden Arena and Memorial Coliseum at the south end of the Albina Segment have established the area as a major entertainment and tourism center for the region. Providing light rail proximity and service to this major entertainment activity center can enhance transit ridership, particularly with the link of east/west and south/north light rail service at the Rose Quarter. In the adopted *Central City Plan*, the area around the Rose Quarter is designated for the most intense development in the Albina Segment. The Rose Quarter area is separated from nearby neighborhoods by the major physical barrier of I-5 and surface streets connecting to the Steel Bridge and the Broadway Bridge. As a consequence, more intensive, efficient and compact urban development in the Rose Quarter area can take advantage of excellent transit accessibility while avoiding adverse impacts on neighborhoods.

The LRT station at Russell will provide transit proximity and service to jobs in the Albina Industrial District and support commercial uses. Based on the recent spurt of new development in the Lloyd District and along Martin Luther King Jr. Boulevard, the Council anticipates that the availability of LRT service may support additional development that is supportive of the Albina Industrial District in the vicinity of the Russell Station.

Provide for associated highway improvements, balancing the need to improve the highway system with the need to protect affected neighborhoods from the identified adverse impacts.

No highway improvements are proposed in the Albina Segment that have utility separate from the South/North Project. A range of improvements is proposed as mitigation for traffic impacts associated with the LRT facilities in this segment. These improvements are described in the discussion of traffic impacts for the Albina Segment.

6.4.7.3 Criterion 4: Noise Impacts

“Identify adverse noise impacts and identify measures to reduce noise impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by affected local governments during the permitting process.”

Noise and vibration impacts specific to the Albina Segment are addressed in the following section. Noise and vibration impacts common to neighborhoods throughout the South/North Corridor, including the Albina Segment, are addressed in the General Findings portion of the original LUFO findings. The General Findings include an overview of noise and vibration, descriptions of different types of noise, and identification of potential noise mitigation by noise type. Noise and vibration impacts are identified, along with mitigation measures, in the *Noise and Vibration Impacts Results Report (Noise Report)*, *Noise and Vibration Mitigation Plan*, and in the *SDEIS* and *FEIS*.

Identification of Noise and Vibration Impacts in the Albina Segment

The Albina Segment encompasses the Rose Quarter District and includes an intense mix of land uses. Noise measurements from the Upper Interstate Segment were used to estimate existing noise in the Albina Segment. Because no noise sensitive uses (i.e., residential, motel, hospital) are located close to the alignment in this segment, the Council anticipates no noise impacts in this segment. The Council finds that single and multi-family dwellings in the Albina Segment are located east of I-5 between N Cook Street and N Fremont Street, away from the light rail alignment.

Some historic buildings are located near the alignment. The Council finds that noise impacts at historic resources are based on the current use of the buildings. All of the historic resources in the Albina Segment are used for commercial or industrial purposes, and the noise analysis using Federal Transit Administration noise and vibration criteria resulted in no impacts.

Mitigation Options for Noise and Vibration Impacts in the Albina Segment

Based on the information in the *SDEIS* and *FEIS*, the Council finds that there are no traffic noise, light rail noise, light rail wheel squeal or light rail vibration impacts associated with the LRT improvements in the Albina Segment. The alignment passes through a developed

commercial/entertainment and industrial district with high existing noise levels and no sensitive noise receptors. The Council agrees with the findings of the *SDEIS* and *FEIS* and concludes that no noise/vibration mitigation measures are required in the Albina Segment.

6.4.7.4 Criterion 5: Natural Hazards

“Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Natural hazard impacts specific to the Albina Segment are addressed in the following section. Natural hazard impacts applicable to neighborhoods throughout the South/North Corridor, including the Albina Segment, are addressed in the General Findings portion of the original LUFO findings. Natural hazard impacts, and associated mitigation measures, also are described in the *Geology and Soils Impacts Results Report (Soils Report)*, the *Hydrology and Water Quality Impacts Results Report (Hydrology Report)*, and in the *SDEIS* and *FEIS*.

Identification of Natural Hazard Areas in the Albina Segment

The *SDEIS* and *FEIS* do not identify specific *landslide areas, areas of severe erosion potential, or lands within the 100-year floodplain* in the Albina Segment. The *Soils Report* states and the Council finds that fine-grained flood deposits underlie the Albina Segment. Most of the surface soil has been extensively modified by past construction. Because the LRT alignment and stations will be located within existing street right-of-way and at the existing street grade, no new significant geology or soils impacts are expected.

As described in the General Findings, the Northwest is a seismically active area and is subject to *earthquake damage*. Figure 4.1-10 of the *Soils Report* identifies a concealed fault that essentially parallels the east side of the Willamette River.

Mitigation Options for Natural Hazards in the Albina Segment

Based on the information contained in the *Soils Report*, the *Hydrology Report*, the *SDEIS* and the *FEIS*, the Council finds that no *landslide areas, areas of severe erosion potential or 100-year floodplains* are affected by the LRT improvements in the Albina Segment.

Potential mitigation measures to address geologic/soils conditions are provided in Section 6 of the *Soils Report*. Based on the facts in the *Soils Report*, the *SDEIS* and the *FEIS*, the Council finds that long-term impacts to geology and soils in the Albina Segment are minor. Mitigation to address potential for earthquake damage would consist of design of LRT improvements to meet Uniform Building Code seismic standards.

6.4.7.5 Criterion 6: Natural Resource Impacts

“Identify adverse impacts on significant fish and wildlife, scenic and open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in acknowledged local comprehensive plans. Where adverse impacts cannot practicably be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Natural resource impacts specific to the Albina Segment are addressed in the following section. Natural resource impacts applicable to neighborhoods throughout the South/North Corridor, including the Albina Segment, are addressed in the General Findings portion of the original LUFO findings. Natural resource impacts, along with associated mitigation measures, also are described in the *Ecosystem Impacts Results Report (Ecosystems Report)*, the *Parklands, Recreation Areas, Wildlife and Waterfowl Refuges 4f Impacts Results Report (4f Report)*, and in the *SDEIS* and *FEIS*.

Identification of Impacts to Significant, Protected Natural Resources in the Albina Segment

The Portland Comprehensive Plan includes policies and objectives to address conservation of a range of natural resources identified in Statewide Goal 5, including wetlands, riparian areas and water bodies, fish and wildlife habitat, scenic routes and viewpoints, and significant upland areas. The City has completed an inventory and analysis of natural resources sites, identified the significance of each site and provided varying levels of protection to specific sites through the application of Environmental Overlay Zones, Scenic Overlay Zones and Open Space Zones.

As described earlier, the Albina Segment extends from the Steel Bridge on the south to the Edgar Kaiser Medical Facility on the north within the N Interstate Avenue right-of-way. Because the Albina Segment is highly urbanized, few natural resources are present or impacted by the South/North Project. The north end of the Albina Segment extends to the edge of Overlook Park. Impacts to Overlook Park are discussed in the findings for the Upper Interstate Segment because a larger portion of the park is located within that segment.

Fish and Wildlife Habitat. The Albina Segment is highly urbanized. No natural habitat or significant vegetative cover occurs within this segment. Because of the lack of natural habitat within the Albina Segment, no threatened and endangered plant species were encountered, nor were any expected. Wildlife use of this segment is also expected to be negligible because of the lack of natural habitat.

Peregrine falcon are known to nest on the Fremont Bridge, approximately 0.75 mile northwest of the Steel Bridge LRT crossing. This species may occasionally fly over and forage the Albina Segment. This species occurrence in the project area is described in more detail in the *Biological Assessment for Bald Eagle and Peregrine Falcon for the South/North Transit Corridor Study*.

Because of the distance between the LRT alignment and the nest site, the *Ecosystems Report* concludes and the Council finds that construction and operation of South/North LRT is not expected to adversely affect nesting peregrine falcon.

No waterways are present in the Albina Segment. Therefore, no fishery resources are present.

Scenic and Open Space Areas. Visual/scenic resources identified as significant in the City's *Scenic Views, Sites and Drives Inventory, Scenic Resources Protection Plan* include views of downtown from Lillis Albina Park, a viewpoint toward the Willamette River and Downtown Portland from an overlook south of the Steel Bridge, and a gateway focal point at NE 3rd Avenue and NE Broadway Street. Additionally, all downtown bridges are identified as scenic resources, including the Steel Bridge, and the Willamette River is designated a scenic corridor. Landscaped areas adjacent to I-5 through North Portland are designated as "Open Space" on the Portland Comprehensive Plan. Scenic viewpoints are protected with application of Scenic Overlay Zones and height limitations.

The LRT alignment will be located within the existing right-of-way of N Interstate Avenue and will not interfere with significant visual/scenic resources described above. The overall design and visual appearance of the Steel Bridge will not be modified and views to and from the Willamette River will not be affected by LRT improvements in the Albina Segment.

Riparian Areas. There are no riparian areas within the Albina Segment.

Wetland Areas. The *SDEIS* and *FEIS* note that no wetlands were identified in the Albina Segment.

Park and Recreational Areas and Willamette River Greenway. The South/North LRT alignment will technically cross the Willamette River Greenway. However, the LRT will use existing improvements located on the existing Steel Bridge and will not represent a new encroachment into the Greenway. The Rose Quarter Station is located outside of the Greenway Boundary and the LRT improvements will not impact the long-term development of the Greenway Trail along the east side of the Willamette River.

Mitigation Options for Natural Resource Impacts in the Albina Segment

Based on the information in the results reports and in the *SDEIS* and *FEIS*, the Council finds that the South/North Project improvements in the Albina Segment will not impact significant fish and wildlife habitat, open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in the City of Portland Comprehensive Plan.

The Council finds that the LRT alignment and station in the vicinity of the Rose Quarter will not be located in front of or interfere with the view from the overlook and viewpoint to the south of the Steel Bridge, and it concludes that no mitigation is required for natural resource impacts.

6.4.7.6 Criterion 7: Stormwater Runoff

“Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal and protect water quality which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Stormwater runoff impacts specific to the Albina Segment are addressed in the following section. Stormwater runoff impacts and mitigation common to segments throughout the South/North Corridor, including the Albina Segment, are addressed in the General Findings portion of the original LUFO findings. Stormwater impacts and mitigation measures are also described in the *Water Quality and Hydrology Impacts Results Report (Hydrology Report)* and in the *SDEIS* and *FEIS*.

Identification of Stormwater Impacts in the Albina Segment

The LRT improvements in the Albina Segment include construction of an alignment and two stations within the existing right-of-way of N Interstate Avenue. There are no park-and-ride lots or operations and maintenance facilities proposed in this segment.

The alignment and stations within the Albina Segment are located in areas that are currently paved (street and/or sidewalk). As a result, the Council finds that the LRT improvements in the Albina Segment should not increase the rate or volume of stormwater runoff, either individually or collectively. Runoff generated along the alignment and at the stations will be directed to catch basins and storm drainage facilities in adjacent roadways. Drainage is currently conveyed to the Willamette River. No increase in pollutant loading is anticipated compared to that generated from existing streets and sidewalks in the Albina Segment.

Mitigation Options for Stormwater Impacts in the Albina Segment

The Council concurs with the findings of the *SDEIS* and *FEIS* and concludes that no specific stormwater mitigation measures are required in this segment. Standard erosion control and stormwater management techniques described in the General Findings are applicable in the Albina Segment and will be implemented by the Portland Bureau of Environmental Services through local permitting.

6.4.7.7 Criterion 8: Historic and Cultural Resources

“Identify adverse impacts on significant historic and cultural resources protected in acknowledged comprehensive plans. Where adverse impacts cannot practicably be avoided, identify local, state or federal review processes that are available to address and to reduce adverse impacts to the affected resources.”

Historic and cultural resource impacts specific to the Albina Segment are addressed in the following section. Historic and cultural resource impacts and mitigation common to segments throughout the South/North Corridor, including the Albina Segment, are addressed in the General Findings portion of the original LUFO findings. Historic and cultural resource impacts and mitigation measures are also described in the *Historic, Archeological and Cultural Resource Impacts Results Report (Historic Report)* and in the *SDEIS* and *FEIS*.

Identified Significant and Protected Historic and Cultural Resources in the Albina Segment

As part of the *SDEIS* and *FEIS*, potential historic and cultural resources were identified for the Albina Segment alignment along N Interstate Avenue between the Rose Quarter and the Edgar Kaiser Medical Facility. This involved a field review of the alignment corridor as well as a review of the following three documents:

- *Cornerstones of Community: Buildings of Portland's African American History (1997);*
- *Historic Resources Inventory (Portland Bureau of Planning, 1988); and*
- *Regional LRT System Plan/Bi-State Corridor Preliminary Impact Assessment (1985).*

Four resources have been identified as potentially eligible for listing on, or currently on, the *National Register of Historic Places*. These historic resources are listed in the City of Portland's Historic Resources Inventory and include:

- Warehouse located at 2289 N Interstate Avenue (Inventory #4-443-02289) – potentially eligible
- Warehouse located at 2262 N Albina Avenue (Inventory #4-010-02262) – potentially eligible
- Smithson & McKay Brothers Building (Widmer Brewery) located at corner of N Russell/N Interstate – on the National Register List
- Retail/commercial building at 2648 N Interstate Avenue – potentially eligible

The three potentially eligible resources may be eligible for listing in the National Register of Historic Places under "Criteria C," which means they are properties "that embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant distinguishable entity whose components may lack individual distinction."

Early coordination with the State Historic Preservation Office (SHPO) has been initiated with respect to these resources potentially affected in the Albina Segment. Because the light rail improvements will be completely within the existing right-of-way of N Interstate Avenue, a preliminary evaluation of effect has determined that there would be "no effect" on these significant historic and cultural resources in the Albina Segment.

The City of Portland Historic Resource Protection Overlay Zone provides historic resource designations for individual resources and two different designations for districts.

A *Historic District* is an area with common historic values of significance to the City as a whole. Historic Districts are thoroughly documented and may also be listed by the US Department of the Interior on the National Register of Historic Places. Information supporting a specific district's designation is found in the City's Historic Resources Inventory and in the evaluation and ESEE analysis done in support of the district's creation.

A *Conservation District* is an area with common historic values significant to a neighborhood or sub-area within the City. Conservation Districts need not be as well documented as Historic Districts. Conservation Districts include areas that contribute to the preservation of significant features of Portland's development history. Information supporting a specific district's designation is found in the City's Historic Resources Inventory and in the evaluation and ESEE analysis done in support of the district's creation.

The City of Portland has established boundaries and implemented review procedures for the Russell Street Conservation District. Map 445-10 of the Portland Zoning Code (Title 33) indicates that the boundaries of the Conservation District extend from N Interstate Avenue on the west to N Albina Avenue on the east, generally extending from the south side of N Russell Street to the north side of N Knott Street. The LRT alignment and the Russell Station will be located in the center of N Interstate Avenue, and at the westerly edge of the boundary of the Russell Street Conservation District. As shown in the *FEIS*, the Russell Street Conservation District is potentially eligible for listing on the National Register. Because of its proximity to the Russell Street Station, there would be an effect, but no adverse effect, on the district. A Memorandum of Understanding between the SHPO, Tri-Met, and the Federal Transit Agency has been prepared that provides SHPO the opportunity to participate in the final design of the Russell Street Station.

Mitigation Options for Identified Historic and Cultural Resource Impacts in the Albina Segment

Based on the information in *SDEIS* and *FEIS*, the Council concludes that the LRT improvements in the Albina Segment will not have an adverse impact on historic and cultural resources, including the Russell Street Conservation District, that are identified as significant and protected in the City of Portland Comprehensive Plan. Potential mitigation for impacted buildings is described in the General Findings. Mitigation for the Russell Street Conservation District includes SHPO participation in the final design of the Russell Street Station.

6.4.8 Upper Interstate Segment

6.4.8.1 Description of Light Rail and Highway Improvements

The Upper Interstate Segment of the South/North Project includes the following LRT-related facilities:

- An alignment that extends from the Edgar Kaiser Medical Facility and Overlook Park on the south to the N Denver Avenue viaduct over N Columbia Boulevard on the north.

- Six light rail stations along N Interstate Avenue in the vicinity of N Overlook Boulevard, N Going Street, N Killingsworth Street, N Portland Boulevard, N Lombard Street and N Denver Avenue (Kenton).

See Figures 1.3, 1.4, 1.5 and 1.6 of the LUFO Amendment for LUFO boundaries for the Upper Interstate Segment.

Light Rail Alignment

From the Overlook Station located in the vicinity of N Overlook Boulevard at the Edgar Kaiser Medical Facility, the LRT alignment extends northward to Kenton within the center of the existing N Interstate Avenue right-of-way. Split-platform stations are located in the vicinity of the following major east/west streets: N Overlook Boulevard, N Going Street, N Killingsworth Street, N Portland Boulevard and N Lombard Street. The alignment continues towards Kenton Station in the vicinity of N Fenwick Avenue, N Denver Avenue, N McClellan Street and N Argyle Street. From the Kenton Station, the LRT alignment continues northward on a reconstructed Denver Avenue viaduct over N Columbia Boulevard to the start of the Expo Center Segment.

Approximately seven "z" crossings with crosswalk warning signs will be provided at locations between stations in the Upper Interstate Segment to accommodate safe pedestrian access across the LRT alignment. Within the existing right-of-way, improvements in the Upper Interstate Segment will include sidewalks, bicycle lanes, one auto lane in each direction with left turn/U-turn lanes at signalized intersections, and two sets of light rail tracks. Existing on-street parking will generally be maintained in most areas along N Interstate Avenue except at intersections with either traffic signals or pedestrian crosswalks. The light rail trackway in the Upper Interstate Segment will be a paved section.

Light Rail Stations

Six stations are provided in the Upper Interstate Segment.

Overlook Station. This split platform station will be located on N Interstate Avenue in the vicinity of N Overlook Boulevard. The station will serve Edgar Kaiser Medical Facility employees, patients and visitors. The station will also provide transit access to Kaiser Town Hall, Overlook Park, and to the nearby Overlook Neighborhood. Additionally, the N Failing Street pedestrian overcrossing of I-5 provides a convenient link to the station from the Boise Neighborhood east of I-5.

Going Station. This split platform station will be located on N Interstate Avenue in the vicinity of N Going Street. This station will serve the Overlook Neighborhood and provide convenient transit access to commercial uses along N Interstate Avenue.

Killingsworth Station. This split platform station will be located on N Interstate Avenue in the vicinity of N Killingsworth Street. This station will directly serve the Overlook Neighborhood,

nearby commercial uses, and the Interstate Firehouse Cultural Center. The Killingsworth Station will indirectly serve the Humboldt Neighborhood, the PCC Cascade Campus and Jefferson High School via the existing overcrossing of I-5 at N Killingsworth Street.

Portland Boulevard Station. This split platform station will be located on N Interstate Avenue in the vicinity of N Portland Boulevard. This station will directly serve the Arbor Lodge Neighborhood and indirectly serve the Piedmont Neighborhood via the existing overcrossing of I-5. Ockley Green Middle School, commercial uses along N Interstate Avenue and the University of Portland are other uses in proximity to N Portland Boulevard.

Lombard Station. This split platform station will be located on N Interstate Avenue in the vicinity of N Lombard Street. This station will directly serve the Arbor Lodge and Kenton Neighborhoods and indirectly serve the Piedmont Neighborhood via the existing overcrossing of I-5. Fred Meyer, Kenton School, Kaiser medical offices and other commercial uses are located in close proximity to this station. N Lombard Street also serves as a direct connection to the St. Johns Community.

Kenton Station. The Kenton Station will be located on N Interstate Avenue in the vicinity of N Fenwick Avenue, N Denver Avenue, N McClellan Street and N Argyle Street. This station will serve residential, commercial and community uses in the historic Kenton District. The Kenton Business District functions as a commercial and community activity center for the neighborhood. The character of the Kenton Neighborhood is primarily residential with local commercial services to the south of N Columbia Boulevard; transitioning to industrial and public uses north of N Columbia Boulevard.

The Kenton Station is one of only two light rail stations addressed in this LUFO amendment whose location overlaps the station location identified in the original LUFO. Accordingly, rather than replacing and superseding the earlier boundary decision for the Kenton Station as set out in the original LUFO, this amendment modifies the boundary identified in Figure 3.21 of the original LUFO to expand the area wherein the Kenton Station may be located.

Park-and-Ride Lots

There are no park-and-ride lots located in the Upper Interstate Segment.

Operations and Maintenance Facilities

There are no operations and maintenance facilities located in the Upper Interstate Segment.

Highway Improvements

There are no highway improvements located in the Upper Interstate Segment.

6.4.8.2 Criterion 3: Neighborhood Impacts

“Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers. Identify measures to reduce those impacts which could be imposed as conditions of approval during the National Environmental Policy Act (NEPA) process or, if reasonable and necessary, by affected local governments during the local permitting process.”

- “A. Provide for a light rail route and light rail stations, park-and-ride lots and vehicle maintenance facilities, including their locations, balancing (1) the need for light rail proximity and service to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership; (2) the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and (3) the need to protect affected neighborhoods from the identified adverse impacts.”**

- “B. Provide for associated highway improvements, including their locations, balancing (1) the need to improve the highway system with (2) the need to protect affected neighborhoods from the identified adverse impacts.”**

Description of Affected Neighborhoods in the Upper Interstate Segment

This segment directly affects three neighborhoods to the west of I-5: Overlook, Arbor Lodge and Kenton. Neighborhoods that lie east of I-5 (Boise, Humboldt and Piedmont) are less directly affected by the South/North Project but will have access to light rail via existing east/west overpasses over I-5. In general, mixed use development along N Interstate Avenue, including single and multi-family dwellings, commercial and business uses and light industrial development distinguish the Upper Interstate Segment. Mostly single family neighborhoods are located on either side of I-5. The Cascade Campus of Portland Community College lies east of I-5 in the vicinity of N Killingsworth Street.

A summary description of each directly affected neighborhood follows, based on information from the *Neighborhood Impacts Results Report* and in the *SDEIS* and *FEIS*.

The *Overlook Neighborhood* is bounded on the south by the Fremont Bridge, on the north by N Ainsworth Street and N Willamette Boulevard, on the east by I-5 and on the west by the Willamette River. N Going Street provides access to I-5 from the Overlook Neighborhood. Other major streets include N Interstate Avenue, N Greeley Avenue, N Willamette Boulevard, N Killingsworth and N Ainsworth Streets.

Overlook includes a wide range of land uses, including residential, industrial, institutional, retail and office. Swan Island, an industrial park area, makes up the northwestern portion of the

neighborhood and is a major employment center. The rail yards to the south of Swan Island are part of the Overlook Neighborhood. N Interstate Avenue is primarily a commercial strip with various retail and service uses. The Edgar Kaiser Medical Center is located between N Interstate Avenue and the I-5 freeway at the southern entryway to the Overlook Neighborhood. Overlook Park is located to the west of the Kaiser Medical Center. The residential portion of the neighborhood is located between N Willamette Boulevard/N Greeley Avenue and the I-5 freeway. The neighborhood is predominantly single family with some multi-family buildings.

The Overlook Neighborhood contained an estimated 1990 US Census population of 5,596. The percentage of population that is minority, over 65 years of age and below the poverty level is somewhat higher for the Overlook Neighborhood than comparable percentages for Multnomah County and the region. The median value of housing in the neighborhood is considerably less than either the county or region.

The *Arbor Lodge Neighborhood* is bounded by N Ainsworth Street on the south and N Lombard Street on the north, I-5 on the east and N Chautauqua and N Willamette Boulevards on the west. The major north/south street is N Interstate Avenue. The major east/west streets include N Portland Boulevard, N Lombard Street and N Ainsworth Street. Other east/west streets dead-end at the I-5 freeway.

The Arbor Lodge Neighborhood is predominantly residential in character, although some commercial uses are located along N Interstate Avenue. The majority of the residences in the neighborhood are single family. Mock's Crest is a single-family subdivision located in the western portion of the neighborhood. This subdivision was platted after World War II and is unique because of the deep front setbacks, unique street lighting and mature street trees.

Commercial uses are located along both sides of N Interstate Avenue. The largest retail use in the neighborhood is the Fred Meyer shopping center located at the southeast corner of the intersection of N Interstate Avenue and N Lombard Street.

The Arbor Lodge Neighborhood contained an estimated 1990 US Census population of 6,237. Approximately 13.6 percent of the population is minority compared with 13 percent for Multnomah County and 8.6 percent for the region. The mobility-limited population is slightly higher in the neighborhood compared to the county and the region. The percentage of population over 65 years of age is considerably higher, almost double county and region percentages.

The proportion of households below the poverty level is slightly lower in the neighborhood than in Multnomah County, but slightly higher than the region as a whole. Median value of housing in the neighborhood is considerably less than either the county or region. A lower proportion of Arbor Lodge residents rent their homes.

The *Kenton Neighborhood* is bounded in the south by N Lombard Street and on the north by the North Portland Harbor, on the east by I-5 and on the west by N Chautauqua Boulevard. The major north/south street in the neighborhood is N Interstate Avenue, which turns into N Denver Avenue. The major east/west streets are N Lombard Street and N Columbia Boulevard. These

streets cross over I-5 and provide a connection with the Piedmont Neighborhood. The remaining east/west streets dead-end at I-5.

The Kenton Neighborhood contains a wide range of uses including residential, commercial, industrial and recreational destination points. The character of the neighborhood is primarily residential. The residences are primarily single family with some multi-family units mixed in. The Kenton Neighborhood has a designated Historic Conservation District located on the west side of the northern end of N Interstate Avenue.

The Columbia Slough runs diagonally through the neighborhood and separates the industrial area from the northernmost portion of the neighborhood, which contains a number of destination points. West Delta Park, Portland International Raceway, Heron Lakes Golf Course and the Expo Center are located on the west side of I-5; and Portland Meadows Race Track, Portland Meadows Golf Course and East Delta Park are located to the east side of I-5.

The Kenton Neighborhood contained an estimated 1990 US Census population of 6,536. Approximately 23.1 percent of the population is minority compared with 13 percent for Multnomah County and 8.6 percent for the region. The mobility limited population and the population over 65 years of age is somewhat higher for the neighborhood than for the county and the region.

The proportion of households below the poverty level is greater in the neighborhood (19.8 percent) than in Multnomah County (13.1 percent) and the region as a whole (9.9 percent). Median value of housing in the neighborhood is considerably less than either the county or region. The proportion of residents that rent their home is slightly higher than in the region, but lower than the county.

As noted earlier, the Boise, Humboldt and Piedmont Neighborhoods all are located to the east side of I-5. Figures 3.3-2 and 3.3-3 of the *DEIS* illustrate that all three of these neighborhoods have household poverty rates and percentage of minority residents significantly higher than county and regional averages. Median home values in the neighborhoods are well below the county and regional medians.

Identify adverse economic, social and traffic impacts on affected neighborhoods. Identify measures to reduce those impacts.

Economic, social and traffic impacts specific to the Upper Interstate Segment are addressed in the following section. Economic, social and traffic impacts applicable to neighborhoods throughout the South/North Corridor, including the Upper Interstate Segment, are addressed in the original LUFO findings, incorporated herein by this reference, under the heading "General Impacts and Mitigation Measures Applicable to All Segments" (hereinafter "General Findings"). Economic, social and traffic impacts are also described, along with corresponding mitigation measures, in the *Land Use and Economic Impacts Results Report (Land Use Report)*, the *Social and Neighborhood Impacts Results Report (Neighborhood Report)*, the *Local and Systemwide Traffic Impacts Results Report (Traffic Report)*, and in the *SDEIS* and *FEIS*.

Economic Impacts

The Council finds that overall, the South/North Project will result in positive economic impacts in the Upper Interstate Segment because improved transit capacity will be available to support existing and planned development in North Portland neighborhoods. Compared to between 135 and 148 potential displacements with the *DEIS* build alternatives in North Portland, the Full Interstate Alignment will incur no or few displacements. Minimizing or eliminating displacements avoids significant adverse economic and social impacts on the affected neighborhoods. It also substantially reduces project cost. Further, the modified project design, including a paved track section, will allow the Upper Interstate Segment to become more of a "main street", consistent with neighborhood and city visions for the area.

Displacements. Depending on the final project alignment within the identified boundaries, there will be no or few displacements of existing businesses in the Upper Interstate Segment. Should there be any displacements, they would occur in the vicinity of the Kenton Station. Established businesses will have the opportunity to remain and grow; and the availability of LRT transit may spur more intensive economic development in proximity to station areas.

In every instance where the South/North Project displaces an existing commercial or industrial use, that represents an adverse economic impact. Displacements affect employment, incomes, services and taxes, and the Metro Council is sympathetic to the significance of each displacement at the individual business and community level.

As described in the General Findings, any displaced commercial, industrial or public uses and property will be acquired at fair market value, and/or relocation benefits will be provided to business owners and tenants.

Loss of Parking/Access. The loss of parking, and the loss or change of access, can have adverse economic impacts on businesses and residents. Anticipated changes to *property access* in the Upper Interstate Segment are discussed in Section 5.10.3 of the *Traffic Report*.

The Council recognizes that the LRT improvements in the Upper Interstate Segment will result in some impacts to parking and access. Some existing frontage, including sidewalks and curbs, will be reconstructed in conjunction with the construction of the LRT trackway in the median of N Interstate Avenue. The reconstruction of N Interstate Avenue will result in some additional turn restrictions beyond those that already exist. U-turns would be accommodated at signalized intersections along N Interstate Avenue. While no formal truck loading zones along N Interstate Avenue would be removed with the LRT improvements, some parking areas used by delivery trucks would no longer be available for loading/unloading use.

The *FEIS* identifies 383 on-street parking spaces available along N Interstate Avenue between N Overlook Boulevard and N Argyle Street. Another 388 parking spaces are available on adjacent side streets within 100 feet of N Interstate Avenue. The *Traffic Report* found that the average occupancy of the existing on-street parking spaces in the N Interstate Avenue study area was

only 24.3 percent of available spaces. The average space-occupancy rate was lower along N Interstate Avenue itself (17 percent occupancy of available spaces) than on the adjacent side streets (32 percent occupancy).

The LRT improvements will displace approximately 139 spaces, or 18% of the available on street parking on or within one block of N Interstate Avenue. Of these, 112 spaces are located on N Interstate Avenue, and 27 along side streets. The displacements would occur fairly uniformly throughout the segment, with no area losing more than 25% of existing spaces.

Based on the information in the *Traffic Report* and the *FEIS*, the Council finds that the LRT improvements in the Upper Interstate Segment will result in modest impacts to property access and on-street parking. No existing uses will be displaced because of access modifications. Additionally, based on the information on on-street parking supply and demand included in the *Traffic Report* and *FEIS*, the Council finds that the future supply of on street parking, with the LRT improvements, clearly exceeds the current demand for parking.

Tax Base. The LRT improvements in the Upper Interstate Segment are not expected to have any long term adverse impacts on the tax base. No or few residential, commercial or industrial uses will be displaced from the tax rolls. Further, the Council finds that the availability of light rail and six LRT stations in the Upper Interstate Segment is expected to spur development and enhance property values and the tax base on a long-term basis, particularly around stations with vacant and underdeveloped land.

The reduction in automobile travel lanes from four to two along N Interstate Avenue may adversely impact some businesses, such as service stations, that are dependent on pass-through traffic because of the overall reduction in traffic volumes on N Interstate Avenue. Overall, however, the Council finds that the South/North Project will spur development and strengthen the economic viability of the area.

Freight Movement. The LRT improvements in the Upper Interstate Segment will not adversely affect *water freight movement* or *rail freight movement*. The LRT bridge over the Columbia Slough is located in the Expo Center Segment and impacts are discussed in the findings for that segment. UP's North Portland line, which runs east/west across North Portland, crosses the South/North Corridor in the vicinity of N Columbia Boulevard. This rail line provides UP with an alternative entry into the City of Portland for its transcontinental line, and services a number of industries. The LRT alignment will cross over N Columbia Boulevard and the reconstructed Denver Avenue Viaduct, resulting in no at-grade LRT/rail crossings in the Upper Interstate Segment.

Regarding *truck freight movement*, the City of Portland has designated two truck districts in the vicinity of the Upper Interstate Segment. At the southern end of the segment, the Albina Yard and Swan Island Industrial Area comprise a truck district bounded by I-405 on the south, N Greeley Avenue on the north and east, and the Willamette River on the west. Access to this district is via the Greeley ramps to and from I-5 at the I-5/I-405 interchange, via N Going Street and via N Interstate Avenue. The *Traffic Report* notes that the highest PM peak period truck

percentages were on N Going Street, where trucks comprised approximately 5 percent of the eastbound and over 25 percent of the westbound traffic (toward the Swan Island industrial area).

At the northern end of the segment, the Rivergate Industrial Area comprises a truck district bounded by the Willamette River on the west, the Columbia River and North Portland Harbor on the north, the City limits on the east, and N Columbia Boulevard on the south. The primary truck access to this district is via the N Lombard, Delta Park, and N Marine Drive interchanges on I-5 and via N Columbia Boulevard. Other designated truck streets include N Interstate Avenue, N Lombard Street from N Interstate east across I-5 to NE Martin Luther King Jr. Boulevard, and N Portland Boulevard from I-5 east to NE Martin Luther King Jr. Boulevard.

According to the *FEIS*, PM peak-hour truck volumes along N Interstate Avenue in the Upper Interstate Segment range from about 3 to 4 percent in the southern portion of the segment and from about 5 to 7 percent in the northern portions. The highest PM peak-hour truck percentages were on N Going Street, where trucks comprise about 5 percent of the eastbound and more than 25 percent of the westbound traffic.

While the intersection of N Interstate Avenue at N Going Street is forecast to perform at an LOS F with either LRT or the No Build Alternative, the intersection volume to capacity ratio is slightly better with LRT. The signal timing plan prepared as part of the Vissim traffic simulation was designed to give preference to the east/west movements through the intersection.

With the LRT improvements, the intersection of N Interstate Avenue at N Argyle Street and N Denver Avenue would be split into two separate intersections. These two new intersections would both perform with an improved level of service as compared to the No-Build Alternative. Freight access to and from N Columbia Boulevard via N Argyle Street would be similar to the No-Build Alternative.

Truck access off of the N Denver Avenue viaduct to businesses located between N Columbia Boulevard and the Columbia Slough will be modified. Currently, trucks can access sites both east and west of N Denver Avenue with unsignalized left turns. With the Project, this access will be signalized with left turn pockets provided. A crossing gate would protect the light rail alignment. A northbound right-turn lane also would be provided.

Based on the information in the *Traffic Report*, the *SDEIS* and the *FEIS*, the Council finds that the LRT improvements in the Upper Interstate Segment will not have an adverse impact on water or rail freight movement. Project impacts on truck freight movement via N Going Street into the Swan Island Industrial area can be evaluated for further design modifications as part of final design.

Social Impacts

The Council finds that the LRT improvements in the Upper Interstate Segment result in generally positive social impacts. Light rail will provide improved transit access to housing and jobs in the Upper Interstate Segment and will link the affected neighborhoods with regional employment

centers and other activity areas. North Portland neighborhoods have higher concentrations of minority, lower income and mobility limited residents that could see positive benefits from improved transit service and access. Modifications of the project design to avoid all residential displacements have significantly reduced adverse social impacts on North Portland neighborhoods.

Residential Displacements. There will be no residential displacements in the Upper Interstate Segment. By contrast, up to 109 potential displacements would have occurred with the alignments previously evaluated in the *DEIS* for this segment.

Access to Community Facilities. The Council finds that the South/North Project will provide improved transit access to community facilities and employment centers located in the Upper Interstate Segment, including the Edgar Kaiser Medical Facility, Portland Community College's Cascade Campus, Ockley Green and Kenton Schools, the Interstate Firehouse Cultural Facility, and neighborhood parks and churches. Additionally, residents of the affected neighborhoods to the west and east sides of I-5 will have improved transit accessibility to regional employment centers and recreational/educational destinations located along the East/West, South/North and Airport MAX lines.

Some individuals have commented that they currently are provided with good bus service, and they are concerned that LRT will displace or reduce the existing level of service. In response, Tri-Met has made a commitment that there will be no net loss of bus service to N/NE Portland. Numerous east-west or cross-town bus routes cross N Interstate Avenue today at major intersections such as N Killingsworth Street, N Lombard Street and N Portland Boulevard. All connecting bus service to N Interstate Avenue will be retained or enhanced. The Interstate MAX Draft Bus Service Concept Plan proposes that all east-west service between N Russell Street and N Lombard Street be brought up to 15 minute service to enhance the connection to light rail. LRT stations and bus stops have been designed to allow convenient transfers between buses and light rail. Also, there will be an ongoing public process during the final design and construction phases of the Project. During this time, more specific plans will be incorporated to meet the transit needs to the elderly if it is found that they have difficulty accessing the transit service. Options to meet those needs exist with Tri-Met today.

Barriers to Neighborhood Interaction. The Council finds that the LRT improvements in the Upper Interstate Segment will not result in significant barriers to neighborhood interaction. By locating the LRT stations near major east/west crossings over the freeway, the Council is maximizing the LRT coverage to neighborhoods east and west of the freeway

The LRT alignment in the Upper Interstate Segment will result in a number of changes to traffic operations. The number of auto travel lanes will be reduced, with a corresponding reduction in traffic volumes on N Interstate Avenue. Neighborhood cohesion could be impacted because of the change to local pedestrian travel patterns that would occur from limiting pedestrian access across N Interstate Avenue to approximately once every two blocks. However, the Council finds that the pedestrian crosswalks at signalized intersections and the signed "z" crosswalks between stations in this segment will provide for reasonable east-west pedestrian movements. In general,

the median LRT configuration will reduce barriers to neighborhood interaction and provide an improved environment for pedestrian crossings of N Interstate Avenue relative to existing conditions by reducing the width of the crossing and providing mid-street refuges for pedestrians.

The median LRT configuration will prohibit some existing left-turn movements onto or off of N Interstate Avenue. These will affect the Overlook triangle area and areas farther north along N Interstate Avenue. However, the Council finds that left turn movements and access to the local street network are provided with sufficient frequency and spacing as to render any adverse impacts minor and inconsequential.

Safety and Security. The Council is sensitive to the importance of safety and security in neighborhoods affected by the South/North Project. The Council recognizes that station security is a sensitive issue, particularly during evening hours. The Council finds that, with appropriate design and implementation of systemwide transit security measures as described in the General Findings, safety and security will not be adversely affected by the LRT improvements in the Upper Interstate Segment.

All of the six LRT stations in this segment will be located within the public right-of-way and in proximity to active street intersections and land uses such as the Kaiser medical center and Town Hall, the Interstate Fred Meyer and the Kenton business district. The Council finds that the location of the stations in the vicinity of the major east/west cross streets maximizes visibility and safety and security at active street intersections and also takes advantage of existing links between neighborhoods east and west of I-5.

Further, the Council finds that the reduced number of auto traffic lanes on N Interstate Avenue, widened sidewalks and signed pedestrian crosswalks between stations will enhance safety for pedestrians and provide a refuge from auto traffic at crossings.

School children will find N Interstate Avenue safer to cross with light rail than it is today with the wide expanse of travel lanes. There will be visible and audible signals in place that will notify children and other pedestrians of an approaching train. The pedestrian crosswalks at non-signalized marked "z" crossings will be designed to direct the focus of the pedestrian in the direction of an oncoming train and will also have the same visible and audible signals.

All emergency service providers have been involved in the redesign of N Interstate Avenue. Affected businesses, neighborhood associations, Tri-Met and the Portland Police Bureau will be involved in the review of the final design of the LRT stations in the Upper Interstate Segment to maximize safety and security. This review will include consideration of issues such as visibility, materials, lighting, pedestrian/bicycle/disabled access, landscaping, and telephones at platforms and potential security cameras. The decision to pave the trackway in the Upper Interstate Segment gives emergency service providers the option of using the trackway for emergency turnouts when necessary. Strategies to mitigate adverse safety and security impacts will be further evaluated during final design.

Visual/Aesthetic. The Upper Interstate Segment rises gradually from N Going Street to N Ainsworth Street, flattening out at approximately N Portland Boulevard. It then slopes gradually down to the Columbia River floodplain. Most structures along N Interstate are located close to the street adjacent to narrow sidewalks. The interior of the neighborhood consists of moderate-scale, one and two story older houses. Dominant visual features in the Upper Interstate Segment include the Paul Bunyan statue in Kenton; community open spaces such as Patton Square Park and the Interstate Firehouse Cultural Center, Ockley Green and Kenton Schools; and vintage houses interspersed along N Interstate Avenue.

The visual impacts of the LRT improvements in the Upper Interstate Segment are described in the *Visual Impacts Results Report*, the *SDEIS* and the *FEIS*. In general, the Council finds that the LRT improvements will result in minor visual impacts in this segment because all improvements will be located within the existing right-of-way, no buildings or significant large street trees will be displaced, and those other street trees that are removed will be replaced.

Many individuals commented during the *SDEIS* public comment period that the tie-and-ballast track treatment initially proposed for the Full Interstate Alternative would result in adverse visual impacts. In response, the design has been modified to include a paved track section for the Upper Interstate Segment to address these concerns and to support the planned "main street" character of the section of N Interstate Avenue extending from Kaiser to Kenton.

Traffic Impacts

Existing Street System. The Upper Interstate Segment extends from the Edgar Kaiser Medical Facility to north of Columbia Boulevard. The segment includes surface transportation facilities under the jurisdiction of ODOT and the City of Portland.

The surface street system in the Upper Interstate Segment is on a regular grid with east-west collector or arterial streets spaced at approximately one-half mile intervals. Interstate 5 cuts through the grid in a north-south direction, generally located three to four blocks east of N Interstate Avenue. Crossings of I-5 are generally limited to arterial or collector streets and are located one-quarter to one-half mile apart for motorized traffic.

Key north/south local streets in the Upper Interstate Segment are N Interstate Avenue, N Greeley Avenue, N Denver Avenue, N Vancouver Avenue and NE Martin Luther King Boulevard. Primary east/west streets in this segment include N Skidmore Street, N Going Street, N Alberta Street, N Killingsworth Street, N Ainsworth Street, N Lombard Street, N Portland Boulevard, and N Columbia Boulevard, all of which cross I-5.

I-5 experiences the highest daily traffic volumes of any highway or street within the Upper Interstate Segment. Traffic counts taken between 1993 and 1995 indicated daily volumes on I-5 ranging from 141,000 vehicles per day between the N Alberta Street and N Portland Boulevard interchanges to approximately 100,000 vehicles per day at Delta Park. On N Interstate Avenue, average daily traffic volumes during the same period ranged from 12,000 to 14,000 vehicles per day between N Going Street and N Argyle Street. Average daily traffic on key east-west streets

ranged from approximately 16,000 vehicles per day on N Portland Boulevard, to approximately 21,500 vehicles per day on N Lombard Street and N Columbia Boulevard, to 26,500 vehicles per day on N Going Street.

N Columbia Boulevard skirts the southern edge of the Columbia River lowlands that are the site of many industrial facilities. This area is designated by the City as a Truck District. As such, N Columbia Boulevard is one of the major routes designated to provide truck access between the regional arterial system and the industrial areas south of the Columbia Slough, as well as the St. Johns Bridge. N Columbia Boulevard has one interchange with I-5, which provides access to and from the south. N Columbia Boulevard is a four-lane facility with left turn lanes at key intersections.

Level of Service F conditions currently exist during the PM peak hour at the N Interstate Avenue intersections with N Going Street and N Lombard Street. At N Going Street, both northbound and eastbound approaches operate at LOS F, with lengthy queues observed during the PM peak hour. The N Interstate Avenue intersection with N Alberta Street has a northbound through-movement operating at LOS E. The intersection of N Interstate Avenue and N Killingsworth Street currently operates at LOS C.

Local Traffic Impacts. The LRT improvements in the Upper Interstate Segment will reduce roadway capacity on N Interstate Avenue from two through lanes in each direction to one through traffic lane in each direction.

The major traffic issues in this segment include neighborhood access, intersection level of service, and diversion of traffic onto parallel streets because of the reduced capacity of N Interstate Avenue.

The existing configuration of N Interstate Avenue in the Upper Interstate Segment includes a raised median that limits left-turn access. This raised median is a remnant from when N Interstate Avenue served as Highway 99W, the main north/south highway connection to the Interstate Bridge across the Columbia River.

There are currently 28 locations for making left turns along N Interstate Avenue. These locations are identified on Figure 3.3-1 of the *FEIS*. With the Project, the number of left-turn locations is reduced to 18. The design would provide turn pockets and signals at all left-turn locations, compared to a current mix of unsignalized turns, signalized turns without pockets and signalized turns with pockets. The ten streets currently with unsignalized left turn access that would lose their left turn access experience slightly reduced traffic volumes as a result. In turn, the streets retaining left turn access would experience slightly increased volumes. However, the changes in access and circulation patterns on these local streets would not be significant. The Council further finds that the changes would not preclude adequate emergency vehicle access to affected areas.

Traffic congestion in the travel corridor adjacent to I-5 through north Portland is highly dependent on the ability of I-5 to handle the projected traffic volumes. When I-5 is operating

poorly, through traffic spills over onto north Portland streets such as N Interstate Avenue, N Denver Avenue, N Vancouver Avenue and N Martin Luther King Boulevard. The 2020 traffic analysis prepared for the *FEIS* used a conservative approach that included no major capital improvements on I-5 in this corridor. This approach led to forecast traffic volumes on north Portland streets that are representative of a "worst case" scenario, including no new I-5 capacity improvements.

Traffic congestion impacts along N Interstate Avenue in the Upper Interstate Segment were analyzed using the Vissim traffic and transit simulation program and Highway Capacity Manual software to assess the performance of the major intersections. Generally, with the Project, intersections would perform at levels of service D or better. This includes the intersections of N Interstate Avenue at N Fremont Street, N Shaver Street, N Alberta Street, N Killingsworth Street, N Ainsworth Street, N Portland Boulevard, N Buffalo Street, N Fenwick Avenue and N Argyle/Denver Street. The intersection of N Interstate Avenue at N Going Street would perform at LOS "F" with or without the Project, while the intersection of N Interstate Avenue at N Lombard Street would perform at LOS "E" with or without the Project.

As a consequence of the traffic congestion analysis along N Interstate Avenue, detailed signal timing plans were developed that optimize intersection operations, and recommendations were prepared that identified the need for left-turn pockets and their lengths. At N Lombard Street and N Going Street, the signals were timed to favor east-west movement, while the remaining signals along N Interstate Avenue were timed to facilitate north/south traffic progression. Light rail will preempt all signals along N Interstate Avenue.

As a result of the decreased capacity on N Interstate Avenue, the parallel street system will experience increases in peak hour volumes. Overall, approximately 48 percent of the PM peak hour two-way traffic demand on N Interstate Avenue that would otherwise be present without the Project will be diverted either to transit, out of the corridor, or onto parallel streets. On N Greeley Avenue, 2020 PM two-way peak hour traffic volumes are projected to increase 9.7% to 790 trips. On N Denver Avenue, traffic volumes are forecast to increase 27.5% to 510 vehicles. On N Albina Street, east of I-5, PM peak hour traffic volumes are forecast to increase 18.6% to 510 vehicles per hour. In contrast, 2020 traffic volumes along N Interstate Avenue are forecast to decrease 47.8%, from 2050 vehicles per hour without the Project to 1070 per hour with the Project.

Station Impacts. No park-and-ride lots would be located in the Upper Interstate Segment. Based on the information in the *FEIS*, the Council finds that there is moderate potential for park-and-ride activity on adjacent property and neighborhood streets in the Upper Interstate Segment because there is free on-street parking available in the vicinity of most stations, and the corridor lies within a large travel shed with high attraction to the Portland Central City.

The potential for drop-off traffic will vary depending upon the location of the station in relation to I-5 ramps and/or its proximity to major cross streets. The Council finds that the potential for residential neighborhood traffic intrusion will generally be low due to the location of stations primarily along the arterial street system. Access to stations by bicyclists and pedestrians will be

good, with improved bicycle access along N Interstate Avenue with the construction of northbound and southbound bike lanes.

If monitoring of station area parking indicates problems, parking mitigation strategies could be implemented for on-street parking. Monitoring and control of off-street lots (such as Edgar Kaiser or Fred Meyer) may be appropriate. For example, private parking lot operators in the Lloyd District have restricted access to parking lots during the AM commute period (e.g. before 9:00 AM) to discourage park-and-ride activity in the vicinity of transit stations along the Eastside MAX.

The initial LUFO included an interim terminus at Kenton, with no park-and-ride facilities provided in North Portland. The Council finds that the extension of the interim terminus to the Expo Center, coupled with the shared use of a total of approximately 600 park-and-ride spaces split between the Portland International Raceway and the Expo Center stations, will reduce pressures for park-and-ride activity in Upper Interstate Segment neighborhoods.

Mitigation Strategies. By extending the terminus north from Kenton to the Expo Center, where park-and-ride capacity will be available, the potential for adverse on-street parking impacts in proximity to the six stations in the Upper Interstate Segment has been reduced. Additionally, the Council finds that options are available to reduce or mitigate adverse parking impacts if they occur. Such options include permit parking programs and monitoring and management of off-street lots to limit commuter parking.

Conceptual engineering plans and the *FEIS* identify transportation related improvements and other measures to mitigate adverse traffic impacts in the Upper Interstate Segment, including but not limited to the following:

- Reconstruct N Interstate Avenue from a four-lane basic section to a two-lane basic section with sidewalks, curbs and gutter, auto and bicycle lanes, turn and/or auxiliary lanes at intersections, and on street parking away from intersections and signals.
- Install six signed pedestrian "z" crossings approximately mid-way between the station platforms to provide safe pedestrian access across the LRT alignment between signalized intersections.
- Modify the signal operations to ensure adequate east-west green time for N Going Street and N Lombard Street
- Install new traffic signals at N Interstate Avenue intersections with N Overlook Boulevard, N Skidmore Street, N Willamette Boulevard, N Dekum Street, N Terry Street, N Interstate Place and N Fenwick Street.
- Lengthen left-turn pockets on N Interstate Avenue at N Going Street, N Portland Boulevard and N Lombard Street
- Revise the alignment design in the vicinity of N Denver Avenue and N Argyle Avenue to reduce auto/train crossings and include advance directional signing to alert traffic that northbound right turns from N Interstate Avenue at N Argyle Street would be prohibited.

- Add a northbound left turn signal and pocket at N Fenwick Avenue and close the small portion of N McClellan Street between N Fenwick Avenue and N Interstate Avenue
- Add left-turn pockets on N Killingsworth Street and N Alberta Street at their intersections with N Interstate Avenue
- Work with ODOT to develop long-term improvements to I-5 that will help reduce the spillover of through traffic onto local streets and collectors.
- Develop a traffic management plan for the area between N Greeley Avenue and NE Martin Luther King Boulevard to address issues that may emerge with the diversion of traffic from N Interstate Avenue onto other north/south roads.
- Work with the community to identify appropriate traffic volume thresholds on various streets and to develop a plan for traffic calming or diversion methods that could be considered to address impacts when these thresholds are reached.

The Council finds that the improvements identified above can mitigate the adverse traffic impacts of the South/North Project in the Upper Interstate Segment. Refinement of mitigation plans can be addressed during final design.

Provide for a light rail route and associated facilities, balancing the need for light rail proximity and service to areas that are capable of enhancing transit ridership; the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and the need to protect affected neighborhoods from the identified adverse impacts.

The *City of Portland Comprehensive Plan* and the *Albina Community Plan* envision an intensification of land uses in proximity to the South/North LRT station areas. The light rail route and associated facilities in the Upper Interstate Segment provide transit service to key activity centers that are capable of enhancing transit ridership, including the Edgar Kaiser Medical Facility, relatively dense North Portland neighborhoods, the Cascade Campus of PCC, retail/service nodes along N Interstate Avenue, and the Historic Kenton District.

LRT is an important tool in the region's ability to accomplish the goals of the Region 2040 Growth Concept. The availability of LRT will provide an alternative mode to travel on congested roadways such as I-5 and will help support higher densities and more compact and efficient development in the Upper Interstate Segment.

Light rail transit will also provide improved transit accessibility and service to residents of North Portland. A higher than average number of North Portland residents is dependent on transit for access to jobs and services. The existing residential neighborhoods provide the density and design features such as grid streets and mixed use development that are capable of enhancing transit ridership.

Because the LRT alignment and stations are located within the existing right-of-way of N Interstate Avenue and will reduce the traffic carrying capacity of N Interstate Avenue, the Council finds that it is not possible to completely avoid traffic impacts. However, the Full

Interstate Alignment avoids displacements and their associated economic and social costs. The alignment provides the opportunity to best balance moderate traffic impacts with providing LRT service that can be well integrated into the neighborhood and community and meet urban design and redevelopment objectives for the area. The project improvements in this segment, including the paved track section, wider sidewalks and new street trees, will help shift the character of this segment of N Interstate Avenue from a "major traffic street" to a "main street."

Provide for associated highway improvements, balancing the need to improve the highway system with the need to protect affected neighborhoods from the identified adverse impacts.

No highway improvements are proposed in the Upper Interstate Segment that have utility separate from the South/North Project. A range of improvements is proposed as mitigation for traffic impacts associated with the LRT facilities in this segment. These improvements are described in the discussion of traffic impacts for the Upper Interstate Segment.

6.4.8.3 Criterion 4: Noise Impacts

"Identify adverse noise impacts and identify measures to reduce noise impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by affected local governments during the permitting process."

Noise and vibration impacts specific to the Upper Interstate Segment are addressed in the following section. Noise and vibration impacts common to neighborhoods throughout the South/North Corridor, including the Upper Interstate Segment, are addressed in the General Findings portion of the original LUFO findings. The General Findings include an overview of noise and vibration, descriptions of different types of noise, and identification of potential noise mitigation by noise type. Noise and vibration impacts are identified, along with mitigation measures, in the *Noise and Vibration Impacts Results Report (Noise Report)*, *Noise and Vibration Mitigation Plan*, and in the *SDEIS* and *FEIS*.

Identification of Noise and Vibration Impacts in the Upper Interstate Segment

As shown in Figure 4.5-4 of the *FEIS*, there were seven noise monitoring locations and one vibration monitoring location in the Upper Interstate Segment. Vibration monitoring for the segment was performed at the Kenton School at the intersection of N Interstate Avenue and N Lombard Street.

Table 4.5-4 of the *FEIS* summarizes the existing noise environment for the Upper Interstate Segment. The measured Ldn levels ranged from 68 to 73 dBA, with the higher levels at sites directly exposed to vehicular traffic on either N Interstate Avenue, I-5 or the major east-west arterials. Areas adjacent to N Interstate Avenue and N Going Street have high existing noise levels due to high traffic volumes and truck traffic in the area. The existing vibration

environment in the Upper Interstate Segment is also influenced by vehicle traffic, with measurements ranging from 42 to 46 VdB near the Kenton School.

Category 2 land uses (Noise Categories described in the General Findings) within the Upper Interstate Segment include single and multi-family dwelling units and hotels. Based on the ODOT noise impact standard of 65 dBA, many of the residential properties that are located on N Interstate Avenue currently exceed ODOT's impact criteria.

Category 3 land uses include Ockley Green Middle School, Kenton Elementary School, several churches along N Interstate Avenue, and the Firehouse Theater and Overlook Park on N Interstate Avenue.

Table 4.5-5 of the *FEIS* provides a general summary of the noise and vibration impacts associated with the Interstate Avenue Alignment. Based on the information in the *Noise and Vibration Mitigation Plan* and the *FEIS*, the Council finds that the LRT improvements will result in six LRT noise impacts and 14 LRT vibration impacts in the Upper Interstate Segment. Noise from vehicular traffic will result in 92 exceedances of ODOT highway noise standards.

Traffic Noise Impacts. LRT improvements in the Upper Interstate Segment will include a reconfiguration of N Interstate Avenue to a single lane of through traffic in each direction. Traffic projections for the year 2020 indicate that about 1,070 vehicles would use N Interstate Avenue during the PM peak hour with the Full Interstate Alignment, compared to 2,050 vehicles with the No Build Alternative.

Traffic on N Interstate Avenue would increase over existing conditions, resulting in 28 additional noise exceedances. This total would be 57 exceedances less than compared to the No-Build Alternative. The increase of one to two decibels would be barely perceptible to a person with average hearing. The Council finds that most of these homes are considered to have a traffic noise impact under existing conditions and the No-Build alternative. In addition, the Council finds that changes in the project design to avoid all displacements have resulted in a slight increase in the number of residences subject to traffic noise. This slight adverse noise impact must be balanced with the positive social and neighborhood benefits gained with avoiding the displacement of residential or commercial uses.

LRT Noise Impacts. As shown in Table 4.5-7 of the *FEIS*, three hotels and three single family houses were found to be potentially exposed to LRT noise levels exceeding the impact criteria. The impacts are associated with special trackwork (i.e. track turnouts or switches) necessary for efficient train operations. These impacts could be mitigated by using special track work that reduces the noise when a train wheel crosses over a track switch or by moving the locations of the switches to an area with fewer sensitive receptors.

LRT Vibration Impacts. As described in the *FEIS*, the LRT improvements will result in 14 vibration levels exceeding the impact criteria in the Upper Interstate Segment. All of the impacts could be mitigated with spring loaded frogs to reduce vibration produced by switches or by

moving these switches, using ballast mats to dampen vibration, rail-attached vibration absorbers, and a vibration-related vehicle and track maintenance program.

The Council finds that there would be no vibration impacts to the Polish American Citizens Club building or the St. Stanislaus Church. The St. Stanislaus Church and the Polish American Citizens Club building were considered impacted under the *DEIS* and the *SDEIS* designs due to the location of a track switch near the Overlook Station and directly in front of these resources. The *FEIS* design moves this switch and, as a result, no impacts to these facilities are projected and no mitigation required.

Mitigation Options for Noise and Vibration Impacts in the Upper Interstate Segment

Mitigation for traffic noise impacts typically includes noise barriers and street realignment. Neither of these methods is considered practical for traffic impacts in the Upper Interstate Segment. The Council finds that noise barriers would be ineffective with the gaps in the wall that would be required to access properties off of N Interstate Avenue. Further, noise walls would be incompatible with the urban character of the area.

The projected traffic noise increase along N Interstate Avenue would be less than three decibels in all but a few locations. Human hearing typically cannot perceive a change of less than three dBA in broadband noise such as traffic noise. The Council finds that no mitigation for traffic noise impacts is proposed at this time because:

- The traffic noise impacts occur under existing conditions. At 64 of the 92 impacted receivers, current noise levels exceed the ODOT traffic noise impact criteria;
- Future projected traffic noise levels are barely over State of Oregon guidelines;
- No practical and reasonable noise mitigation (i.e., noise walls) could be implemented where the impacts would occur; and
- The project will result in lower traffic noise impacts than would occur under the No-Build Alternative with projected 2020 traffic volumes.

Further, the Council finds that the slight increase in traffic noise impacts are more than off-set by the positive social and neighborhood impacts associated with avoiding displacements in the Upper Interstate Segment.

The Council finds that reasonable options are available to mitigate LRT noise, wheel squeal and vibration impacts as summarized above and in the *FEIS*. Effective mitigation measures will be explored in greater detail during final design.

6.4.8.4 Criterion 5: Natural Hazards

“Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed

during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Natural hazard impacts specific to the Upper Interstate Segment are addressed in the following section. Natural hazard impacts applicable to neighborhoods throughout the South/North Corridor, including the Upper Interstate Segment, are addressed in the General Findings portion of the original LUFO findings. Natural hazard impacts, and associated mitigation measures, also are described in the *Geology and Soils Impacts Results Report (Soils Report)*, the *Hydrology and Water Quality Impacts Results Report (Hydrology Report)* and in the *SDEIS* and *FEIS*.

Identification of Natural Hazard Areas in the Upper Interstate Segment

The *SDEIS* and *FEIS* do not identify specific *landslide areas*, *areas of severe erosion potential* or *lands within the 100-year floodplain* in the Upper Interstate Segment. The potential for major landslides within the South/North Corridor is very limited because the topography within the corridor is relatively gentle. Areas of severe erosion potential are generally associated with steep slopes and creek crossings and the Upper Interstate Segment does not include land with these features. Because the LRT alignment and stations will be located within existing street right-of-way and at the existing street grade, earthwork will be minimal and no significant geology or soils impacts are expected.

As described in the General Findings, the Northwest is a seismically active area and is subject to *earthquake damage*. Figure 4.1-11 of the *Soils Report* does not identify any concealed faults within the Upper Interstate Segment. However, a concealed fault is identified a short distance to the south of the Edgar Kaiser Medical Facility, approximately parallel to N Overlook Boulevard.

Based on the information contained in the *Soils Report* and the *Hydrology Report*, the Council finds that no *landslide areas* or *areas of severe erosion potential* or *100-year floodplains* are affected by the LRT improvements in the Upper Interstate Segment.

While historical evidence of seismic activity in Oregon is minimal, recent studies indicate that western Oregon may be subject to a greater risk from *earthquake hazards* than previously thought. Site geology has a significant impact on earthquake damage. Young unconsolidated silt, sand, and clay deposits are associated with enhanced earthquake damage through amplification of shaking, settlement, liquefaction, and landsliding.

Mitigation Options for Natural Hazards in the Upper Interstate Segment

Based on the facts in the *Soils Report*, the *SDEIS* and the *FEIS*, the Council finds that long-term impacts to geology and soils in the Upper Interstate Segment are minimal. Mitigation would consist of using standard engineering practices to construct stable slopes; design of the replacement Denver Avenue Viaduct to meet Uniform Building Code seismic standards; and techniques such as excavation and backfilling, special footing and foundation designs, and special construction techniques such as pilings to address shallow groundwater or organic soils.

6.4.8.5 Criterion 6: Natural Resource Impacts

“Identify adverse impacts on significant fish and wildlife, scenic and open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in acknowledged local comprehensive plans. Where adverse impacts cannot practicably be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Natural resource impacts specific to the Upper Interstate Segment are addressed in the following section. Natural resource impacts applicable to neighborhoods throughout the South/North Corridor, including the Upper Interstate Segment, are addressed in the General Findings portion of the original LUFO findings. Natural resource impacts, along with associated mitigation measures, also are described in the *Ecosystem Impacts Results Report (Ecosystems Report)*, the *Parklands, Recreation Areas, Wildlife and Waterfowl Refuges 4(f) Impacts Results Report (4(f) Report)* and in the *SDEIS* and *FEIS*.

Identification of Impacts to Significant, Protected Natural Resources in the Upper Interstate Segment

The Portland Comprehensive Plan includes policies and objectives to address conservation of a range of natural resources identified in Statewide Goal 5, including wetlands, riparian areas and water bodies, fish and wildlife habitat, scenic routes and viewpoints, and significant upland areas. The City has completed an inventory and analysis of natural resource sites, identified the significance of each site and provided varying levels of protection to specific sites through the application of Environmental Overlay Zones, Scenic Overlay Zones and Open Space Zones.

As described earlier, the Upper Interstate Segment is highly urbanized, and few natural resources are present or impacted by the South/North Project between the Edgar Kaiser Medical Facility and N Columbia Boulevard.

Fish and Wildlife Habitat. The Upper Interstate Segment is highly urbanized with residential, commercial, industrial and institutional uses. No natural habitat or significant vegetative cover occurs within this segment. Because of the lack of natural habitat within the Upper Interstate Segment, no threatened and endangered plant species were encountered, nor were any expected. Wildlife use of this segment is also expected to be negligible because of the lack of natural habitat.

No waterways are present in the Upper Interstate Segment; therefore, no fishery resources are present.

Scenic and Open Space Areas. Dominant visual features in the Upper Interstate Segment include those identified in the *Albina Community Plan*. They include the Paul Bunyan statue in

Kenton, community open spaces such as Patton Square Park and the Interstate Firehouse Cultural Center, Ockley Green and Kenton Schools, Overlook Park, and vintage houses interspersed along N Interstate Avenue. Visual/scenic resources in the Upper Interstate Segment that are identified as significant in the City's *Scenic Views, Sites and Drives Inventory, Scenic Resources Protection Plan* include views of downtown from Overlook Park.

The LRT alignment will be located northeast of Overlook Park and will not affect the scenic view corridor from the park toward the Willamette River and downtown Portland. Because the LRT alignment and stations will be located within the existing N Interstate Avenue right-of-way and there will be no displacements, community open space areas and features such as the Paul Bunyan statue will not be adversely affected by the project.

Riparian Areas. There are no riparian areas within the Upper Interstate Segment.

Wetland Areas. There are no wetland areas in the Upper Interstate Segment.

Park and Recreational Areas and Willamette River Greenway. The Upper Interstate Segment does not affect lands within the Willamette River Greenway.

Four park and recreational areas are located within the Upper Interstate Segment: 1) Overlook Park; 2) Patton Square Park; 3) Ockley Green Middle School; and 4) Kenton School.

Overlook Park is a 12-acre city/neighborhood park located at N Interstate Avenue and N Overlook Boulevard at the south end of this segment. The park's main attractions are its sports facilities, which include a basketball court, three fields for baseball and softball, a soccer field and areas for horseshoes, shuffleboard and handball. The park is within walking distance of Overlook Neighborhood residents.

The LRT alignment will be located within the center of the N Interstate Avenue right-of-way abutting the eastern boundary of Overlook Park. The split platform Overlook Station will be located at the intersection of N Interstate Avenue and N Overlook Boulevard and will provide transit access to the park. The alignment and station will not physically touch the park and will be approximately 50 feet away from the park's property line. The *SDEIS* and *FEIS* note and the Council finds that Overlook Park will experience a slight increase in noise from existing conditions. The projected increase of one to two dBA would be considered barely perceptible to a person with normal hearing. Although Overlook Park could be considered impacted because of the slight increase of noise, due to the lack of passive or active uses in the area, the *SDEIS* and *FEIS* state, and the Council finds, that noise increase is not considered a use or constructive use of the park.

Existing mature street trees are located within the right-of-way that separates Overlook Park from N Interstate Avenue. The trees may need to be removed to accommodate the project improvements, including the wider sidewalks. The Council finds that existing trees and landscaping along the eastern boundary of the park will provide continued screening and buffering even with removal of the street trees.

Patton Square Park is located at N Interstate Avenue and N Emerson Street. Facilities at the 1.18-acre city/neighborhood park include a playground and the Interstate Firehouse Cultural Center (IFCC). Residents of the Overlook and Arbor Lodge Neighborhoods are within easy walking distance to the park. The IFCC holds numerous arts and entertainment activities such as lectures, exhibits and plays. Most of these activities occur during the evening, but a limited number of matinees are also provided.

For theater guests, the IFCC provides a small parking lot that can be entered from N Interstate Avenue. The park is accessible by foot or by car. On-street parking is available on N Emerson Street and N Maryland Avenue. Patton Park and the IFCC will have convenient access to LRT transit with the station at Killingsworth. The *4(f) Report* notes and the Council finds that there would not be a substantial impairment to the Patton Square Park as a result of the proximity impacts of LRT. With the existing signal at N Killingsworth Street and a new signal at N Willamette Boulevard, the Council finds that the LRT improvements will not have an adverse impact on Patton Square Park, and it finds that safe and convenient transit, vehicle and pedestrian access to Patton Park and the IFCC will be maintained.

Ockley Green School is located at N Interstate Avenue and N Montana Street. The Portland Park Bureau has a partnership with the Portland Public Schools relating to use of the approximately 1.72 acre playing field at the school. Residents of the Arbor Lodge Neighborhood are within close walking distance to the field. The school and playing field are located approximately mid-way between the Killingsworth and Portland Boulevard LRT stations. The playing field provides recreational opportunities for students and is used for organized baseball practices and games between March and August. During fall and winter, the gyms and soccer fields are also used. The *4(f) Report* notes that the LRT alignment will be approximately 30 feet away from the playing field. With the existing signal at N Ainsworth Street and a pedestrian signal at N Colfax Street, the Council finds that the LRT improvements will not have an adverse impact on the Ockley Green School playing field, and it finds that safe and convenient transit, vehicle and pedestrian access to the Ockley Green School and fields will be maintained.

Kenton School, which is located at 7528 N Fenwick Avenue, has a playing field of approximately 1.86 acres. The field is located at N Interstate Avenue and N Lombard Street; it contains a playground area, a sandbox and an open field that provides recreational opportunities for students. The field is within walking distance of Kenton Neighborhood residents. The field is used for baseball practices and games between March and August. The *4(f) Report* notes that the LRT alignment will be approximately 40 feet away from the playing field property line. With the signal and split platform station at N Lombard Street, the Council finds that the LRT improvements will not have an adverse impact on Kenton Elementary School and the playing field, and it finds that safe and convenient transit, vehicle and pedestrian access to the school and field will be maintained.

Mitigation Options for Natural Resource Impacts in the Upper Interstate Segment

Based on the information provided in the *Ecosystems Report*, the *4(f) Report*, the *SDEIS* and the *FEIS*, the Council concludes that the South/North Project improvements in the Upper Interstate Segment will not result in adverse impacts on the Willamette River Greenway or designated scenic and open space areas that are protected in the Portland Comprehensive Plan. The alignment and stations will be located within the existing N Interstate Avenue right-of-way and will avoid Overlook Park, Patton Square Park, and the playing fields at Ockley Green Middle School and Kenton Elementary School. LRT stations in the Upper Interstate Segment will provide good transit access to the park and recreational areas and signed pedestrian crosswalks will assure safe and convenient pedestrian access across the LRT alignment to the park and recreational areas between the signalized intersections. Because the Council finds no adverse impacts to natural resources, it concludes that no measures to reduce adverse impacts are necessary.

6.4.8.6 Criterion 7: Stormwater Runoff

“Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal and protect water quality which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Stormwater runoff impacts specific to the Upper Interstate Segment are addressed in the following section. Stormwater runoff impacts and mitigation common to segments throughout the South/North Corridor, including the Upper Interstate Segment, are addressed in the General Findings portion of the original LUFO findings. Stormwater impacts and mitigation measures are also described in the *Water Quality and Hydrology Impacts Results Report (Hydrology Report)* and in the *SDEIS* and *FEIS*.

Identification of Stormwater Impacts in the Upper Interstate Segment

The LRT improvements in the Upper Interstate Segment include construction of a light rail alignment and six LRT stations. No park-and-ride lots or operations and maintenance facilities are located in the Upper Interstate Segment.

The majority of the stations in the Upper Interstate Segment will be located in areas that are currently paved (street and/or sidewalk). As a result, the *Hydrology Report* states and the Council finds that the LRT improvements are not expected to increase the rate or volume of stormwater runoff, either individually or collectively. Runoff generated along the alignment and at the stations will be directed to catch basins and storm drainage facilities in adjacent roadways. No treatment will be provided other than the treatment that now occurs within these existing drainage systems. Drainage is currently conveyed to the Willamette River or the Columbia Slough. No increase in pollutant loading would be anticipated compared to that generated from existing streets and sidewalks in the Upper Interstate Segment.

Mitigation Options for Stormwater Impacts in the Upper Interstate Segment

As shown in Table 5.3-8 of the *Hydrology Report*, no significant hydrologic, flooding, or water quality problems are expected from the LRT improvements in the Upper Interstate Segment. Standard erosion control and stormwater management techniques described in the General Findings are applicable in the Upper Interstate Segment and will be implemented by the Portland Bureau of Environmental Services through local permitting.

The Council finds that water quantity and quality impacts created by the construction and operation of the South/North Project in the Upper Interstate Segment can be substantially mitigated by complying with City of Portland erosion control and stormwater management regulations. These rules and regulations outline Best Management Practices (BMPs) to prevent or limit pollutants from entering surface waters through urban drainage systems.

Standard erosion control measures can be implemented in connection with all improvements in the Upper Interstate Segment. The Council recognizes that the Columbia Slough has been designated as a water quality limited stream and is subject to specific water quality standards. BMPs for water quality impacts typically include sediment and erosion controls, construction spill control measures, oil/water separators, biofiltration swales, and water quality/retention ponds. The Council finds that a range of measures is available and site-specific mitigation for stormwater quantity and quality impacts will be refined and selected during the final design and local permitting processes.

6.4.8.7 Criterion 8: Historic and Cultural Resources

“Identify adverse impacts on significant historic and cultural resources protected in acknowledged comprehensive plans. Where adverse impacts cannot practicably be avoided, identify local, state or federal review processes that are available to address and to reduce adverse impacts to the affected resources.”

Historic and cultural resource impacts specific to the Upper Interstate Segment are addressed in the following section. Historic and cultural resource impacts and mitigation common to segments throughout the South/North Corridor, including the Upper Interstate Segment, are addressed in the General Findings portion of the original LUFO findings. Historic and cultural resource impacts and mitigation measures are also described in the *Historic, Archeological and Cultural Resource Impacts Results Report (Historic Report)* and in the *SDEIS* and *FEIS*.

Identified Significant and Protected Historic and Cultural Resources in the Upper Interstate Segment

The Upper Interstate Segment includes one historic resource that is currently listed on the National Register (Site 148 - Fire Station at 5340 N Interstate Street). This resource is automatically considered significant and protected under the acknowledged Portland

Comprehensive Plan. Additionally, the Kenton Conservation District is located in the Upper Interstate Segment. The boundaries of the Kenton Conservation District are identified on Map 445-3 of the Portland Zoning Code. In general, the boundaries of the district extend from the north side of N Lombard Street on the south to the north side of N Willis Boulevard on the north, extending from the east side of N Delaware Avenue to the west side of N Interstate Avenue. Map 443-3 identifies the buildings that are designated as "Historic" and "Contributing" resources within the Kenton Conservation District.

As part of the *DEIS*, the following six historic resources were determined potentially eligible for the National Register, but are not currently designated as significant and protected under the City of Portland Comprehensive Plan:

- Nicolai Co. Office Ensemble (Site 133)
- Nicolai Co. Industrial Site Ensemble (Site 134)
- Kenton Stockyard School (Site 137)
- Polish American Citizens Building (Site 139)
- St. Stanislaus Church (Site 140)

With the refinement of the LRT alignment since the original LUFO and the proposed reconstruction of the Denver Avenue Viaduct, adverse impacts to the Nicolai Co. Office Ensemble (Site 133) and the Nicolai Co. Industrial Site Ensemble (Site 134) can be avoided.

The *Historic Report* states and the Council finds that the LRT alignment will have no effect on the Kenton Stockyard School (Site 137) or the firestation at 5340 N Interstate Avenue (Site 148).

There is also no effect on the Polish American Citizens Building (Site 139) or the St. Stanislaus Church (Site 140). There is no right-of-way take for these properties, but they will be located in close proximity to the LRT improvements. The LRT improvements will not cause vibration impacts to these structures.

Mitigation Options for Identified Historic and Cultural Resource Impacts in the Upper Interstate Segment

The *DEIS* and the *Historic Report* document that the South/North Project improvements will not require right-of-way or adversely affect any historic resources that are recognized as significant and protected under the City of Portland Comprehensive Plan. There are no impacts on the Fire House on N Interstate (National Register) or to any designated historic resources within the Kenton Conservation District.

The Council finds that the Portland Landmarks Commission will have an opportunity to review light rail improvements, including the Kenton Station, that are located within the Kenton Conservation District. However, the LRT improvements will not displace any buildings designated as "Historic" or "Contributing" resources within the Kenton Conservation District.

The Council recognizes that the Polish American Citizens Club building and the St. Stanislaus Church are not recognized as significant or protected by the City of Portland. However, because the buildings have been identified as eligible for the National Register, federal processes will apply through NEPA. The St. Stanislaus Church and the Polish American Citizens Club building were considered impacted under the *DEIS* and the *SDEIS* designs due to the location of a track switch near the Overlook Station and directly in front of these resources. The *FEIS* design moves this switch and, as a result, no impacts to these facilities are projected and no mitigation required.

The LRT alignment approved in the earlier LUFO would have resulted in displacement of the Nicolai Co. office and industrial site ensemble, which are potentially eligible for listing on the National Register. The Council finds that the refined LRT alignment, including the proposed reconstruction of the Denver Avenue viaduct over N Columbia Boulevard, avoids displacement and adverse impacts to these buildings.

6.4.8a Expo Center Segment

6.4.8a.1 Description of Light Rail and Highway Improvements

The Expo Center Segment of the South/North Project includes the following LRT-related facilities:

- An alignment that extends north from the Denver Avenue Viaduct over N Columbia Boulevard and the Columbia Slough to an interim terminus and station at the Expo Center on the north.
- Two light rail stations – one at the Portland International Raceway (PIR) and one at the Expo Center.
- Two park-and-ride facilities, one at PIR and one at the Expo Center, together providing approximately 600 spaces.

See **Figures 1.7 and 1.8** of the LUFO Amendment for LUFO boundaries for the Expo Center Segment.

Light Rail Alignment

From N Denver Avenue north of N Columbia Boulevard, the alignment continues northward, east of N Denver Avenue (Highway 99W), crossing over the Columbia Slough on a new bridge. The alignment crosses under Highway 99W through a tunnel to a station and park-and-ride lot in the vicinity of Portland International Raceway near N Victory Boulevard. From here the track continues near N Expo Road to a terminus station and park-and-ride lot at the Expo Center.

Light Rail Stations

Two stations are provided in the Expo Center Segment.

PIR Station. This station, located in the vicinity of Portland International Raceway (PIR), will serve the public and quasi-public destination points of PIR, Portland Meadows Racetrack and Delta Park. The station will provide light rail accessibility to support major events at these facilities.

Expo Center Station. This station will be located near and serve the Portland Metropolitan Exposition Center (Expo Center), another major event facility in the Expo Center Segment. The Expo Center serves as a venue for large-scale events such as boat and RV shows, garden shows, etc.

The Expo Center Station is one of only two light rail stations addressed in this LUFO amendment whose location overlaps the station location identified in the original LUFO. Accordingly, rather than replacing and superseding the earlier boundary decision for the Expo Center Station as set out in the original LUFO, this amendment modifies the boundary identified in Figure 3.23 of the original LUFO to expand the area wherein the Expo Center Station may be located.

Park-and-Ride Lots

Two park-and-ride lots are provided in the Expo Center Segment: The PIR park-and-ride and the Expo Center park-and-ride. Together, these two lots will provide approximately 600 parking spaces, with each lot providing approximately 300 spaces. For both lots, access is available from N. Victory Boulevard and N. Expo Road. The Expo Center park-and-ride lot can also be accessed from N Marine Drive via N Force Road, although the privately owned connection between N Expo Road and N Force Road is not always open.

Operations and Maintenance Facilities

There are no operations and maintenance facilities located in the Expo Center Segment.

Highway Improvements

There are no highway improvement located in the Expo Center Segment.

6.4.8a.2 Criterion 3: Neighborhood Impacts

“Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers. Identify measures to reduce those impacts which could be imposed as conditions of approval during the National Environmental Policy Act (NEPA) process or,

if reasonable and necessary, by affected local governments during the local permitting process.”

“A. Provide for a light rail route and light rail stations, park-and-ride lots and vehicle maintenance facilities, including their locations, balancing (1) the need for light rail proximity and service to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership; (2) the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and (3) the need to protect affected neighborhoods from the identified adverse impacts.”

“B. Provide for associated highway improvements, including their locations, balancing (1) the need to improve the highway system with (2) the need to protect affected neighborhoods from the identified adverse impacts.”

Description of Affected Neighborhoods in the Expo Center Segment

This segment directly affects the Kenton Neighborhood and indirectly affects the Bridgeton Neighborhood. The Expo Center Segment is comprised primarily of regional recreational and entertainment facilities such as the Portland International Raceway, Delta Park and the Expo Center. Industrial uses are concentrated at the south end of the segment. Recent higher density residential development is focused in the Bridgeton Neighborhood to the east of I-5.

A summary description of each directly affected neighborhood follows, based on information from the *Neighborhood Impacts Results Report* and the *FEIS*.

The *Kenton Neighborhood* is bounded on the south by N Lombard Street and on the north by the North Portland Harbor, on the east by I-5 and on the west by N Chautauqua Boulevard. The major north/south street in the neighborhood is N Interstate Avenue, which turns into N Denver Avenue. The major east/west streets are N Lombard Street and N Columbia Boulevard. These streets cross I-5 and provide connections with the Piedmont Neighborhood. The remaining east/west streets dead-end at I-5.

The Kenton Neighborhood contains a wide range of uses including residential, commercial, industrial and recreational destination points. The character of the neighborhood is primarily residential. The residences are primarily single family with some multi-family units mixed in. The Kenton Neighborhood has a designated Historic Conservation District located on the west side of the northern end of N Interstate Avenue.

The Columbia Slough runs diagonally through the neighborhood and separates the industrial area from the northernmost portion of the neighborhood, which contains a number of destination points. West Delta Park, Portland International Raceway, Heron Lakes Golf Course and the

Expo Center are located on the west side of I-5; and Portland Meadows Race Track, Portland Meadows Golf Course and East Delta Park are located to the east side of I-5.

The Kenton Neighborhood contained an estimated 1990 US Census population of 6,536. Approximately 23.1 percent of the population is minority compared with 13 percent for Multnomah County and 8.6 percent for the region. The mobility limited population and the population over 65 years of age is somewhat higher for the neighborhood than for the county and the region.

The proportion of households below the poverty level is greater in the neighborhood (19.8 percent) than in Multnomah County (13.1 percent) and the region as a whole (9.9 percent). Median value of housing in the neighborhood is considerably less than either the county or region. The proportion of residents that rent their home is slightly higher than in the region, but lower than the county.

The *Bridgeton Neighborhood* is bounded on the south by N Marine Drive, on the north by the Columbia River, on the east by NE 5th Place and on the west by the I-5 freeway. The configuration of the neighborhood is long and narrow. Uses in the neighborhood include industrial and residential. Industrial uses are located in the western portion of the neighborhood adjacent to I-5. A large area within the central portion of the neighborhood along the North Portland Harbor is undergoing high-density residential development. Residential uses, including houseboat moorage's, are also located within the eastern portion of the neighborhood.

The Bridgeton Neighborhood contained an estimated 1990 US Census population of 140. Approximately 4.5 percent of the population are minority compared with 13 percent for Multnomah County and 8.6 percent for the region. The mobility limited population and the population over 65 years of age is somewhat less for the neighborhood than for the county and the region.

The proportion of households below the poverty level is similar in the neighborhood (9.1 percent) to the region as a whole (9.9 percent) and slightly lower than for the county (13.1 percent). Median value of housing in the neighborhood is slightly lower than the county and region. The proportion of residents that rent their home is similar to that in the region (38.7 percent) and lower than that in the county (44.7 percent).

Identify adverse economic, social and traffic impacts on affected neighborhoods. Identify measures to reduce those impacts.

Economic, social and traffic impacts specific to the Expo Center Segment are addressed in the following section. Economic, social and traffic impacts applicable to neighborhoods throughout the South/North Corridor, including the Expo Center Segment, are addressed in the original LUFO findings, incorporated herein by this reference, under the heading "General Impacts and Mitigation Measures Applicable to All Segments" (hereinafter "General Findings"). Economic, social and traffic impacts are also described, along with mitigation measures, in the *Land Use and Economic Impacts Results Report (Land Use Report)*, the *Social and Neighborhood Impacts*

Results Report (Neighborhood Report), the Local and Systemwide Traffic Impacts Results Report (Traffic Report) and in the SDEIS and FEIS.

Economic Impacts

Overall, the South/North Project will result in positive economic impacts in the Expo Center Segment because improved transit capacity will be provided to serve the major destinations of Portland International Raceway and the Expo Center. The location of the LRT alignment and stations will avoid displacements and associated economic costs. The stations at PIR and the Expo Center will provide some opportunities for intensification of land uses in the vicinity of the stations consistent with land use plans and master plans for the areas.

Displacements. There will be no displacements of businesses in the Expo Center Segment. The reconstruction of the Denver Avenue viaduct to accommodate light rail and the construction of a LRT bridge across the Columbia Slough have been refined since the original LUFO to avoid the economic impacts and costs associated with business displacements. However, construction of the LRT bridge across the Columbia Slough could temporarily displace some of the recycling and truck detailing businesses currently on the site on the south side of the slough.

Loss of Parking/Access. There will be no loss of private parking spaces or access in the Expo Center Segment. On-street parking is not allowed along the route of the alignment in this segment and there are few existing access points. The LRT alignment will cross N Schmeer Road at grade and crossing gates will be installed. Access will be maintained to the container storage site to the east of the alignment.

The Expo Center park-and-ride lot will use about 200 existing parking spaces that currently serve the Expo Center. Additionally, about 100 new parking spaces will be constructed. During weekdays these approximately 300 spaces would be used by Tri-Met and would be open for Expo Center visitors after the morning rush hour. On weekends, the Expo Center would use these spaces for visitors to the facility. The park-and-ride sites will provide an improved parking environment and add to the net parking available in the area.

Tax Base. The LRT alignment and stations will not displace existing business/industrial uses from the tax rolls. Moreover, much of the project will be located on land already in public ownership that was previously removed from the tax rolls. The Council also finds that the temporary construction easements needed in the Expo Center Segment avoid adverse tax base impacts associated with right-of-way acquisition.

Freight Movement. The LRT alignment in the Expo Center Segment will cross over the Columbia Slough immediately north of the Columbia Boulevard industrial area. There is no official channel within the Columbia Slough, nor has it been dredged in this area. Due to the shallow nature of the water, primary use of the waterway has been for recreational boating, and the Council finds that the LRT improvements will not adversely affect *water freight movement*. The LRT bridge over the Columbia Slough will meet the federally required vertical clearance of

30 feet Columbia River Datum and the required horizontal clearance of 80 feet, matching the main span of the existing N Denver Avenue Viaduct bridge approximately 150 feet downstream.

The LRT improvements in the Expo Center Segment will not impact *rail freight movement*. Union Pacific's (UP) North Portland line, which runs east/west across North Portland, crosses the South/North Corridor in the vicinity of N Columbia Boulevard. This rail line provides UP with an alternative entry into the City of Portland for its transcontinental line, and services a number of industries. The LRT alignment will cross over N Columbia Boulevard and the rail line on a structure, resulting in no at-grade LRT/rail crossings in the Expo Center Segment. Additionally, the LRT alignment will terminate at the Expo Center, south of N Marine Drive and associated rail lines into the Rivergate Industrial District.

Based on information in the *Traffic Report*, the *SDEIS* and the *FEIS*, the Council finds that adverse impacts to *truck freight movement* can be avoided or mitigated. Much of this segment is included within a designated truck district. The Rivergate Industrial Area comprises a truck district bounded by the Willamette River on the west, the Columbia River and North Portland Harbor on the north, the City limits on the east, and N Columbia Boulevard on the south. The primary truck access to this district is via the N Lombard, Delta Park, and N Marine Drive interchanges on I-5 and via N Columbia Boulevard.

At the south end of the Expo Center Segment, truck access off of the N Denver Avenue viaduct to businesses located between N Columbia Boulevard and the Columbia Slough will be modified. Currently, trucks can access sites both east and west of N Denver Avenue with unsignalized left turns. This access will be signalized and have left-turn pockets added on N Denver Avenue. A crossing gate will protect the light rail alignment, which will cross the easterly access road approximately 10 feet east of the N Denver Avenue viaduct. A northbound right-turn lane also will be provided. Truck access to these sites will be maintained and made safer.

At the north end of the Expo Center Segment, N Marine Drive functions as a major truck route between the Rivergate Industrial Area and I-5. During the PM peak hour, truck traffic makes up approximately 15-20 percent of total traffic volume. Table 3.2-1 of the *SDEIS* notes that the N Marine Drive on-ramps to I-5 currently operate at Level of Service C. By 2015, the ramps are projected to operate at LOS F due to heavy volumes queuing back from the freeway ramp meter. Under the *SDEIS* park-and-ride lot design, approximately 190 cars per hour would exit the park-and-ride lot at the Expo Center in the PM peak hour, primarily destined for I-5 northbound. However, the Council finds that the *SDEIS* assumed larger park-and-ride lot capacity at the Expo Center park-and-ride than is now assumed in the *FEIS*. Hence, potential impacts from vehicles exiting the park-and-ride lot on the northbound N Marine Drive ramp to I-5 are reduced.

Further, the Council finds that with Interstate MAX LRT, traffic exiting the Expo Center park-and-ride lot under the *FEIS* design will be directed southward toward the N Victory Boulevard interchange and will not have direct access onto N Marine Drive. An indirect route to N Marine Drive via the Expo Center access road and N Force Road will be available at times, but the access road will be subject to closure depending on the event needs at the Expo Center. Due to

the lack of direct access and the unreliability of the alternative route, the Council does not expect the Expo Center park-and-ride lot to have any significant traffic impacts on N Marine Drive.

Social Impacts

The Council finds that the LRT improvements in the Expo Center Segment will result in positive social impacts. Light rail will provide improved transit access to jobs and major events at the PIR and Expo Center facilities and nearby attractions such as Delta Park and Portland Meadows. Additionally, the stations will improve transit accessibility to the growing higher density residential uses in the Bridgeton Neighborhood.

Residential Displacements. There are no residential uses in the Expo Center Segment and there will be no displacements associated with the LRT improvements in this segment.

Access to Community Facilities. The Council finds that the South/North Project will provide improved transit access to regional facilities located in the Expo Center Segment, including direct access to the Portland International Raceway and the Expo Center, and indirect access to Delta Park (East and West) and Portland Meadows. Residents of the Kenton and Bridgeton Neighborhoods will have improved access to these facilities, as well as improved transit accessibility to regional employment centers and recreational/educational destinations located along East/West and South/North MAX lines.

Barriers to Neighborhood Interaction. The Council finds that the LRT improvements in the Expo Center Segment will not result in barriers to neighborhood interaction. The Expo Center Segment is already separated from residential portions of the Kenton and Bridgeton Neighborhoods by major features such as N Columbia Boulevard, the Columbia Slough and I-5.

The tie and ballast track treatment is compatible with the large-scale event destination, industrial and open space character of the Expo Center Segment. The LRT improvements will not introduce new barriers to neighborhood interaction.

Safety and Security. The Council is sensitive to the importance of safety and security in neighborhoods affected by the South/North Project. Because portions of the alignment in the Expo Center Segment parallel I-5, the Council recognizes that station security is a sensitive issue, particularly during evening hours. The Council finds that, with appropriate design and implementation of systemwide transit security measures as described in the General Findings, safety and security will not be adversely affected by the LRT improvements in the Expo Center Segment.

The PIR station and park-and-ride lot will be located at grade and visible from adjacent streets. The Expo Center station will be located to serve both the Expo Center buildings and the existing large parking area. Both of the stations in this segment will provide transit accessibility to major event activities. Final design of these stations will include consideration of safety and security issues such as visibility, multiple access points, lighting, landscaping, and pedestrian and bicycle connections to the event facilities.

The Council finds that affected neighborhood associations, representatives of PIR and the Expo Center, Tri-Met and the Portland Police Bureau will be involved in the review of the final design of the LRT stations in the Expo Center Segment to maximize safety and security. This review will include consideration of issues such as visibility, materials, lighting, pedestrian/bicycle/disabled access, landscaping, and telephones at platforms and potential security cameras. Strategies to mitigate adverse safety and security impacts will be further evaluated during the local permitting process.

Visual/Aesthetic. The topography of the Expo Center Segment is largely flat, modified Columbia River floodplain. Dominant visual features in the segment include the I-5 freeway, PIR, the Expo Center, large communication towers, regional open spaces (East and West Delta Park) and the Columbia Slough, and industrial uses near N Columbia Boulevard

The visual impacts of the LRT improvements in the Expo Center Segment are described in the *Visual Impacts Results Report*, the *SDEIS* and the *FEIS* and summarized below.

The construction of a LRT bridge over the Columbia Slough will introduce a new visual element in the Expo Center Segment. The new bridge will be located in close proximity to the existing Denver Avenue bridge over the slough and will be designed to accommodate construction of the 40-Mile Loop recreational trail along the north bank of the slough. The bridge will likely be concrete and will likely match the profile of the existing N Denver Avenue crossing. Some retaining walls would be located on the east side of N Denver Avenue north of N Schmeer Road.

North of the PIR station, the light rail route boundary has been drawn to provide for a combined LRT and Expo Road alignment along the existing Expo Road right-of-way to avoid impacting both a significant wooded wetland located east of the road and the "Radio Tower" wetland that the Port of Portland purchased as a wetland mitigation site. LRT would be located on the east side of the road and would have some retaining walls to avoid fill in wetlands and impacts to trees.

Another new visual element will include the tunnel under Highway 99W.

Overall, the Council finds that the light rail improvements will have a minimal impact on the existing visual character of the Expo Center Segment, primarily because of the nature of adjacent land uses, the absence of displacements and the link of the alignment and stations with existing roadways. Some individuals have commented on the negative visual impact of the tie and ballast track treatment. However, the Council finds that the tie and ballast track will significantly reduce project costs and is consistent with the non-residential character of the Expo Center Segment.

Traffic Impacts

Existing Street System. The Expo Center Segment extends from north of N Columbia Boulevard to the Expo Center. The segment includes surface transportation facilities under the

jurisdiction of ODOT and the City of Portland. The segment includes event traffic generators such as PIR and the Expo Center and is adjacent to Portland Meadows and East Delta Park.

I-5 is the dominant transportation facility in this segment. Within the Expo Center Segment, I-5 has interchanges with the surface street system at two locations: N Victory Boulevard and N Marine Drive. Between N Columbia Boulevard and the Delta Park interchange, I-5 has a four-lane basic section, creating a bottleneck in either direction during peak travel periods. North of the N Denver Avenue ramps to the N Marine Drive interchange, I-5 has a six-lane basic section.

I-5 experiences the highest daily traffic volumes of any highway or street within the Expo Center Segment. Traffic counts taken between 1993 and 1995 indicated daily volumes on I-5 of approximately 100,000 vehicles per day at Delta Park.

The portion of N Denver Avenue within the Expo Center Segment is classified by the City as a major city traffic street, regional transitway, and major truck street. This portion of N Denver Avenue is also known as Pacific Highway West. From Argyle Street north across the Columbia Slough, N Denver Avenue is on a viaduct structure that was originally constructed with four traffic lanes, but has since been re-stripped with two lanes to meet current standards for lane widths, and to allow for a painted median and shoulder.

N Marine Drive is a major city traffic street and major city transit street running along the south shore of the Columbia River and North Portland Harbor. N Marine Drive is the primary access route to the northern portion of the Rivergate Industrial District and other industrial, commercial and residential areas east to Troutdale. Access to I-5 is provided by a "buttonhook" interchange with loop ramps, connecting to N Marine Drive at a single four-approach intersection to the west of I-5. Within the Expo Center Segment, N Marine Drive is generally configured as a four-lane facility with left turn lanes at signalized intersections.

The N Marine Drive intersection with the I-5 ramps operates at LOS C during the PM peak hour. Two traffic movements at the intersection are affected by congestion on I-5 during this period, when the northbound entrance ramp to I-5 is metered. At times, queues on the ramp back up to the vicinity of the intersection, constraining the amount of eastbound left turn and westbound right turn traffic that can turn onto the ramp from N Marine Drive. Trucks comprise 15 to 20 percent of the PM peak period traffic.

Local Traffic Impacts. The major traffic issues in the Expo Center Segment are PM peak hour traffic impacts associated with the approximately 300 park-and-ride spaces in the vicinity of both the PIR Station and the Expo Center Station, and traffic and pedestrian safety concerns associated with special event traffic access and egress.

Access to and egress from the park-and-ride lots at PIR will be primarily via the N Victory Boulevard interchange. The majority of trips using this facility would come from locations north of the interchange, such as Bridgeton, Hayden Island and Vancouver, Washington. The Expo Center park-and-ride lot would serve as an alternative site when the PIR sites are full or unavailable.

Direct automobile access to and egress from the Expo Center park-and-ride lot via N Marine Drive will be available only via the Expo Center access road and N Force Road. However, this route will be neither reliable nor attractive due to congestion at the N Marine Drive/I-5 interchange and because the Expo Center access road is a private road that is often closed. With no direct access to N Marine Drive and unreliable secondary access, the primary access and egress route to the Expo Center park-and-ride lot is via the N Victory Boulevard/I-5 interchange and N Expo Road.

With the use of approximately 600 total park-and-ride spaces at PIR and the Expo Center, approximately 240 automobiles would egress during the PM peak hour. There is adequate roadway capacity to handle this traffic eastbound on N Victory Boulevard. However, westbound-to-northbound traffic often contributes to queues that spill back from the ramp meter on the northbound I-5 on-ramp, and the park-and-ride traffic is expected to contribute to these queues.

During major spectator events at PIR, as well as major events at the Expo Center and Portland Meadows, there is significant traffic congestion accompanied by heavy pedestrian use of the walkways along N Victory Boulevard in the vicinity of the at-grade light rail crossing. Vehicles approaching the parking lots on the west side of I-5 often queue for considerable distances along N Victory Boulevard and onto I-5 directly in what will be the future LRT trackway. Under normal conditions, the LRT crossing will be protected by a gate. However, in event conditions, the traffic queues could be sufficiently long that vehicles could be stopped on the tracks with nowhere to go when the gates go down and a train arrives. In addition, pedestrian activity associated with events in the area can be somewhat haphazard, and pedestrians may not realize that a train is approaching, thus creating a potentially hazardous situation.

The reduction in travel lanes along N Interstate Avenue will reduce the capacity of that facility to accommodate automobile traffic. This could have the effect of reducing use of N Interstate Avenue as an alternative route to I-5 when I-5 is heavily congested. However, the availability of light rail will increase overall transit capacity along N Interstate Avenue.

Based on the information in the *Traffic Report*, the *SDEIS* and the *FEIS*, the Council finds that the LRT improvements in the Expo Center Segment will have minimal impact on the local street system. The alignment will be elevated over N Columbia Boulevard on a reconstructed viaduct and the alignment will cross under N Denver Avenue (Pacific Highway West) and under the southbound off-ramp from I-5 to Victory Boulevard to avoid impacts to the existing surface roads. The surface crossing of N Victory Boulevard will be gated but is not expected to adversely affect traffic flow.

Station Impacts. Because park-and-ride lots will be provided adjacent to the two stations in this segment, and those lots have easy access via N Victory Boulevard and N Expo Road, the Council finds that neighborhood parking or traffic intrusion impacts are avoided. The Council further finds that by extending the terminus from Kenton north to the Expo Center, and by providing

approximately 600 park and ride spaces in the Expo Center Segment, the potential for adverse parking impacts in the Kenton Neighborhood is reduced.

Mitigation Strategies. The Council finds that grade-separation of the LRT alignment via a tunnel from key local street segments avoids traffic impacts. Further, the provision of park-and-ride spaces in the Expo Center Segment reduces the potential for park-and-ride impacts in the Kenton Neighborhood.

Traffic management during major events in this area currently uses police officers to direct traffic at the N Victory Boulevard ramps to and from I-5. With LRT, additional uniformed personnel can be supplied to adequately manage both pedestrian and automobile traffic in the vicinity of the light rail at-grade crossing of N Victory Boulevard. These officers can ensure that no vehicles stop on the trackway at any time, and that pedestrians receive adequate warning of an arriving train.

Conceptual engineering plans and the *FEIS* identify transportation related improvements and other measures to mitigate adverse traffic impacts in the Expo Center Segment, including but not limited to the following:

- Installation of a new signal on N Denver Avenue on the south side of the Columbia Slough to accommodate safe turning movements
- Construction of a LRT only bridge across the Columbia Slough
- Construction of a LRT tunnel under Pacific Highway West and the southbound ramp from I-5 to Victory Boulevard
- Construction of a safe pedestrian link from the PIR station across N Expo Road to PIR and a potential park and ride area
- Evaluation of the operation of I-5 in north Portland and development of a long-term master plan for the corridor.
- Evaluate options to improve the queueing problems at the N Victory Boulevard northbound on-ramp to I-5, including possible widening of the northbound I-5 onramp to provide additional storage space for traffic queues and to reduce the on-street queueing impact of northbound-destined traffic leaving the park-and-ride lots.

The Council finds that the improvements identified above can mitigate the adverse traffic impacts of the Project in the Expo Center Segment. Refinement of mitigation plans can be addressed during final design.

Provide for a light rail route and associated facilities, balancing the need for light rail proximity and service to areas that are capable of enhancing transit ridership; the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and the need to protect affected neighborhoods from the identified adverse impacts.

The *City of Portland Comprehensive Plan* and the *Albina Community Plan* envision an intensification of land uses in proximity to the South/North LRT station areas. The light rail

route and associated facilities in the Expo Center Segment will provide transit service to key activity centers that are capable of enhancing transit ridership, including PIR and West Delta Park and the Expo Center.

By selecting the Full Interstate alignment, the Council recognizes the important role that LRT service and accessibility can provide to support more intensive development in neighborhoods such as Kenton, Arbor Lodge and Overlook along N Interstate Avenue. LRT is an important tool in the region's ability to accomplish the goals of the Region 2040 Growth Concept. The availability of LRT will provide an alternative mode to travel on congested roadways such as I-5 and will help support higher densities and more compact and efficient development in the North Portland neighborhoods.

Provide for associated highway improvements, balancing the need to improve the highway system with the need to protect affected neighborhoods from the identified adverse impacts.

No highway improvements are proposed in the Expo Center Segment that have utility separate from the South/North Project. A range of improvements is proposed as mitigation for traffic impacts associated with the LRT facilities in this segment. These improvements are described in the discussion of traffic impacts for the Expo Center Segment.

6.4.8a.3 Criterion 4: Noise Impacts

"Identify adverse noise impacts and identify measures to reduce noise impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by affected local governments during the permitting process."

Noise and vibration impacts specific to the Expo Center Segment are addressed in the following section. Noise and vibration impacts common to neighborhoods throughout the South/North Corridor, including the Expo Center Segment, are addressed in the General Findings portion of the original LUFO findings. The General Findings include an overview of noise and vibration, descriptions of different types of noise, and identification of potential noise mitigation by noise type. Noise and vibration impacts are identified, along with mitigation measures, in the *Noise and Vibration Impacts Results Report (Noise Report)*, *Noise and Vibration Mitigation Plan*, and in the *SDEIS* and *FEIS*.

Identification of Noise and Vibration Impacts in the Expo Center Segment

The existing noise and vibration environment in the Expo Center Segment is heavily influenced by high traffic volumes and truck traffic on I-5, N Columbia Boulevard, N Denver Avenue and N Marine Drive. Background noise from PIR and Portland International Airport also have a significant influence on the existing noise environment. There are no residential or other noise sensitive land uses adjacent to the LRT alignment or stations in the Expo Center Segment.

Mitigation Options for Noise and Vibration Impacts in the Expo Center Segment

Based on the information in the *SDEIS* and *FEIS*, the Council finds that there are no traffic noise, light rail noise, light rail wheel squeal or light rail vibration impacts associated with the LRT improvements in the Expo Center Segment. The alignment passes through an industrial, open space and event district (including Portland International Raceway) with high existing noise levels and no sensitive noise receptors. The Council agrees with the findings of the *SDEIS* and concludes that no noise/vibration mitigation measures are required in the Expo Center Segment.

6.4.8a.4 Criterion 5: Natural Hazards

“Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Natural hazard impacts specific to the Expo Center Segment are addressed in the following section. Natural hazard impacts applicable to neighborhoods throughout the South/North Corridor, including the Expo Center Segment, are addressed in the General Findings portion of the original LUFO findings. Natural hazard impacts, and associated mitigation measures, also are described in the *Geology and Soils Impacts Results Report (Soils Report)*, and the *Hydrology and Water Quality Impacts Results Report (Hydrology Report)* and in the *SDEIS* and *FEIS*.

Identification of Natural Hazard Areas in the Expo Center Segment

The *DEIS* does not identify specific *landslide areas* or *areas of severe erosion potential* in the Expo Center Segment. The potential for major landslides within the South/North Corridor is very limited because the topography within the corridor is relatively gentle. Areas of severe erosion potential are generally associated with steep slopes and creek crossings. The *Soil Report* notes, and the Council finds, that slope instability and erosion are possible at the south end of the LRT bridge over the Columbia Slough.

The *Soils Report* indicates that the alignment and stations in the Expo Center Segment are located on recent alluvium. This expanse of alluvium includes many lakes, ponds and sloughs, and highly organic soils are likely to be encountered during construction. Seasonally high groundwater is also present in this area. Excessive settlement is possible in the segment. Control of surface water and groundwater could be a problem in excavations and low-lying areas.

As described in the General Findings, the Northwest is a seismically active area and is subject to *earthquake damage*. Figure 4.1-11 of the *Soils Report* does not identify any concealed faults within the Expo Center Segment.

The LRT alignment will cross the Columbia Slough *100-year floodplain* in the vicinity of the existing N Denver Avenue bridge. The Columbia Slough serves as a drainage canal for interior runoff from broad floodplain areas located south of the Columbia River. The Slough enters the Willamette River near its confluence with the Columbia River. Because the Slough is subject to backwater from the Willamette River, areas with significant industrial development along its banks are extremely flood prone. The drainage districts along the Columbia River have levees that can provide flood protection. Peninsula Drainage District No. 1 has structural levees that can provide protection from the 100-year flood event. Peninsula Drainage District No. 2 also provides 100-year flood protection, but the interior drainage system must store runoff when the Columbia and Willamette rivers are at flood stage. Multnomah Drainage District No. 1 and Sandy Drainage District have levees that are expected to withstand a 500-year flood event. Pumps are used at flood stage to evacuate water from interior areas to the Slough.

The *Hydrology Report* indicates that the LRT bridge over the Columbia Slough will be about 600 feet long and located east (upstream) of the existing Denver Avenue crossing. The FEMA 100-year floodplain is approximately 500 feet wide in this location.

The Columbia Slough crossing would require three piers within the regulatory 100-year floodplain. About 56 cubic yards of fill would be needed below the FEMA 100-year floodplain. Mitigation for this impact would likely occur on the south side of the Columbia Slough at the bridge.

South of the Expo Center, the Project will require about 2900 cubic yards of fill within the FEMA 100-year floodplain where N Expo Road is moved. This fill can be mitigated either on-site or within the Peninsula No. 1 Drainage District in combination with the wetland mitigation site.

Mitigation Options for Natural Hazard Impacts in the Expo Center Segment

Based on the information contained in the *Soils Report* and the *Hydrology Report*, the Council finds that no *landslide areas* or *areas of severe erosion potential* are affected by the LRT improvements in the Expo Center Segment.

The Council recognizes that shallow groundwater, soft zones and highly organic soil may be present in the Expo Center Segment. Additionally, the northerly portion of the segment is subject to *flooding conditions* in places. The Council finds that the 600-foot LRT bridge over the Columbia Slough has been designed to completely span the designated 100-year floodplain. During final design, the precise location and elevation of the Expo Center Station can be refined to ensure that it is protected from adverse flooding impacts. The Council further finds that all LRT improvements within the Expo Center Segment will be constructed above the 100-year floodplain elevation.

Potential mitigation measures to address geologic/soils conditions are provided in Section 6 of the *Soils Report*. During final design, a thorough geotechnical investigation of the alignment will provide the necessary information to anticipate and remediate less-than-ideal foundation

conditions. Cuts and fills can be designed for necessary stability. If groundwater is encountered, it can be controlled with drains. Soft foundation conditions, delineated by the exploration program, can be mitigated with proper designs.

In areas where settlement is anticipated, several options are available. If the extent of the unstable material is limited, the material can be removed and replaced with suitable fill materials. In areas where excavation is not practical, settlement can be accelerated by surcharging and installing wick drains, or the structures can be mechanically supported.

While historical evidence of seismic activity in Oregon is minimal, recent studies indicate that western Oregon may be subject to a greater risk from *earthquake hazards* than previously thought. Site geology has a significant impact on earthquake damage. Young unconsolidated silt, sand, and clay deposits are associated with enhanced earthquake damage through amplification of shaking, settlement, liquefaction, and landsliding.

Prior to construction, site-specific geotechnical engineering studies will be conducted to determine appropriate construction techniques to avert potential geological problems. Detailed engineering studies will include an evaluation of subsurface soil seismic response characteristics and will also identify appropriate mitigation measures required for areas of shallow groundwater or unusually wet soil conditions that may be present in the Expo Center Segment. Based on the facts in the *Soils Report*, the Council finds that long-term impacts to geology and soils in this segment are moderate. Mitigation would consist of using standard engineering practices to construct stable slopes; design of tunnels and bridges to meet Uniform Building Code seismic standards; and techniques such as excavation and backfilling, special footing and foundation designs, and special construction techniques such as pilings to address shallow groundwater, organic soils or unusually wet surface conditions.

6.4.8a.5 Criterion 6: Natural Resource Impacts

“Identify adverse impacts on significant fish and wildlife, scenic and open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in acknowledged local comprehensive plans. Where adverse impacts cannot practicably be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Natural resource impacts specific to the Expo Center Segment are addressed in the following section. Natural resource impacts applicable to neighborhoods throughout the South/North Corridor, including the Expo Center Segment, are addressed in the General Findings portion of the original LUFO findings. Natural resource impacts, along with associated mitigation measures, also are described in the *Ecosystem Impacts Results Report (Ecosystems Report)*, the *Parklands, Recreation Areas, Wildlife and Waterfowl Refuges 4(f) Impacts Results Report (4(f) Report)*, the *North Corridor Interstate MAX Light Rail Project Ecosystems Mitigation Plan*, the

North Corridor Interstate MAX Project Wetland Delineation and Determination Report, and in the SDEIS and FEIS.

Identification of Impacts to Significant, Protected Natural Resources in the Expo Center Segment

The Portland Comprehensive Plan includes policies and objectives to address conservation of a range of natural resources identified in Statewide Goal 5 – including wetlands, riparian areas and water bodies, fish and wildlife habitat, scenic routes and viewpoints, and significant upland areas. The City has completed an inventory and analysis of natural resource sites, identified the significance of each site and provided varying levels of protection to specific sites through the application of Environmental Overlay Zones, Scenic Overlay Zones and Open Space Zones.

The Expo Center Segment includes a remnant of a once large network of natural waterways and wetlands that occurred within the Columbia River floodplain. Natural resources in the Expo Center Segment include waterways, wetlands, open space and scenic areas and park and recreational areas.

Fish and Wildlife Habitat. The Expo Center Segment is within the Columbia Corridor Natural Resources Management Plan area, which encompasses a portion of the historic floodplain of the Columbia River between the Willamette and Sandy Rivers. Fish and wildlife habitats within this portion of the Columbia Corridor are generally smaller and more isolated than elsewhere in the Columbia Corridor and are surrounded by conflicting land uses and activities such as I-5 and the Expo Center. Despite these conditions, the area continues to provide habitat for wildlife that is able to tolerate the urban development and human activity in the area.

Within the alignment impact area, habitat along the Columbia Slough is highly degraded and consists primarily of reed canarygrass and Himalayan blackberry along with small, scattered stands of riparian trees. These small trees are likely used by migrating birds that use habitat along the slough and surrounding areas as a travel corridor. These trees may also have limited value as cover and foraging habitat for resident birds and small mammals. Nutria, muskrat, and waterfowl use the open water habitat in the Slough for foraging. The Columbia Slough is included within the City of Portland's Environmental Overlay zone for multiple resource values.

The Columbia Slough constitutes approximately 18 miles of slow-moving stream and dredged backwater areas paralleling the Columbia River in north Portland. The Slough includes upper and lower main channel segments and numerous side channels and lakes. Development since 1917 has required levee construction for protection from the Columbia and Willamette River floodwaters.

At the proposed LRT crossing east of the Denver Avenue crossing, the Columbia Slough is characterized as a slow-moving backwater stream with turbid water. Overstory vegetation is primarily Himalayan blackberry and canarygrass. Stream shading and instream cover habitat is limited. Bank slopes are less than 2 percent, and the substrate is primarily mud and fine sediments. The *Ecosystems Report* states that fish using the Columbia Slough include many of

the same species that occur in the Columbia and Willamette rivers. The Council finds that there are warm water fish such as bass and carp within the Columbia Slough. However, juvenile salmon are unlikely to swim up the Columbia Slough as far as the light rail crossing because water conditions are not favorable to salmonids.

The LRT bridge will span the Columbia Slough. The design provides for two piers in the water and a third pier within 60 feet of the south shore. The shadow cast by the structure will likely preclude vegetation from growing under the bridge. A small amount (about 0.08 acre) of degraded riparian vegetation will be lost along the Columbia Slough with the construction of the LRT bridge.

Two forested areas dominated by black cottonwood are located farther north along the alignment. One small forested area (0.25 acre) is located south of N Victory Boulevard. This area is isolated and has been degraded by illegal debris dumping. This forested area is likely used by migrating birds moving through the Columbia Corridor and by common resident birds and small mammals for nesting, foraging, roosting, and cover.

The forested area along N Expo Road extends from north of PIR to the Expo Center. This habitat, along with the emergent marsh to the west, is within the City of Portland's Environmental Overlay zone. The forested habitat has been degraded by illegal debris dumping, use as a transient camp, and very poor water quality. Its relatively small size (about 1.5 acre), shape and proximity to I-5 also decrease its value as wildlife habitat.

Despite the historic and ongoing impacts to this forested site, it does have value as foraging, cover, and nesting habitat for passerine birds and small mammals. The large trees provide ample nesting habitat. The site also forms the eastern edge of a relatively large tract of undeveloped land that extends from the Smith and Bybee lakes area to Interstate 5, and therefore has connectivity to adjacent habitat areas. A great blue heron rookery is located approximately one mile west of the forested habitat along N Expo Road.

As explained in the *DEIS*, a half-mile long narrow stand of deciduous forest between N Expo Road and I-5 would have been impacted (about 1.4 acres removed) by the LRT alignment as approved in the original LUFO. Small areas of forest (approximately 0.18 acre) and marsh (approximately 0.08 acre) on the west side of N Expo Road would also have been lost. The loss of about 1.5 to 1.6 acres of forested habitat along N Expo Road would have eliminated foraging, cover, and nesting habitat for passerine birds and small mammals and eliminated potential roost and nest sites for raptors, such as red-tailed hawk. The loss of this forested habitat also would have reduced the amount of habitat available to birds using the area as a travel corridor, and eliminated the vegetated buffer between I-5 and the undeveloped habitat west of N Expo Road.

To avoid impacts to the forested area, relocation of N Expo Road farther west was considered. This relocation would have impacted a different wetland area known as the "Radio Tower" site. The Port of Portland has purchased this site as a mitigation area for wetland fill on West Hayden Island.

As explained in the *FEIS*, the adopted alignment modifies the alignment in the original LUFO to significantly reduce adverse impacts to the forested area while minimizing impacts to the wetland area. The selected alignment reduces the width of N Expo Road and, for much of the area, allows both the road and LRT within the existing N Expo Road right-of-way. As a result, only approximately 33 trees will be impacted. The approved alignment also will impact approximately 0.76 acres of reed canarygrass in the vicinity of the Radio Tower site.

Scenic and Open Space Areas. Visual/scenic resources in the Expo Center Segment that are identified as significant in the City's *Scenic Views, Sites and Drives Inventory, Scenic Resources Protection Plan* include the Columbia Slough scenic corridor west of N Denver Avenue, and the N Marine Drive scenic drive from NE 185th Avenue to Kelley Point Park.

The LRT alignment will cross the Columbia Slough to the east of the Denver viaduct and will not interfere with views of the Slough to the west of N Denver Avenue. However, the view from the Columbia Slough of the new LRT bridge crossing the Slough will have a visual impact. Potential mitigation includes coordination with the City during final design. Finally, the northern edge of the alignment in this segment ends at the Expo Center Station. The LRT bridge over N Marine Drive (scenic drive) and the North Portland Harbor (scenic corridor) is addressed in the findings for the Hayden Island Segment that were adopted in support of the original LUFO.

The undeveloped, landscaped public right-of-way adjacent to I-5 is designated "Open Space" to recognize the open, landscaped character and not because of plans for active open space use. The City of Portland Open Space zone permits highway and utility improvements. Additionally, Portland City Code Title 17, Public Improvements and not Title 33, Planning and Zoning generally regulate transportation improvements within public right-of-ways such as I-5. The LRT alignment will parallel the west side of I-5 from N Victory Boulevard and the PIR to the Radio Tower Site. The area east of N Expo Road is zoned Open Space south of N Broadacre Drive and zoned General Commercial 2 north of Broadacre Drive. The Council finds that the portion of the alignment located within the right-of-way adjoining I-5 that are zoned Open Space can be landscaped to mitigate visual impacts and retain the open space character.

To mitigate adverse impacts on designated scenic resources and viewpoints, appropriate conditions can be imposed during final design or the local permitting process as provided in Section 8(1)(b) of HB 3478.

Riparian Areas. Riparian areas are described under the discussion of Fish and Wildlife Habitat.

Wetland Areas. Three wetland areas are located in the Expo Center Segment. One wetland is located south of N Victory Boulevard, between I-5 and N Denver Avenue (Wetland J). Further north, a forested wetland (Wetland K) is located between I-5 and N Expo Road, south of the Expo Center. Wetland K is included within the City of Portland Environmental Overlay (EC) zone. West of that wetland is the "Radio Tower" wetland mitigation site identified above.

Park and Recreational Areas and Willamette River Greenway. The Expo Center Segment does not affect lands within the Willamette River Greenway.

Two park and recreational areas are located within or adjacent to the Expo Center Segment: 1) West Delta Park; and 2) East Delta Park.

West Delta Park is a city/regional park of about 663 acres that is owned and operated by the City of Portland. Located north of Columbia Slough, south of N Marine Drive, east of N Portland Road and west of N Denver Avenue and N Force Road, the park's main attractions include a golf course and raceway. The LRT alignment will be located to the east of N Denver Avenue, approximately 120 feet away from the western edge of the N Denver Avenue right-of-way. The alignment does not physically touch West Delta Park and will not result in any Section 4(f) use or impairment of use of West Delta Park. The stations at PIR and the Expo Center will provide transit accessibility to major events at West Delta Park facilities.

East Delta Park is a companion city/regional park of about 94 acres located to the east side of I-5. East Delta Park is owned and maintained by the City of Portland. It includes numerous playing fields for football, soccer, baseball and softball. The South/North LRT alignment will be located on the west side of I-5, between the freeway and N Expo Road. Therefore, the alignment will not result in any Section 4(f) use or impact on East Delta Park.

The 40-Mile Loop Trail, when constructed through North Portland in the future, will connect numerous parks in the Portland metropolitan area, including those along the Columbia, Sandy and Willamette rivers. Although the Council finds that the 40-Mile Loop Trail is not an existing park, the Project has been designed to accommodate the future construction of the trail through inclusion of a pedestrian crossing at the location of the proposed trail adjacent to the south side of N Schmeer Road.

Mitigation Options for Natural Resource Impacts in the Expo Center Segment

Based on the information provided in the *Ecosystems Report*, the *4(f) Report* and the *FEIS*, the Council concludes that the South/North Project improvements in the Expo Center Segment will not result in adverse impacts on the Willamette River Greenway or designated scenic and open space areas that are protected in the Portland Comprehensive Plan. The LRT improvements will not impact West Delta Park or East Delta Park, but will direct transit access to the Portland International Raceway facilities.

The Council finds that the LRT bridge over the Columbia Slough will displace a small amount of riparian vegetation. The City of Portland's Bureau of Environmental Services (BES), in conjunction with the Corps of Engineers, is involved in a habitat restoration initiative along the Columbia Slough in the vicinity of the proposed LRT alignment. Mitigation for LRT impacts could potentially be implemented in a cooperative effort with the BES and the Corps. The Council finds that restoration efforts such as removal of exotic species and planting native trees and shrubs along the slough could mitigate project-related impacts to vegetation, wetlands, wildlife habitat, and fisheries.

The Council also finds that the redesign of the alignment predominantly within the existing N Expo Road right-of-way will, overall, avoid or minimize impacts to the forested wetland area near the Expo Center and to the Radio Tower wetland. Mitigation for unavoidable wetland impacts could include enhancement, restoration, and/or creation of wetland and upland habitat along the Columbia Slough.

6.4.8a.6 Criterion 7: Stormwater Runoff

“Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal and protect water quality which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.”

Stormwater runoff impacts specific to the Expo Center Segment are addressed in the following section. Stormwater runoff impacts and mitigation common to segments throughout the South/North Corridor, including the Expo Center Segment, are addressed in the General Findings portion of the original LUFO findings. Stormwater impacts and mitigation measures are also described in the *Water Quality and Hydrology Impacts Results Report (Hydrology Report)* and in the *SDEIS* and *FEIS*.

Identification of Stormwater Impacts in the Expo Center Segment

The LRT improvements in the Expo Center Segment include construction of a light rail alignment, two LRT stations and two park-and-ride lots. No operations and maintenance facilities are located in the Expo Center Segment. The park-and-ride lot at the Expo Center will involve a shared use of the existing parking lot. Approximately 0.4 acres of new impervious surface will be created. The PIR lot also will involve new impervious surface.

As described in the *Hydrology Report*, water quality in the Columbia Slough is poor, particularly during wet weather discharges from stormwater outfalls and combined sewer overflows (CSOs). DEQ has designated the slough as water quality limited. Currently, the City of Portland is working with other agencies to develop total maximum daily loads to improve water quality, eliminate combined sewer overflows, and implement other water quality improvement projects for the Columbia Slough.

The *Hydrology Report* states and the Council finds that the LRT improvements are not expected to increase the rate or volume of stormwater runoff, either individually or collectively. Runoff generated along the alignment, at the two stations and at the park-and-ride lots will be directed to catch basins and storm drainage facilities in adjacent roadways. No treatment will be provided other than the treatment that now occurs within these existing drainage systems. Drainage is currently conveyed to the Columbia Slough or North Portland Harbor. A stormwater quality pond can be developed to treat stormwater runoff from the additional 4.6 acres of impervious surface that would be created at the PIR park-and-ride lot.

The PIR Station will be developed on a site that currently has significant pervious surface and vegetation, while the Expo Center Station will be developed in an area considered impervious. Stormwater from these stations and the park-and-ride lots can be treated through a combination of mechanical devices and a stormwater quality pond. As a result, no significant increases in stormwater discharges are expected near the PIR or Expo Center stations.

Mitigation Options for Stormwater Impacts in the Expo Center Segment

As shown in Table 5.3-8 of the *Hydrology Report*, no significant hydrologic, flooding, or water quality problems are expected from the LRT improvements in the Expo Center Segment. Flooding impacts are expected to be minimal. The two piers are expected to place 56 cubic yards of fill in the 100-year floodplain. This fill would be mitigated by the removal of material to balance the fill within the 100-year floodplain. Standard erosion control and stormwater management techniques described in the General Findings are applicable in the Expo Center Segment and will be implemented by the Portland Bureau of Environmental Services through local permitting.

The Council finds that water quantity and quality impacts created by the construction and operation of the South/North Project in the Expo Center Segment can be substantially mitigated by complying with Corps of Engineers/Division of State Lands fill and removal regulations and City of Portland erosion control and stormwater management regulations. These rules and regulations outline Best Management Practices (BMPs) to prevent or limit pollutants from entering surface waters through urban drainage systems. BMPs for water quality impacts typically include sediment and erosion controls, construction spill control measures, oil/water separators, biofiltration swales, and water quality/retention ponds.

Standard erosion control measures can be implemented in connection with all improvements in the Expo Center Segment, and site-specific erosion controls will be provided at the Columbia Slough Crossing. The Council recognizes that the Slough has been designated as a water quality limited stream and is subject to specific water quality standards. The Council finds that a range of BMP measures is available and that site-specific mitigation for stormwater quantity and quality impacts will be refined and selected during final design and the local permitting process.

6.4.8a.7 Criterion 8: Historic and Cultural Resources

“Identify adverse impacts on significant historic and cultural resources protected in acknowledged comprehensive plans. Where adverse impacts cannot practicably be avoided, identify local, state or federal review processes that are available to address and to reduce adverse impacts to the affected resources.”

Historic and cultural resource impacts specific to the Expo Center Segment are addressed in the following section. Historic and cultural resource impacts and mitigation common to segments throughout the South/North Corridor, including the Expo Center Segment, are addressed in the

General Findings portion of the original LUFO findings. Historic and cultural resource impacts and mitigation measures are also described in the *Historic, Archeological and Cultural Resource Impacts Results Report (Historic Report)* and in the *SDEIS* and *FEIS*.

Identified Significant and Protected Historic and Cultural Resources in the Expo Center Segment

The *Historic Report*, the *DEIS*, the *SDEIS* and the *FEIS* indicate that no known historic or cultural resources have been identified in the Expo Center Segment.

7. Compliance with Substantive Criteria (3-8) Short Term Construction Impacts

Section 7 of the findings in support of the original LUFO addresses the broad range of short-term impacts relevant to LCDC criteria 3-8 that are expected to occur throughout the South/North corridor with construction of the South/North Project. Those findings include a discussion of general construction impacts and mitigation measures to address neighborhood impacts (Criterion 3), noise impacts (Criterion 4), natural hazards (Criterion 5), natural resource impacts (Criterion 6), stormwater runoff (Criterion 7), and historic and cultural resources (Criterion 8).

The only segment specific findings contained in the original LUFO construction impact findings are in Section 7.2 (Neighborhood Impacts). Because much of the segment-specific findings applicable to the Eliot and North Portland segments no longer relate to the Project as amended by this LUFO, the Council replaces the Eliot and North Portland segment findings in Section 7.2 with the segment-specific findings set out below for the Albina, Upper Interstate and Expo Center segments. In all other respects, the Council finds that the original LUFO construction impact findings are still relevant and accurate, and it incorporates those findings herein by this reference.

In addition to the factual findings and conclusions set out below, the Council adopts and incorporates by reference herein the facts and conclusions addressing construction impacts and mitigation that are set out in the *South North Corridor Project "North Corridor Interstate MAX FEIS*.

Albina Segment

Impacts to existing traffic resulting from construction of the Full-Interstate Alignment will be experienced along N Interstate Avenue and at its major cross streets. Temporary lane closures and channelization will be required along N Interstate Avenue, and partial intersection closures at cross streets, to permit construction of the light rail trackway and reconstruction of the street, as well as modifications to existing intersections. Construction of track connections just east of the Steel Bridge may result in temporary impacts to East/West MAX operations.

Maintenance of pedestrian, auto, and bus circulation for events held at the Rose Garden Arena, Memorial Coliseum and the Oregon Convention Center is a significant concern during construction. However, the Council finds that the construction impacts associated with the LRT improvements in the Albina Segment will be much less adverse than impacts associated with the previously approved Eliot Segment alignment because the Full-Interstate Alignment avoids relocation of the Rose Quarter Transit Center during construction and avoids significant congestion and construction traffic impacts in the Broadway-Weidler corridor. The Full-Interstate Alignment also avoids construction impacts in the vicinity of Harriet Tubman Middle School and Emanuel Hospital.

Reconstruction of N Interstate Avenue through the Albina industrial area will result in short-term disruption of truck circulation and access. The *SDEIS* states, and the Council finds, that detour routes are available for traffic at most construction locations, and on-street parking loss would be minimal. Additionally, because existing land uses along N Interstate Avenue are largely industrial between the Rose Quarter and the Edgar Kaiser Medical Center, residential and commercial neighborhoods will not be adversely affected by construction traffic impacts.

Upper Interstate Segment

The Full-Interstate Alignment will avoid construction traffic impacts that would have been associated with the alignment adjacent to I-5 in the southerly portion of the segment under the originally approved LUFO. In particular, the Full-Interstate Alignment avoids the high volume of truck traffic associated with construction of retaining walls and embankments along I-5 and the tunnel under N Going Street.

However, disruption to traffic operations due to the construction of light rail in the center of N Interstate Avenue will be significant in the Upper Interstate Segment. Construction activity will span the entire right-of-way from one sidewalk to the other. Temporary lane closures and channelization will be required along N Interstate Avenue and partial intersection closures at cross streets to permit construction of the light rail trackway and reconstruction of the street, as well as modifications to existing intersections. Detour routes will be available but may involve some significant out-of-direction travel due to the limited number of streets crossing I-5. During peak travel periods, the reduction in capacity resulting from road detours and/or closures could increase delays to auto and truck traffic using the Going Street interchange to Swan Island.

Disruption to traffic operations in the Kenton District could be significant and may require local detours in the vicinity of the Kenton Station. These conditions may be further exacerbated by the relatively high numbers of construction related truck trips that may be generated by construction of major structures over N Columbia Boulevard and the Columbia Slough. Traffic intrusion into residential areas may occur near N Lombard Street and in the Kenton business district due to existing, high traffic volumes and anticipated congestion in these locations.

Expo Center Segment

Local industrial access could be disrupted with reconstruction of the N Denver Avenue viaduct, although access would be maintained to and from I-5 via the existing Columbia Slough bridge, Highway 99W and the Delta Park interchange on I-5. Short-term, off-peak full closures of N Columbia Boulevard would be required to set falsework and/or girders for the structure over this location.

Construction activity in the vicinity of the Portland International Raceway and the Expo Center may disrupt access to event parking areas, and construction staging areas could result in temporary loss of some event parking.

Mitigation Strategies for Construction Impacts to Traffic

As described in the original LUFO findings, short-term construction impacts will likely take the form of roadway closures, detours and/or lane reductions, increased truck traffic, pedestrian access restrictions and local access restrictions. The Council finds that short-term construction impacts are best mitigated by coordinating with local agencies, services, providers, businesses and residents on the construction plan to be prepared during final design.

Mitigation for construction impacts could include a variety of activities ranging from scheduling of construction activities to minimize conflicts during peak travel periods to using alternative construction techniques or equipment. In addition to the more general mitigation measures identified in the original LUFO findings, the Council finds that some of the options for mitigating

the short-term traffic impacts associated with light rail construction in the Albina, Upper Interstate and Expo Center Segments could include, but are not limited to, the following:

- Develop and maintain a program of coordination and outreach with affected business and community interests to oversee development and implementation of traffic detour and access management plans. The plans would help minimize disruption of pedestrian access and local access and circulation. Where appropriate, the plans would also support the maneuvering requirements of large trucks.
- Avoid construction during peak travel periods in the peak direction or in the vicinity of the Rose Quarter and Expo Center during evening events when traffic volumes are significantly higher.

Additional measures to mitigate short-term construction impacts are identified in the *FEIS*.

8. Compliance with Alignment-Specific Criteria (9-10)

8.1 Criterion 9: Clackamas County Alignment Connections

"Consider a light rail route connecting the Clackamas Town Center area with the City of Milwaukie's Downtown. Consider an extension of the light rail route connecting the City of Oregon City and the City of Gladstone with the City of Milwaukie via the Interstate 205 corridor and/or the McLoughlin Boulevard corridor."

Criterion 9 requires consideration of specific alignment connections within Clackamas County. Because the area affected by this LUFO amendment lies entirely within the City of Portland and Multnomah County, the Council finds that Criterion 9 is not applicable.

8.2 Criterion 10: Portland-Milwaukie Alignment Connections

"Consider a light rail route connecting Portland's Central City with the City of Milwaukie's Downtown via inner southeast Portland neighborhoods and, in the City of Milwaukie, the McLoughlin Boulevard corridor, and further connecting the Central City with north and inner northeast Portland neighborhoods via the Interstate 5/Interstate Avenue corridor."

Criterion 10 reflects local comprehensive plan policies addressing where the light rail route should be located. It considers the northern portion of the Project and is responsive to Portland and Milwaukie comprehensive plan policies addressing the location of the light rail route in Portland and between the Portland city limits and downtown Milwaukie.

Criterion 10 contains two separate requirements. First, it requires, consideration of a light rail route connecting Portland's Central City with the City of Milwaukie's downtown area via inner southeast Portland neighborhoods and, in the City of Milwaukie, the McLoughlin Boulevard corridor. Second, it requires consideration of a light rail route connecting Portland's Central City with north and inner northeast neighborhoods via the Interstate 5/Interstate Avenue corridor.

The Council finds that only the second requirement of Criterion 10 is relevant to this LUFO amendment. The Council further finds that the second requirement in Criterion 10 is met (1) through its initial consideration of the South/North *DEIS*, which included alternative alignments to connect Portland's Central City with north and inner northeast Portland neighborhoods via Interstate 5, Interstate Avenue, or a combination thereof; (2) through its receipt and consideration of public testimony regarding an alignment connecting downtown Portland with north and inner northeast Portland neighborhoods via the Interstate 5 and/or Interstate Avenue corridor; and (3) through its decision approving a light rail alignment so connecting Portland's Central City with north and inner northeast Portland neighbors via the Interstate Avenue corridor.

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COUNCIL****FOR IMMEDIATE RELEASE**

October 28, 1999

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www.metro-region.org**METRO COUNCIL OKs INTERSTATE MAX LINE**

The Metro Council helps move the Interstate MAX project further down the tracks. On Thursday, the Council approved the Land Use Final Order which lays out the route the light rail train will take as well as the station locations and park-and-ride lots.

"It has taken us a long time and a lot of hard work to get to this point. But, I believe that we now have a project that takes the best of every option while providing the citizens with first-class transportation," said Metro Councilor Jon Kvistad (District 3). "IMAX will help serve our North and Northeast Portland communities as well as giving everyone in this region more options." Councilor Kvistad is the chair of Metro's Transportation Committee and the Joint Policy Advisory Committee on Transportation (JPACT). JPACT is a group of local elected officials charged with creating transportation policy for the region.

The Project

The Land Use Final Order is a state requirement. This LUFO amends the previous light rail project to include Interstate MAX. The LUFO specifies which route the train will take. The Interstate MAX rail line will be built along a 5.6 mile

corridor from the Rose Quarter Transit Center to Metro's Expo Center. IMAX would run down Interstate Avenue to the Kenton Business District. It would then run down Denver Avenue to Expo. The line would connect the Expo Center with downtown Portland to SW 11th Avenue.

The LUFO also specifies that there will be 10 stations along the route and two park-and-ride lots (one at Expo Center and one at Portland International Raceway).

Citizens can pick up copies of the LUFO at the Metro Regional Center, 600 NE Grand Avenue, Portland, OR 97212. People may also receive a copy by calling Metro at 797-1942.

ABOUT METRO

Metro serves 1.3 million people who live in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan region. Planning is Metro's top job. Planning ahead for a healthy environment and a stable economy supports livable communities now and protects the nature of our region for the future. In addition, Metro manages regional parks and greenspaces and the Oregon Zoo. It also oversees operation of the Oregon Convention Center, Civic Stadium, the Portland Center for the Performing Arts and the Expo Center.

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Amendment #3

Intent. This amendment is very similar to Amendment #2. It would modify Ordinances No. 99-823 and No. 99-824 to eliminate the excise tax at the Oregon Zoo and MERC facilities. The per ton fee would be set at a level designed to offset the of revenue lost to the General Fund through the elimination of the tax on these facilities (\$1.8 million). The remaining savings (\$4.2 million) would be used to rate stabilization, capital, or renewal and replacement reserves within the Solid Waste Revenue Fund

Nature of the Amendments.

Ordinance 99-823 amendments: (identical to Amendment #2, except that the disposal charge would be \$4.39 higher to capture the savings within the Solid Waste Revenue Fund instead of a rate reduction):

- 1) New language would be added prior to Section 1 to amend Metro Code Section 5.02.025. Amendments to sub (b) would set a new disposal charge. A new (c) and (d) also are added to this code section. Sub (c) repeals the change in the disposal charge contained in the amended sub (b) effective June 30, 2000. The overall tip fee would remain at \$62.50 under this amendment, however, the new sub (d) would set the disposal charge and regional transfer charge portion of the tip fee at an amount that reflects the contract savings would remain in the Solid Waste Revenue Fund.

Setting the tip fee at this level would retain all of the savings in the solid waste revenue fund, except the \$1.8 million needed to offset the elimination of the of the excise tax at the zoo and at MERC facilities.

- 2) Section 2 (Metro Code 5.05.045(b)), would be amended to reduce the Metro facility fee to \$0.76/ton.

Ordinance No. 99-824 amendments:

- 1) Section 2 (Metro Code 7.01.020), following sub (b), new subsections (c) through (k) would be added to the proposed ordinance.

Subsections (c) through (e) establish the per ton fee and the dry waste fee credit that would be effective from February 1, 2000 through June 30, 2000. These are the rates that would be needed to capture to \$1.5 million that would be used to restore the general fund balance and fund the Phase 3 design work at the Expo Center. The per ton fee would be higher than that that is in the original proposed ordinance (\$9.10 vs. \$8.23) because a higher percentage of the savings for this period would be captured for other purposes. The dry waste disposal credit is increased from \$4.40 to \$5.27/ton to keep the effective average tax rate for dry waste landfills at \$3.83.

- 2) New subsection (e) would lower the per ton fee to \$6.98/ton, effective July 1, 2000.

This tax rate would provide revenue equivalent to that collected by the existing excise tax, plus the offset for the elimination of the excise tax at the zoo and MERC facilities.

3) New subsection (g) would lower the dry waste credit from \$5.27 to \$3.15/ton. Because of the lower per ton fee included in sub (e), the dry waste landfill credit is also lowered. The effective tax rate for these facilities would remain at \$3.83/ton.

4) New subsections (l) through (k) set appropriate tax levels for direct haulers.

5) New Sections 5 and 6 would be added to the ordinance to provide for the elimination of the excise at the zoo and MERC facilities. Section 5 makes a technical amendment by replacing a code reference to the Metro Washington Park Zoo and Section 6 would add these facilities to the list of exemptions from the excise tax.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE) Proposed Amendments to
CHAPTER 5.02 TO MODIFY CHARGES FOR DIRECT) ORDINANCE No. 99-823
HAUL DISPOSAL, TO MODIFY METRO SYSTEM)
FEES, TO CREATE ADDITIONAL REGIONAL) Introduced by
SYSTEM FEE CREDITS AND MAKING OTHER) Councilor Kvistad
RELATED AMENDMENTS) (Kvistad III)

On page 1 of the Ordinance, insert the following before Section 1:

“Metro Code Section 5.02.025 is amended to read:

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of a Tonnage Charge of \$62.50 for each ton of solid waste delivered for disposal and a Transaction Charge of \$5.00 for each Solid Waste Disposal Transaction.

(b) The Tonnage Charge specified in subsection (a) of this section includes:

- (1) A disposal charge of ~~\$38.61~~\$31.25 per ton;
- (2) A regional transfer charge of ~~\$7.00~~\$6.45 per ton;
- (3) The fees specified in section 5.02.045;
- (4) An enhancement fee of \$.50 per ton; and
- (5) DEQ fees totaling \$1.24 per ton.

(c) The provisions of 5.02.025(b) are repealed effective June 30, 2000.

(d) The Tonnage Charge specified in subsection (d) of this section includes:

- (1) A disposal charge of \$33.56 per ton;
- (2) A regional transfer charge of \$6.56 per ton;
- (3) The fees specified in section 5.02.045;
- (4) An enhancement fee of \$.50 per ton; and

(5) DEQ fees totaling \$1.24 per ton.

(e) Notwithstanding subsection (a) of this section, there shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing 320 pounds or less of \$15, which shall consist of a minimum Tonnage Charge of \$10.00 plus a Transaction Charge of \$5.00 per Transaction.

(f) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(g) The Director of the Regional Environmental Management Department may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

~~(f) The following table summarizes the disposal charges to be collected by Metro from all persons disposing of solid waste at Metro South Station and Metro Central Station.~~

<u>METRO SOUTH STATION</u>	
<u>METRO CENTRAL STATION</u>	
<u>Tonnage Charge Component</u>	<u>\$/Ton Rate</u>
<u>Disposal Charge</u>	<u>\$38.61</u>
<u>Regional System Fee</u>	<u>14.00</u>
<u>Metro Facility Fee</u>	<u>1.15</u>
<u>Regional Transfer Charge</u>	<u>7.00</u>
<u>Metro Tonnage Charges</u>	<u>\$60.76</u>
<u>Additional Fees</u>	
<u>Enhancement Fee</u>	<u>\$0.50</u>
<u>DEQ Fees</u>	<u>1.24</u>
<u>Total Tonnage Charges:</u>	<u>\$62.50</u>
	<u>\$/Transaction</u>
<u>Per Transaction Charge</u>	<u>\$5.00</u>
<u>Minimum Tonnage Charge</u>	<u>\$10.00</u>

On page 1 of the Ordinance, delete Section 2 and replace it with the following:

“SECTION 2. Metro Code 5.05.045 is amended to read:

(a) Regional System Fee: Solid waste disposal facility operators shall collect and pay to Metro a Regional System Fee of \$14.00 per ton for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code section 5.01.150.

(b) Metro Facility Fee: Metro shall collect a Metro Facility Fee of ~~\$1.15~~ \$0.76 per ton for all solid waste delivered to Metro Central Station or Metro South Station.

(c) System fees described in paragraph (a) shall not apply to:

- (1) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at disposal facilities for cover, diking, road base, or other productive use at such solid waste disposal facilities;
- (2) Solid waste received at facilities which are license, franchised or exempt from regulation under Metro Code Chapter 5.01 and which accomplish materials recovery and recycling as a primary operation; or
- (3) Solid waste received at Transfer Facilities which deliver such wastes to a Metro-owned, licensed, franchised, or designated facility which Metro fees are collected and paid to Metro.”

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) Proposed Amendments to
CODE CHAPTER 7.01 TO MODIFY AND) ORDINANCE NO. 99-824
ADJUST METRO EXCISE TAXES AND)
MAKING OTHER RELATED AMENDMENTS) Introduced by Councilor Kvistad
) (Kvistad III)

On page 3 of the Ordinance, in Section 2, replace the amendments following amended Metro Code Section 7.01:020 (b) with the following:

“(c) In lieu of taxes imposed under (a) of this section, for the privilege of the use of the solid waste system facilities, equipment, systems, functions, services, or improvements, owned, operated, certified, licensed, franchised, or provided by the district, each user of all solid waste system facilities shall pay a tax of \$9.10 for each ton of solid waste exclusive of source separated recyclable materials accepted at the solid waste system facilities.

(d) The following users of solid waste system facilities shall be allowed a credit in the amount of \$5.27 per ton against the Excise Tax otherwise due under Section 7.01.020(c):

(1) Any person delivering authorized, non-putrescible waste to any landfill that is authorized to receive such waste through a Metro franchise or Designated Facility Agreement; or

(2) Any Person delivering authorized, non-putrescible waste under the authority of a Metro Non System License.

(e) The provisions of 701.020 (c) and (d) are repealed effective June 30, 2000.

(f) Effective July 1, 2000, in lieu of taxes imposed under (a) of this section, for the privilege of the use of the solid waste system facilities, equipment, systems, functions, services, or improvements, owned, operated, certified, licensed, franchised, or provided by the district, each user of all solid waste system facilities shall pay a tax of \$6.98 for each ton of solid waste exclusive of source separated recyclable materials accepted at the solid waste system facilities.

(g) The following users of solid waste system facilities shall be allowed a credit in the amount of \$3.15 per ton against the Excise Tax otherwise due under Section 7.01.020(c):

(1) Any person delivering authorized, non-putrescible waste to any landfill that is authorized to receive such waste through a Metro franchise or Designated Facility Agreement; or

(2) Any Person delivering authorized, non-putrescible waste under the authority of a Metro Non System License.

(h) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 and which attains a Facility Retrieval Rate of 10 percent or greater shall be allowed a credit against the Excise Tax otherwise due under this Section for disposal of Processing Residuals from the facility. The Facility Retrieval Rate and the Recovery Rate shall be calculated for each six-month period before the month in which the credit is claimed. The amount of such credit shall be in accordance with and no greater than as provided on the following table:

Excise Tax Credit Schedule

Recovery Rate		Excise Tax Credit per ton of no more than
From Above	Up To & Including	
0%	20%	0.00
20%	25%	0.15
25%	30%	0.50
30%	35%	1.00
35%	40%	1.25
40%	100%	1.50

(i) In lieu of taxes imposed under (a) and (c) of this section and notwithstanding section 7.01.050(a)(6), operators of solid waste facilities licensed or franchised under chapter 5.01 of this Code to deliver putrescible waste directly to the district's contract operator for disposal of putrescible waste shall pay a tax in the amount of \$9.10 per ton of putrescible waste delivered directly to the district's contract operator for disposal of putrescible waste.

(j) The provisions of 701.020 (i) are repealed effective June 30, 2000.

(k) Effective July 1, 2000, in lieu of taxes imposed under (a) and (c) of this section and notwithstanding section 7.01.050(a)(6), operators of solid waste facilities licensed or franchised under chapter 5.01 of this Code to deliver putrescible waste directly to the district's contract operator for disposal of putrescible waste shall pay a tax in the amount of \$6.98 per ton of putrescible waste delivered directly to the district's contract operator for disposal of putrescible waste."

On page 3 of the Ordinance, following Section 4, insert the following:

SECTION 5. Metro Code Section 7.01.010 (c) is amended to read:

(c) "District facility" means any facility, equipment, system, function, service or improvement owned, operated, franchised or provided by the district. District facility includes but is not limited to all services provided for compensation by employees, officers or agents of Metro, including but not limited to the ~~Metro Washington Park~~ Oregon Zoo, Metro ERC facilities, all solid waste system facilities, and any other facility, equipment, system, function, service or improvement owned, operated, franchised or provided by the district.

SECTION 6. Metro Code Section 7.01.050 is amended to read:

"(a) The following persons, users and operators are exempt from the requirements of this chapter:

- (1) Persons, users and operators whom the district is prohibited from imposing an excise tax upon under the Constitution or Laws of the United States or the Constitution or Laws of the State of Oregon.
- (2) Persons who are users and operators of the Portland Civic Stadium, ~~or~~ the Portland Center for the Performing Arts, the Oregon Zoo or any Metro ERC facility.
- (3) Persons whose payments to the district or to an operator constitute a donation, gift or bequest for the receipt of which neither the district nor any operator is under any contractual obligation related thereto.
- (4) Any persons making payment to the district for a business license pursuant to ORS 701.015.
- (5) Any person which is a state, a state agency or a municipal corporation to the extent of any payment made directly to the district for any purpose other than solid waste disposal, use of a Metro ERC facility, or use of the Metro Washington Park Zoo.
- (6) An operator of a solid waste facility certified, licensed, or franchised under chapter 5.01 of this Code, other than any disposal sites or transfer stations owned, operated or franchised by the district, provided that such operator performs resource recovery or performs operations limited to transfer of yard debris.
- (7) Persons making payments to the district on behalf of the Metro Washington Park Zoo for the following purposes:

- (A) Contributions, bequests, and grants received from charitable trusts, estates, nonprofit corporations, or individuals regardless of whether the district agrees to utilize the payment for a specific purpose including all payments to the Zoo Parents program;
- (B) Corporate sponsorships or co-promotional efforts for events that are open to the general public, or for specific capital improvements, educational programs, publications, or research projects conducted at the zoo;
- (C) Payments that entitle a person to admission to a fund-raising event benefiting the zoo that is not held on the grounds of the zoo;
- (D) Payments that entitle a person to admission to a special fund-raising event held at the zoo where the event is sponsored and conducted by a nonprofit organization approved by the council and the primary purpose of which is to support the zoo and the proceeds of the event are contributed to the zoo;
- (E) Notwithstanding the provisions of subsection (A) through (D) above, all payments received by the district for admission to the zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the zoo train shall be subject to tax regardless of whether payment is received from an individual or otherwise on behalf of special groups including but not limited to employee and family member picnics, corporate or family parties, or similar events.

(8) Users and operators paying compensation to any person who is operating and lease property at the Glendoveer Golf Course pursuant to a long-term agreement entered into with Multnomah County prior to January 1, 1994;

(9) A tire processor which is regulated pursuant to Metro Code chapter 5.01 and which sorts, classifies or processes used tires into fuel or other products, shall be exempt from payment of excise tax on disposal of residual material produced directly as a result of such process, provided said residual conforms to Environmental Quality Commission standards established pursuant to ORS 459.710(2). This exemption is only granted to the extent, and under the terms, specified in the Metro certificate, license or franchise.

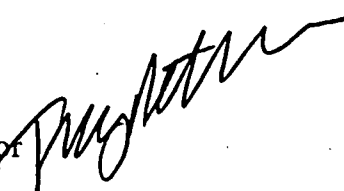
(b) Any person, user or operator that is exempt for the payment of an excise tax pursuant to this section shall nonetheless be liable for compliance with this chapter and the payment of all taxes due pursuant to any activity engaged in by such person which is subject to this chapter and not specifically exempted from the requirements hereof. Any operator whose

entire compensation from others for use of a district facility is exempt from the provisions of this chapter shall be deemed to be a user and not an operator.

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600 NORTHEAST GRAND AVENUE
TEL 503 797 1700PORTLAND, OREGON 97232 2736
FAX 503 797 1794

METRO

DATE: October 22, 1999
TO: Metro Councilors
FROM: Terry Petersen, Interim Director 
RE: Financial Projections for Amended "Dakota" Ordinance

At yesterday's Council meeting, Councilor Park requested that the Council receive financial projections that reflect the "Dakota" option as amended.

Attached are tables and charts related to various questions the Council has asked regarding the ordinances. They are numbered as follows.

1. **The net financial impact on solid waste facilities in FY00-01.** The amendments increase the savings going to the general fund from 50% to 60%. This results in an increased net cost at some facilities compared to the original Dakota option.
2. **Projections of Metro's tip fee.** The tip fee is projected at \$62.50 for three years with an increase to \$64.00 in FY03-04. As Councilor Washington pointed out at the Council meeting, these projections have some uncertainty associated with them because of the following:
 - Future tonnage may be different than the forecast assumption of an increase of about 2% per year;
 - The Council's decisions next year regarding additional regional transfer stations could impact tonnage and operating costs at Metro transfer stations; and,
 - Legal challenges to Metro's solid waste regulatory and revenue system will increase expenditures for legal fees and, in the long run, could impact Metro's ability to collect revenue.
3. **Projections of solid waste fund balances.**
 - *Undesignated Fund Balance (revenues collected in excess of past requirements).* Will be used to offset future solid waste revenue requirements during the next four fiscal years. At the end of FY03-04, the balance will be drawn down to zero. Use of this fund allows us to maintain a lower tip fee than would otherwise be possible.

- *Capital Reserve Account (new capital)*. Will be maintained with a balance of at least \$3.0 million. This represents almost a two-year reserve based on actual capital expenditures during the past five years of \$1.6 million per year.
 - *Renewal and Replacement Account (existing capital)*. Will be maintained at levels that are consistent with the current 20-year projections of renewal and replacement requirements. These projections are updated every three years as required by the solid waste revenue bonds.
 - *Rate Stabilization Account*. Will be maintained near the current level of about \$3.0 million. If there is an unexpected drop in tonnage, or increase in expenditures, this account will be available to mitigate any rate impacts. The Rate Stabilization Account, combined with the Operating Contingency, will be sufficient to cover a 10% drop in tonnage over a two-year period.
4. **Projected solid waste revenues and expenditures under the amended Dakota option.**
The detailed spreadsheet shows projections for major expenditure and revenue line items. These numbers are the underlying data used to calculate future Metro tip fees.

I hope you find this information useful as you make your decision on the amended ordinances. Please let me know if you have questions or if there is other information you need.

cc: Bruce Warner, Chief Operating Officer
Jennifer Sims, Chief Financial Officer
John Houser, Council Analyst

Excise Tax & Solid Waste Rate Ordinances



FY 00/01 Net Impact on Solid Waste Facilities

Facility	Original "Dakota" Ordinances	"Dakota" Ordinances As Amended
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Transfer Stations:

Forest Grove (WMI)	\$297,684	\$347,191
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Reloads/Wet Waste

WRI/ Reload	(\$85,206)	(\$61,174)
R. America/ Reload (WMI)	(\$83,582)	(\$60,007)
Pride/Reload	(\$99,700)	(\$71,579)
Marion County	\$14,549	\$17,893

Landfills:

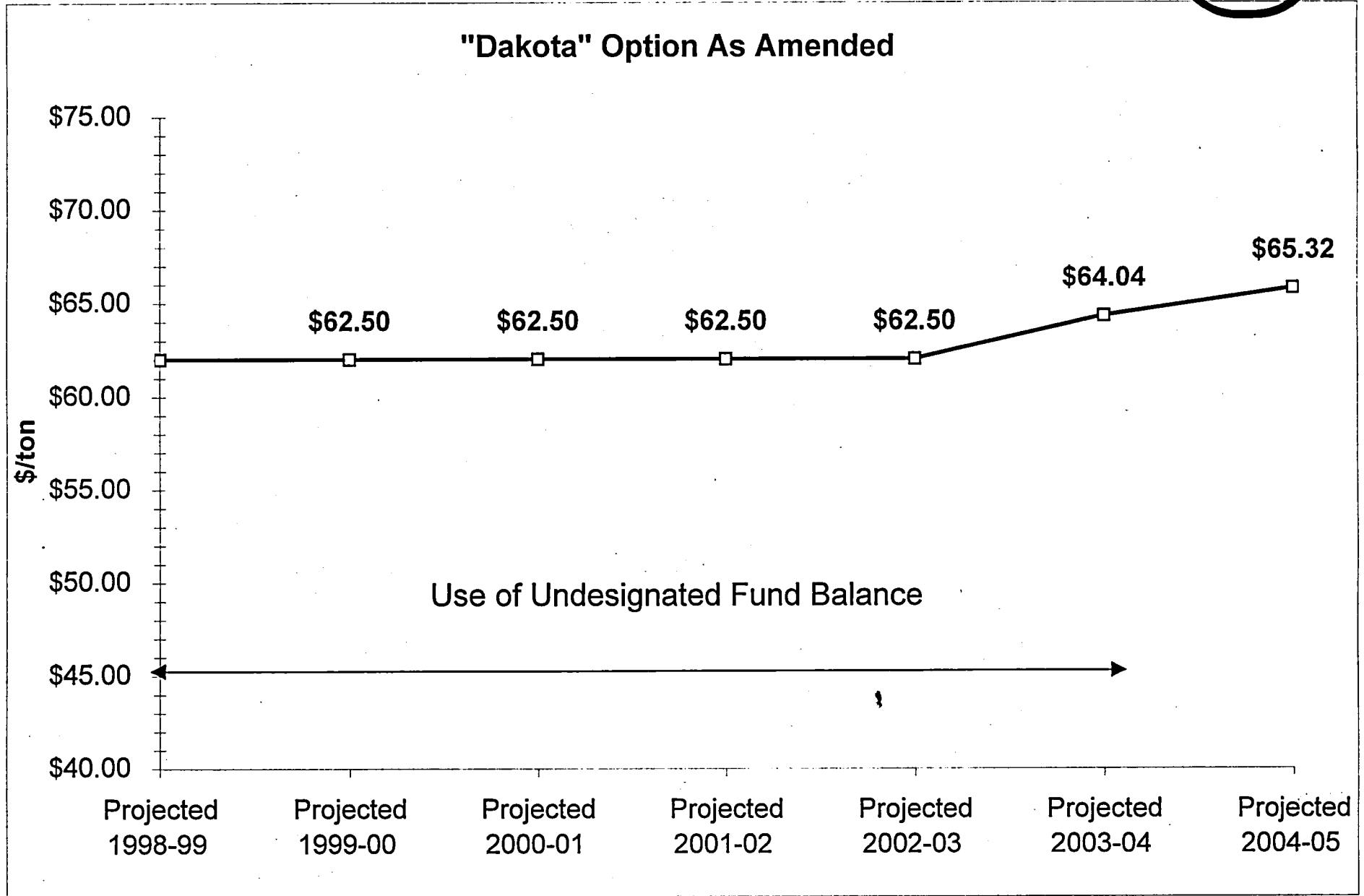
Hillsboro (WMI)	(\$39,964)	(\$39,964)
Lakeside	\$33,063	\$33,063
Columbia Ridge (WMI)	\$10,432	\$10,432
Finley Buttes	\$9,229	\$9,229
Roosevelt	(\$96)	(\$96)
Riverbend (WMI)	\$3,320	\$3,320

MRF Residual

East County Recycling	(\$1,487)	(\$1,487)
Wastech (WMI)	\$70,764	\$70,764
Pride	\$11,646	\$11,646
WRI	(\$3,507)	(\$3,507)
R. America (WMI)	\$37,910	\$37,910
Other	(\$12,529)	(\$12,529)

Projected Tip Fee @ Metro Transfer Stations

2



3

SOLID WASTE REVENUE FUND
"Dakota" Option As Amended

DESCRIPTION	FY 1998-99 Actuals Before Audit	FY 1999-00 (Projected)	FY 2000-01 (Projected)	FY 2001-02 (Projected)	FY 2002-03 (Projected)	FY 2003-04 (Projected)	FY 2004-05 (Projected)
CONTINGENCY AND UNAPPROPRIATED FUND BALANCE							
Restricted Accounts							
Renewal & Replacement	\$6,582,089	\$5,716,934	\$5,062,807	\$3,792,294	\$3,017,388	\$3,030,153	\$3,273,513
St. Johns Landfill	7,836,561	7,563,918	6,171,473	5,973,935	6,168,524	6,310,085	6,448,714
Rate Stabilization	2,447,372	3,037,545	2,860,155	2,957,287	3,013,694	3,214,263	3,407,084
Debt Service Reserve Account	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008
Debt Service	1,407,451	1,405,953	2,397,088	1,370,338	1,373,613	1,376,733	1,379,693
Total Restricted:	<u>\$21,102,481</u>	<u>\$20,553,358</u>	<u>\$19,320,532</u>	<u>\$16,922,862</u>	<u>\$16,402,226</u>	<u>\$16,760,242</u>	<u>\$17,338,012</u>
Unrestricted Accounts							
Working Capital- Designated	\$6,730,678	\$5,926,080	\$5,955,680	\$6,091,212	\$6,330,760	\$6,580,299	\$6,840,193
Operating Contingency - Designated	2,986,308	2,115,834	2,109,436	2,145,153	2,239,523	2,338,358	2,441,437
Business Assistance Account	551,000	271,000	185,905	96,130	76,417	130,620	187,804
Capital Reserve - Designated	5,315,850	6,422,200	4,222,700	3,379,000	3,086,500	3,000,000	3,000,000
Undesignated	4,234,216	3,718,880	3,631,219	3,364,535	1,488,760	0	0
Total Unrestricted:	<u>\$19,818,052</u>	<u>\$18,453,994</u>	<u>\$16,104,941</u>	<u>\$15,076,030</u>	<u>\$13,221,959</u>	<u>\$12,049,277</u>	<u>\$12,469,433</u>
Grand Total	\$40,920,533	\$39,007,352	\$35,425,473	\$31,998,892	\$29,624,186	\$28,809,518	\$29,807,445

SOLID WASTE REVENUE FUND
FINANCIAL FORECAST



DESCRIPTION	1998-99 (Actuals before Audit)	1999-00 (Projected)	2000-01 (Projected)	2001-02 (Projected)	2002-03 (Projected)	2003-04 (Projected)	2004-05 (Projected)
RESOURCES							
<i>Beginning Fund Balance</i>	\$48,459,407	\$40,920,533	\$39,007,352	\$35,425,473	\$31,998,892	\$29,624,186	\$28,809,517
St. Johns Landfill	7,452,404	7,836,561	7,563,918	6,171,473	5,973,935	6,168,524	6,310,085
Renewal & Replacement	7,027,294	6,582,089	5,716,934	5,062,807	3,792,294	3,017,388	3,030,153
Reserve Account	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008
Metro Central Debt Service	1,403,656	1,407,451	1,405,953	2,397,088	1,370,338	1,373,613	1,376,733
Rate Stabilization	2,589,492	2,447,372	3,037,545	2,860,155	2,957,287	3,013,694	3,214,263
Business Assistance Account	0	551,000	271,000	185,905	96,130	76,417	130,620
Unrestricted (Capital, Working Capital, unused Operating Contingency)	27,157,553	19,267,052	18,182,994	15,919,036	14,979,900	13,145,543	11,918,656
Revenues	\$55,156,361	\$54,724,053	\$53,111,681	\$54,224,599	\$55,579,267	\$58,451,775	\$61,376,922
Grants	20,655	0	0	0	0	0	0
Enterprise Revenues	52,091,420	52,189,583	50,358,831	51,689,592	53,197,886	56,194,303	59,157,358
Interest	2,515,200	1,950,688	2,162,830	1,938,571	1,778,344	1,647,645	1,602,753
Forest Grove Fee	185,381	0	0	0	0	0	0
Interfund Transfers	38,342	39,980	41,019	42,086	43,180	44,303	45,455
Other: Fines, Finance Charges, etc.	305,363	543,802	549,000	554,351	559,857	565,524	571,356
Total Resources:	\$103,615,768	\$95,644,586	\$92,119,033	\$89,650,072	\$87,578,159	\$88,075,961	\$90,186,440
EXPENDITURES							
<i>Personal Services</i>	\$6,103,195	\$6,471,207	\$6,639,458	\$7,299,881	\$7,667,167	\$8,048,118	\$8,450,524
<i>Materials & Services</i>	\$47,191,545	\$38,507,273	\$37,542,609	\$37,805,399	\$39,172,288	\$40,598,357	\$42,075,305
Materials & Services-Ton Related	34,725,145	30,825,604	29,277,426	30,357,510	31,570,268	32,838,197	34,166,184
WMI & STS Contract (Variable)	0	23,325,581	21,591,543	22,307,513	23,109,141	23,945,265	24,817,474
STS Fixed	0	0	0	0	0	0	0
All Other Ton Related	0	7,500,023	7,685,882	8,049,998	8,461,127	8,892,932	9,348,710
Materials & Services-Other	12,466,400	7,681,669	8,265,183	7,447,888	7,602,020	7,760,160	7,909,121
<i>Capital Outlay</i>	\$2,933,518	\$4,546,936	\$6,408,529	\$4,260,538	\$3,734,021	\$3,110,890	\$2,129,940
Capital Outlay-St. Johns Landfill	126,204	765,500	1,945,100	662,200	245,700	297,400	297,400
Capital Outlay from Capital Reserve- CIP	972,539	1,736,900	2,199,500	843,700	1,292,500	1,386,500	700,000
Capital Outlay from Rates - CIP	0	0	400,000	300,000	300,000	300,000	300,000
Capital Outlay from Rates -Non-CIP	367,975	166,500	170,829	175,271	179,828	184,503	189,300
Capital Outlay Renewal & Replac -CIP	1,466,800	1,483,636	1,593,100	2,174,100	1,602,300	816,500	600,000
Capital Outlay Renewal & Replac -Non-CIP	0	394,400	100,000	105,268	113,694	125,987	143,240
Business Assistance Account	0	301,000	150,000	150,000	75,000	0	0
Debt Service	2,844,743	3,020,895	2,028,041	4,038,546	3,013,951	3,015,346	3,016,426
Interfund Transfers	3,622,234	3,789,923	3,924,922	4,096,817	4,291,546	4,493,730	4,706,799
<i>Contingency</i>	0	0	0	0	0	0	0
Operating	0	0	0	0	0	0	0
Capital, Ren & Repl, St Johns	0	0	0	0	0	0	0
Total Expenditures	\$62,695,235	\$56,637,234	\$56,693,560	\$57,651,180	\$57,953,973	\$59,266,442	\$60,378,995
UNAPPROPRIATED FUND BALANCE							
<i>Restricted Accounts</i>							
Renewal & Replacement	6,582,089	5,716,934	5,062,807	3,792,294	3,017,388	3,030,153	3,273,513
St. Johns Landfill	7,836,561	7,563,918	6,171,473	5,973,935	6,168,524	6,310,085	6,448,714
Rate Stabilization	2,447,372	3,037,545	2,860,155	2,957,287	3,013,694	3,214,263	3,407,084
Debt Service Reserve Account	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008	2,829,008
Debt Service	1,407,451	1,405,953	2,397,088	1,370,338	1,373,613	1,376,733	1,379,693
Total Restricted:	21,102,481	20,553,358	19,320,532	16,922,862	16,402,226	16,760,242	17,338,012
<i>Unrestricted Accounts</i>							
Working Capital- Designated	6,730,678	5,926,080	5,955,680	6,091,212	6,330,760	6,580,299	6,840,193
Operating Contingency - Designated	2,986,308	2,115,834	2,109,436	2,145,153	2,239,523	2,338,358	2,441,437
Business Assistance Account	551,000	271,000	185,905	96,130	76,417	130,620	187,804
Capital Reserve - Designated	5,315,850	6,422,200	4,222,700	3,379,000	3,086,500	3,000,000	3,000,000
Undesignated	4,234,216	3,718,880	3,631,219	3,364,535	1,488,760	(1)	(1)
Total Unrestricted:	19,818,052	18,453,994	16,104,941	15,076,030	13,221,959	12,049,276	12,469,432
Total Unappropriated Balance:	40,920,533	39,007,352	35,425,473	31,998,892	29,624,186	28,809,517	29,807,444
Total Expenditures & Unappr. Balance:	\$103,615,768	\$95,644,586	92,119,032	\$89,650,072	\$87,578,159	\$88,075,960	90,186,439
% of Total Unrestricted /Total Expenditures	31.61%	32.58%	28.41%	26.15%	22.81%	20.33%	20.65%
% of Total Unappropriated /Total Expenditures	65.27%	68.87%	62.49%	65.60%	61.12%	48.61%	49.37%
Solid Waste Tip Fee	\$62.50	\$62.50	\$62.50	\$62.50	\$62.50	\$64.04	\$65.32
Regional User Fee	\$14.00	\$12.90	\$12.90	\$12.90	\$12.90	\$13.27	\$13.68
Excise Tax Flat rate		\$9.00	\$9.00	\$9.00	\$9.00	\$9.00	\$9.00

* Does not include CPI adjustments

October 28, 1999

Metro Council Hearings--Solid Waste revenue issues.

Presented by Jerry Rust
3417 North Russet St.
Portland, Oregon 97217

Affiliation: St Vincent DePaul of Lane County

Today I will present several reasons that argue strongly against the ordinances you are considering today.

First, these are dedicated funds. Oregonians have shown a strong preference for dedicated funds. You know what you're buying when you pay your taxes when money is earmarked. Furthermore, there should be a strong linkage between the revenue source and the public enterprise being funded. The excise tax on garbage revenues makes a shambles of these common sense principles.

Second, Metro does not have a long-range financial plan to guide its decision making. You do not know your long-range solid waste needs. What are your unfunded liabilities? Are there major legal issues on the horizon? What about the decommissioning of old leaky landfills? Or other toxic issues inherent in solid waste? How can you possibly divert a dedicated fund away from a program for which you do not know its long range needs?

Third, I do wish you were more excited about expanding recycling and waste recovery activities. I wish that you could see that waste-based enterprises are fundamental to a "sustainable economy". The solid waste revenues that you are proposing to divert away from the solid waste program, if strategically invested in partnership with private enterprise, could create jobs and useful products.

I will end by asking you to defeat the ordinances before you that would raise taxes and divert dedicated funds away from solid waste.

Jerry Rust

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME) RESOLUTION NO 99-2857
EXTENSION FOR COMPLIANCE WITH TITLES)
1, 2, 4, AND 6 OF THE URBAN GROWTH) Introduced by Rod Monroe, Presiding
MANAGEMENT FUNCTIONAL PLAN FOR THE) Officer and Mike Burton, Executive
CITY OF SHERWOOD AND REQUIRING) Officer
ACTIONS TO ASSURE COORDINATION)
AMONG THE COMPREHENSIVE PLANS OF)
THE CITIES OF SHERWOOD, TUALATIN,)
TIGARD, BEAVERTON AND WASHINGTON)
COUNTY CONCERNING TITLE 4 OF THE)
FUNCTIONAL PLAN -)

WHEREAS, Metro established the desired urban form for the region when it adopted the 2040 Growth Concept and Map into its 1995 regional goals and objectives, called Regional Urban Growth Goals and Objectives ("RUGGO") which has been acknowledged by LCDC; and

WHEREAS, Metro has the authority to adopt functional plans on aspects of metropolitan development, such as the desired urban form for the region, under ORS 268.390(2); and

WHEREAS, Metro is authorized by ORS 268.390(4) to "require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plans ... "; and

WHEREAS, the Metro Council exercised that statutory authority when it adopted the requirements in Urban Growth Management Functional Plan for early implementation of the 2040 Growth Concept on November 21, 1996, by Ordinance No. 96-647C; and

WHEREAS, compliance with Titles 1, 2, 4, and 6 of the Functional Plan, including any needed comprehensive plan and development code changes, was due in February, 1999; and

WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extensions to timelines for

compliance with the Functional Plan “if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time;” and

WHEREAS, the City of Sherwood was previously granted an extension to comply with all of these titles of the Functional Plan but was unable to complete work by the end of its time extension deadline of September 30, 1999; and

WHEREAS, the City of Sherwood has requested in Exhibit A an additional extension for compliance with Titles 1, 2, 4, and 6 of the Functional Plan until June 15, 2000 because staff turnover and budget limitations have prevented completion; and

WHEREAS, the City of Sherwood has provided a “2040 Compliance Schedule and Task Outline” which describes the remaining work to be completed for Functional Plan compliance in Exhibit B; and

WHEREAS, Title 4 of the Urban Growth Management Functional Plan requires cities and counties to change their plans to either prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business in the Employment on the 2040 Growth Concept Map Areas or add a process to demonstrate that all current and future transportation facility needs can be met; and

WHEREAS, the cities of Tualatin, Tigard, Beaverton and Washington County have complied with Title 4 by prohibiting these very large retail uses in 2040 Employment Areas; and

WHEREAS, interest has been expressed in development of a retail use larger than 60,000 square feet of gross leasable area per building or business in a 2040 Employment Area within a City of Sherwood Light Industrial zone; and

WHEREAS, the Conditional Use Permit ("CUP") process required by the existing city code for reviewing an application for this use addresses only the current transportation facility needs of the proposed use itself; and

WHEREAS, this CUP process is insufficient to demonstrate that future transportation facility needs can be met, thereby violating the Title 4 provision in Metro Code 3.07.420(B); and

WHEREAS, the City of Sherwood's Functional Plan proposed Compliance Schedule and Task Outline shows that the city anticipates prohibiting retail uses larger than 60,000 square feet from its Office Commercial, Light Industrial and General Industrial zones to comply with Title 4; and

WHEREAS, without action by Metro the possibility exists for applications for very large retail uses to comply with the existing permit standards for the current zone despite violating Title 4 of the Functional Plan for Sherwood's 2040 Employment Areas; and

WHEREAS, Metro is required by ORS 195.025(1) to be responsible for coordinating all planning activities affecting land uses within the district to assure integrated comprehensive plans for the entire metropolitan area; and

WHEREAS, the comprehensive plans of the Cities of Tualatin, Tigard, Beaverton and Washington County are not coordinated with the City of Sherwood's comprehensive plan concerning Title 4 of the Urban Growth Management Functional Plan until the City of Sherwood completes its work plan in Exhibit B, including amending its comprehensive plan and land use regulations to comply with Title 4; and

WHEREAS, regional coordination action is necessary to assure that planning activities affecting land uses within the 2040 Employment Areas located inside the city limits of Sherwood

are coordinated with the comprehensive plan and land use regulations of its county and neighbor cities which protect the 2040 Employment areas in those jurisdictions; now, therefore,

BE IT RESOLVED:

1. That the City of Sherwood is hereby granted a compliance time extension for Titles 1, 2, 4, and 6 of the Urban Growth Management Functional Plan until June 15, 2000 based on its demonstration of good cause for failing to complete the requirements on time due to staff turnover and budget constraints.
2. That the time extension granted to the City of Sherwood is for Functional Plan Titles 1, 2, 4, and 6 and is subject to the actions required in Resolved 5, 6, and 7 herein which are necessary to assure that actions taken under Sherwood's existing plan conform to Title 4 of the Functional Plan during the time extension; and
3. That the Metro Council hereby determines that the City of Sherwood's planning activities are not coordinated with Washington County and its neighbor cities of Tualatin, Tigard and Beaverton concerning the requirements of Title 4 of the Urban Growth Management Functional Plan to protect 2040 Employment Areas from very large retail uses.
4. That a regional coordination action by Metro pursuant to ORS 195.025(1) and 268.385 is necessary to assure coordination of planning activities affecting land uses within the Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood until that city amends its comprehensive plan and land use regulations in a manner that complies with Title 4 of the Urban Growth Management Functional Plan in coordination with the cities of Tualatin, Tigard, Beaverton and Washington County.
5. That the City of Sherwood is hereby required to make a determination of compliance with Title 4 of the Urban Growth Management Functional Plan prior to consideration

of approval of any application for any retail use larger than 60,000 square feet of gross leasable area per building or business on land in Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood.

6. That the City of Sherwood is hereby required to obtain a demonstration of the adequacy of both current and planned transportation facilities for the proposed use and all planned land uses in the vicinity as required by title 4 in order to make a determination of compliance.

7. That the City of Sherwood is hereby required to deny any application for any retail use larger than 60,000 square feet of gross leasable area per building or business on land in Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood which do not demonstrate compliance with Metro Code 3.07.420(B).

ADOPTED by the Metro Council this ____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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kvw 10/25/99



October 20, 1999

Marian Hull
METRO
600 Northeast Grand Avenue
Portland, Oregon 97232-2736

RE: City of Sherwood 2040 Compliance Program – Draft Revised Timelines.

Dear Marian:

We have reviewed comments received from Metro regarding our compliance report and capacity analysis (City of Sherwood's Compliance Report dated August 19, 1998). Based on our review and conversations with you and Lydia we have revised our scope of work and compliance schedule. Listed below is the tentative revised schedule and reformatted scope, together with the estimated completion dates for the various components of the work program.

While we are proceeding with the work tasks, the Planning Commission and City Council has not yet reviewed and approved the revised work program, schedule, and budget. Their review is scheduled for a joint work session on November 30, 1999. So, we will not be able to officially submit our program until the first week of December.

The City understands that this schedule fails to meet the compliance deadline of December 1999, as set by the Functional Plan. Therefore we are requesting an extension to June 15, 2000 in order to allow completion of the work program. However, regardless of the Metro Council's action on our request, we are proceeding with the scheduled work, to the extent our present budget allows.

As you know, the City of Sherwood is operating in a rapid growth environment with a severe shortage of staff. To assist with the compliance work, we have hired the firm of Ragsdale Koch Altman, LLC (RKA). Ben Altman of RKA has prepared the revised Work Program and schedule in coordination with city staff.

Please review our program and provide any comments and recommendations. Any comments provided will be forwarded to the Planning Commission and Council as part of the program review and approval on November 30, 1999.

Sincerely,

Greg Turner
City Planner

2040 COMPLIANCE SCHEDULE AND TASK OUTLINE

I. General Back Ground and Initial Public Engagement

A. Define Geographic Framework – Set context through a series of public workshops.

1. What are the desired and defining physical characteristics of Sherwood?
 - a) What defines it now?
 - b) How should that change, if at all?
2. What is the desired future for Old Town?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
3. What about the Six Corners Commercial area?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
4. What about the Industrial Areas?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
5. What about Residential Neighborhoods?
 - a) What is their look and feel?
 - b) How do they relate to the other use areas?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
6. What about Open Spaces, including the Wild Life Refuge?
 - a) What is their look and feel?
 - b) How do they relate to the other use areas?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
7. What about Connecting Corridors?
 - a) Green corridors?
 - b) Local corridors such as Sherwood Blvd, Oregon Street, Washington/Meinecke?
 - c) Major transportation links such as 99W and Tualatin/Sherwood Rd?
8. Public Review Process.
 - a) Based on citizen workshops, staff prepares comparative match of Community Character to Metro 2040: 10-27-99 to 11-29-99.
 - b) Planning Commission Review: 12-7-99, 12-21-99, 1-4-2000, and 1-18-2000.
 - c) City Council briefing: 1-11-2000 and 1-25-2000.

- d) Draft Recommendations to Metro: 1-31-2000.
- B. Metro 2040 Design Types.
 - 1. Based upon the conclusions from task set A, define the boundaries of the 2040 Design Types that fit Sherwood.
 - a) Town Center (Location?)
 - b) Main Street(s).
 - c) Corridors.
 - d) Green.
 - e) Transportation.
 - f) Employment Areas.
 - g) Industrial Areas.
 - h) Neighborhoods.
 - Inner.
 - Outer.
 - 2. Conclusion - Summary of Comprehensive Plan Policies and Map Issues.
 - 3. Public Review Process.
 - a) Based upon citizen workshops, staff prepares updated analysis and findings: 11-17-99 to 11-29-99.
 - b) Planning Commission review: 12-7-99, 12-21-99, 1-4-2000, and 1-18-2000
 - c) City Council briefing: 1-11-2000 and 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- C. Refine and Reconcile vacant land inventory and population/employment allocations with Metro.
 - 1. Refine methodology for vacant land capacity analysis per Metro's comments.
 - 2. Update the vacant land inventory and reconcile with Metro housing and employment allocations, including mixed-uses centers.
 - 3. Public Review Process.
 - a) Staff prepares updated analysis and findings: 10-18-99 to 11-26-99.
 - b) Planning Commission Review: 12-21-99 and 1-4-2000.
 - c) City Council briefing: 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- D. Assess public facilities master plans to identify any significant service capacity limitations relative to supporting the projected growth.
 - 1. Sewer (coord. USA).
 - 2. Water (C/C approved October '99 update).
 - 3. Storm (coord. USA).
 - 4. Parks (to C/C November '99 update).
 - 5. Assess draft Transportation System Plan (April '98) relative to Metro Title 6 design issues.
 - a) Street classifications.
 - b) Optional performance standards relative to congestion (Section 4.B).

- c) Assess current parking ratios compared to Metro's minimum and maximum criteria.
 - d) Note: Full State TPR compliance review may occur at a separate time.
6. Assess City's current growth management policy framework to determine appropriate revisions, to address current UGB/City Limits versus Urban Reserves.
7. Public Review Process.
- a) Staff prepares updated analysis and findings: 10-18-99 to 11-26-99.
 - b) Planning Commission Review: 12-21-99 to 1-4-2000.
 - c) City Council briefing: 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- II. Comprehensive Plan and Code Amendment Package.
- A. Amendment of City's Comprehensive Plan.
- 1. Chapter 3 – Growth Management (Title 1).
 - a) Update the text and policies of the City's Comprehensive Plan to reflect the new planning horizon of 20 years.
 - (1) Growth assumptions:
 - (a) population allocation
 - (b) employment allocation
 - 2. Chapter 4 - Land Use (Title 1).
 - a) Establish minimum residential densities particularly for high density districts.
 - b) Develop a policy to prohibit Big Box retail uses in identified Industrial and Employment areas.
 - c) Develop a mixed-use policy, which permits limited multi-family housing in certain commercial areas, particularly in the Old Town area.
 - d) Amend City's Comprehensive Plan Map to identify the boundaries of the applicable 2040 Growth Concept design types.
 - 3. Chapter 5 – Environmental Resources (Title 3).
 - a) Develop policies to implement contextual framework identified for Corridors and Title 3.
 - (1) Review and adopt USA Title 3 package (Dec. '99).
 - (2) Refine policies as needed to acknowledge and protect open spaces, stream corridors, and the wild life refuge, including new maps.
 - b) Evaluate flood management policies for appropriate updates, including coordination with Washington County on possible FEMA, Firm Map updates.
 - 4. Chapter 6 – Transportation (Title 6).
 - a) Evaluate whether optional Level of Service Standard (Title 6, Section 4.B) is needed for the designated Town Center.

- b) Revise transportation policies in Chapter 6 to include a reference to the design elements and performance standards in the Functional Plan.
 - c) Incorporate a new policy in Chapter 6 to recognize the Transportation Planning Rule and 2040 Growth Concept, which calls for more compact urban development.
 - d) Develop a policy commitment to review and amend parking regulations, if necessary, to meet the Regional Parking Ratios Table and parking Maximum Map.
5. Chapter 7 - Community Facilities and Services (Title 1).
- a) Identify any necessary amendments to City's adopted master plans (sewer, water, drainage) to assure that public facilities can be provided to accommodate the planned housing and employment capacity within the planning period.
 - b) Identify appropriate Code amendments as necessary to assure continued coordination between development and public facilities and services.
6. Public Review Process - Comparative match of Community Character to Metro 2040 Concepts and Design Types.
- a) Based on prior citizen workshops and Commission hearings, staff prepared recommended amendments: 12-7-99 to 1-17-2000.
 - b) Citizen Review Workshops (3): 1-26-2000, 2-2-2000, and 2-9-2000.
 - c) Planning Commission Review: 3-7-2000, 3-21-2000, and 4-4-2000.
 - d) City Council briefing: 4-25-2000.
 - e) Draft Recommendations to Metro: 4-28-2000.
 - f) City Council Adoption 5-9-2000 and 5-23-2000.
- B. Amendment of City's Zoning Code relative to applicable Titles of Metro Growth Management Functional Plan.
- Title 1. Requirements for housing and Employment Accommodation.
- a) Develop minimum density standards based on 80% of the maximum number of dwelling units per net acre permitted by the zoning designation.
 - b) Add a purpose statement specifying requirement of allowing partitioning or subdividing land inside the UGB where existing lot sizes are two or more times that of minimum lot size of the zone - Sherwood appears to already comply with this requirement.
 - c) Develop amendment to allow at least one accessory dwelling unit within any detached single family dwelling unit within all of the residential districts.
 - d) Select approach to identifying redevelopable lands to complete the capacity estimate. The City needs to analyze the Old Town area and Main Street areas and develop an approach

to identifying the redevelopable lands. The City will then be able to complete the capacity analysis.

e) Review residential zones to look for opportunities to increase housing capacity to meet the 2017 housing targets.

f) Consider methods of increasing housing and jobs in Town Center, Employment Areas and along Corridors.

2. Title 2. Regional Parking Policy.

a) The completion of these items would coincide with the completion of the City's Transportation System Plan.

(1) Establish process for considering variances when a development application is received which may result in approval of construction of parking spaces either in excess of the maximum parking ratios or less than the minimum parking ratios.

(2) In mixed use areas, provide blended parking ratios to account for cross-patronage and shared parking benefits

(3) Establish maximum parking ratios per Table 2 of the Functional Plan.

(4) Revise minimum parking standards in Code to coincide with Table 2, Regional Parking Ratios Title 2, Section 2.A.1.

(5) Count adjacent on-street parking spaces, nearby public parking and shared parking toward minimum standard.

(6) Rewrite Section 5.301.02 of the City's Zoning Code to read: "Two or more uses, structures or parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap..."

(7) Amend Section 5.301.04 of the City's Zoning Code to read, "When several uses occupy a single structure or parcel of land, the total requirements for off-street parking...shall be the sum of the requirements for the several uses computed separately with a reduction of 10-25% to account for cross-patronage of adjacent businesses or services."

(8) Relative to storm water management measures in parking areas, consider alternatives to hard, impermeable surface treatments for infrequently utilized parking areas, and on-site water retention in large parking lots.

3. Title 3. Water Quality, Flood Management and Fish and Wildlife Conservation.

a) Coordinate compliance package through Unified Sewerage Agency (USA).

- (1) Adopt a balanced cut and fill for any development occurring within the floodplain.
 - (a) Amend Flood plain regulations to include 1996 flood inundation areas.
- (2) Require erosion and sediment control for all new development regardless of size or location of site.
- (3) Provide protection for steep slopes within Water Quality Resource Areas defined by Title 3, including provisions for increasing riparian vegetation cover along Water Quality Resource Areas.
- (4) Prohibit new uses of uncontained areas of hazardous materials of hazardous materials defined by DEQ in the Water Quality and Flood Management Areas.
 - b) Develop code amendment to flood plain regulations to account to FEMA map revision process (CLOMR & LOMR).
4. Title 4. Retail in Employment Areas.
 - a) Prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business from the OC, LI and GI zones. Request change to Title 4 map to remove employment designation for rail district property.
5. Title 5. Neighboring Cities and Rural Reserves.
 - a) Develop Code language to reflect Title 5 requirements to recognize and protect Green corridors.
6. Title 6 – Regional Accessibility.
 - a) The completion of these items would coincide with the completion of the City's Transportation System Plan.
 - (1) Sherwood Boulevard from Gleneagle Drive to Oregon Street and Oregon Street from Sherwood boulevard to Lincoln Street have been designated on Metro's Boulevard design map as Main Streets. The Transportation System Plan as well as the Comprehensive Plan should contain consideration of the design treatments listed in Title 6, Section 2B (1-9) for the two Main Streets.
 - (2) In the Comprehensive Plan, Part 2 Chapter 6C Policies 2-6 reference Title 6, Section 2B (1-9).
 - (3) In the Comprehensive Plan, Part 2 Chapter 6D 2(a) and Policy 11 should reference portions of Title 6, Section 2B (1-9):
 - (4) Revise Section 6.304.01 and 6.304.02 of Zoning Code to contain a reference of Title 6, Section 2B (1-9).
 - (5) Design Standards for Street Connectivity - The City will decide through the Transportation System Plan process whether to comply with Title 6 Section 3A (Design option) or Section 3B (Performance option).

b) Title 6, Section 4.A. Alternative Mode Analysis - The City shall establish mode split targets for the 2040 design types, which will be used to guide transportation system improvements.

c) Title 6, Section 4.B. Motor Vehicle Congestion Analysis - The City may establish optional performance standards and deficiency thresholds intended to identify transportation needs through multi-modal system-level planning.

d) Title 6, Section 4.C. Transportation System Analysis - The City shall establish the process to identify appropriate recommended solutions to address those needs identified through multi-modal system level planning.

e) Title 6, Section 4.D. Congestion Analysis Outside of Mixed Use Areas - Addresses congestion and capacity issues that result from the implementation of the functional plan. In Sherwood, these provisions would apply (a) areas outside the town center boundaries, and (b) the Town Center area, if the City elects not to use the alternative congestion standards contained in Section 4.B of the Functional Plan.

7. Public Review Process - Comparative Match of Community Character to Metro 2040 Concepts and Design Types.

a) Based on prior citizen workshops and Commission hearings, staff prepared recommended amendments 12-7-99 to 1-17-2000.

b) Citizen review Workshops (3) 1-26-2000, 2-2-2000 and 2-9-2000.

c) Planning Commission Review 3-7-2000, 3-21-2000, and 4-4-2000.

d) City Council briefing: 4-25-2000.

e) Draft Recommendations to Metro 4-28-2000.

8. City Council Adoption 5-9-2000 and 5-23-2000.

C. Title 7. Affordable Housing.

1. This Title deals with affordable housing and is currently advisory. No action is required by the City at this time. There is no specific work program task focused on this issue. However, any policy direction that may emerge from the public review process will be incorporated into the amendment package.

D. Title 8. Compliance Procedures.

1. Draft copies of the various elements will be forwarded to Metro for review and comment as noted in to above schedule. Formal notice of adoption, of proposed amendments to comprehensive plan provisions or implementing ordinances, shall be provided to METRO at the same time notice is provided to DLCD, as required by their administrative procedures. The notice shall include the city's analysis demonstrating that the proposed amendments are in substantial compliance with the 2040 Functional Plan, and shall address any requested exceptions.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2857 GRANTING A FUNCTIONAL PLAN IMPLEMENTATION TIME EXTENSION TO THE CITY OF SHERWOOD AND ASSURING COORDINATION BETWEEN THE CITIES OF SHERWOOD, TUALATIN, BEAVERTON, AND TIGARD AND WASHINGTON COUNTY

Date: October 26, 1999

Presented by: Mary Weber
Prepared by: Mary Weber

PROPOSED ACTION

Adoption of Resolution No. 99-2857 granting a timeline extension to the Functional Plan compliance deadline for the City of Sherwood.

BACKGROUND AND ANALYSIS

Metro Code 3.07.820.C (Title 8 of the Functional Plan) provides that Metro Council may grant time extensions to Functional Plan requirements if a jurisdiction can demonstrate "substantial progress or proof of good cause for failing to complete the requirements on time."

Compliance Progress

Metro Council granted the City of Sherwood a time extension for Functional Plan compliance in Resolution No. 99-2755. Due to budget constraints and staff turnover, the City has been unable to complete any of the work tasks identified in its first Functional Plan time extension. All implementation tasks were due to be implemented by September 30, 1999. The City is now out of compliance with Titles 1, 2, 4, 5 and 6 of the Functional Plan. Sherwood understands the urgency of completing Functional Plan compliance and has hired a consultant to draft code changes and to manage the public involvement process needed to implement the changes.

Prior work completed by City and Metro staff shows that Sherwood will meet its employment targets, but may not meet its housing targets under existing zoning. The City will explore methods to increase housing capacity as a part of its compliance work.

Functional Plan Work Remaining

Sherwood needs to address the following Functional Plan requirements:

- Adopt plan and code changes needed to implement parking minimums and maximums and develop a procedure to provide parking data to Metro annually as required in Metro Code 3.07.220 (Title 2).
- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6) respectively.
- Amend the zoning code to adopt minimum density standards of 80% of the maximum number of dwelling units per net acre permitted in the zoning designation as required by Metro Code 3.07.120.A (Title 1).
- Develop code language to reflect Metro Code 3.01.510 (Title 5) neighbor cities and rural reserve requirements.

- Amend the zoning code to allow at least one accessory dwelling unit within any detached single family unit in all of the residential districts as required by Metro Code 3.01.120.C (Title 1).
- Review residential zones to determine opportunities to increase housing capacity to meet Functional Plan targets as required by Metro Code 3.07.150.D (Title 1).
- Finalize capacity analysis as required by Metro Code 3.07.150 (Title 1).
- Consider methods to increase housing and jobs in the town center, employment areas and along corridors as needed to meet targets as required in Metro Code 3.07.150.D (Title 1).
- Adopt code changes to restrict retail uses in employment and industrial areas as required in Metro Code 3.07.420 (Title 4).
- Amend comprehensive plan to include a map showing the boundaries of 2040 design types as required by Metro Code 3.07.130 (Title 1).
- Review public facilities plans to assure that public facilities can support calculated capacities as required by Metro Code 3.07.150 (Title 1).

Extension Requested

The City has requested an extension of the Functional Plan deadline to June 15, 2000. Sherwood has submitted the following timeline to draft, review and adopt the code changes needed to implement Functional Plan provisions.

Work Task	Completed By
Draft Code Changes	January 17, 2000
Conduct Citizen Workshops (3 total)	February 9, 2000
Planning Commission Review (scheduled for 3 meetings)	April 4, 2000
City Council Briefing (1 meeting)	April 25, 2000
Draft Recommendations to Metro	April 28, 2000
City Council Hearing and Adoption (2 meetings)	May 23, 2000

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

Grant the City of Sherwood a Functional Plan implementation time extension to June 15, 2000 subject to the conditions of the extension and the regional coordination action prescribed in this resolution. See the attached memo from Larry Shaw for a description of the regional coordination action. Any further requests for time extensions or requests for Functional Plan exceptions made by Sherwood would be determined as delineated in Metro Code 3.07.820, Sections B and C.

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METRO

TO: Metro Council
Mike Burton, Executive Officer

FROM: *lls*
Larry Shaw, Senior Assistant Counsel

DATE: October 26, 1999

RE: Sherwood Functional Plan Extension and Conditions

Effect of Functional Plan Extensions

Metro's Urban Growth Management Functional Plan, adopted in November, 1996, exercised functional plan authority to "require cities and counties . . . to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plan . . ." ORS 268.390(4). The Functional Plan requires changes in city and county comprehensive plans to the extent necessary to achieve Functional Plan performance standards by February, 1999.

Time extensions have been granted into late 1999 for many requirements, longer for a few requirements. The lack of an extension for any requirement for any city and county puts that jurisdiction in violation of that Functional Plan requirement.

For new developments that would violate a Functional Plan requirement which need a comprehensive plan or zone change under the city or county's existing plans, Metro enforcement would be straightforward. Metro would point out the violation during the local hearing on needed local change, put the Functional Plan (regional law) in the record and successfully appeal to LUBA for violation of regional law if the plan or zone change were adopted.

However, if no time extension for Functional Plan compliance is in place and no action has been taken to change existing zoning code that directly violates a Functional Plan requirement, there is no proposed city or county plan or zone change to appeal. An application for development approvable under existing zoning could be filed. That is an application for a permit that the city or county must approve if the existing zoning code is met.

TO: Metro Council
Mike Burton, Executive Officer

October 26, 1999
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Sherwood "Big Box Retail" In 2040 Employment Area – Title 4

The City of Sherwood received a time extension to September 30, 1999, for most Titles of the Functional Plan. The city has not adopted changes to its plan and zoning for any Title, including Title 4 limits on big box retail in 2040 Employment Areas. A request for further extension was received October 21, 1999.

A large retailer has indicated interest in a new store in Sherwood's 2040 Employment Area. A development application may be allowable by Conditional Use Permit (CUP) under existing zoning while violating Title 4. No plan change or zoning amendment has been proposed for this development. Therefore, there is no new plan or code action for Metro to appeal for violation of the applicable regional law, Title 4 of the Functional Plan. The permit application would be appealable only for violation of the existing CUP standards.

Time Extension Conditions Concept

An alternative way of exercising regional coordination authority (discussed below) is to grant further time extensions with conditions based on how these "second round" time extensions coordinate with surrounding comprehensive plans. As more cities and counties complete their Functional Plan implementation work, incomplete work by neighbors may affect them. Sherwood is a prime example for Title 4 implementation. Sherwood's lack of Title 4 required plan provisions may be affected by other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton (in 2 of 3 districts) and Washington County have changed their plans to prohibit Big Box retail in Employment Areas.

Metro Council approval of extensions could include an exercise of regional coordination authority to require a determination of Functional Plan compliance and denial of permits which would violate the Functional Plan. Such new requirements of a city or county could be in the form of conditions of approval of the time extensions as a further exercise of functional plan authority in ORS 268.390(4).

Regional Coordination Action - ORS 197.025(1)

Metro's regional coordination authority in ORS 195.025(1) and 268.385 is not limited by statutory words. A 1994 case stated Metro's authority to assure coordination among 27 city and county plans in broad terms. The facts of that case were limited to three (3) adopted comprehensive plan provisions which actually did conflict. Metro required a new plan provision for all three. Use of coordination authority here could be identifying a conflict between Sherwood's lack of Title 4 required plan provisions and other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton and Washington County have changed their plans to prohibit Big Box retail in Employment Areas.

The use of a regional coordination action for a particular city or subregion is not an amendment to RUGGO, 2040 Growth Concept, Regional Framework Plan or Functional Plan ordinances. Therefore, a Metro Council action can be by resolution at any Metro Council

TO: Metro Council
Mike Burton, Executive Officer

October 26, 1999
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meeting. The action would state all the special circumstances, including potential applications under current city code that will violate Title 4 because Sherwood has not yet amended its Code. The action could be the same as the conditions discussed above: require (1) Sherwood to make a determination of whether Functional Plan requirements would be violated and (2) that any permit applications which would violate the Functional Plan be denied.

Conclusion

Sherwood's request for a further time extension can be addressed based on the staff report on the reasons for it. That extension for Titles 1, 2, 4, and 6 can include extension conditions to assure coordination among comprehensive plans of Sherwood, Tigard, Tualatin, Beaverton and Washington County. For such action to be effective at protecting Sherwood's 2040 Employment Areas from big box retail development during the extension, the city must be required to take actions at the permit process level. This would be the first such action taken by Metro. It would be based on both Metro's functional plan authority at ORS 268.390(4) and its regional coordination authority at ORS 195.025(1) and 268.385.

LSS/sm/kj/kvw

Cc: Dan Cooper
Elaine Wilkerson
Mark Turpel

Metro Council Session – Oct. 28, 1999
Thank you to Bob Traverso for 130-acre land donation

(Charlie walks him up, you talk, Councilor Atherton presents the certificate)

- On September 17th, Bob Traverso and Jack Parker, co-partners of Parker-Northwest Paving Company, donated 130 acres of land along the Clackamas River to Metro.
- We are very grateful to Mr. Traverso and his partner for their generosity. Their donation, Metro's largest to date, will benefit fish, wildlife and people for many generations to come.
- The donated land is adjacent to a 109-acre parcel purchased by Metro from Parker Northwest Paving Company. They also allowed us to buy that land at a price considerably lower than what it was worth on the open market. Collectively, the two parcels, often referred to as "River Island," total 239 acres.
- The land, with more than 4,700 feet of river frontage, provides important juvenile salmon-rearing habitat. Bald eagles and osprey frequent the area, and the ponds and wetlands located on the property provide additional wildlife habitat.
- In closing, it is safe to say that Mr. Traverso is a friend of Metro. During our association with him, he has been very generous with his time, working with staff and touring them around the property -- even arranging for a boat to ferry them to an island on the property so they could see it all.
- Helpful, creative and considerate of the natural resource value of the land, Mr. Traverso expended a considerable amount of his own capital to remove equipment from the property by helicopter. In addition, of his own accord, he stabilized much of the river bank so that it wouldn't erode into the water.

DRAFT

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING) RESOLUTION NO 99-2863
 THE EXECUTIVE OFFICER IN THE)
 PREPARATION OF THE 2000-2001) Introduced by Councilor Bragdon
 BUDGET AND CREATING A TASK)
 FORCE TO RECOMMEND)
 ALLOCATION OF CERTAIN ONE-TIME)
 EXPENDITURES)

WHEREAS, Metro has renegotiated its solid waste, transportation and disposal contracts for a net savings to the region of approximately \$40 million over the next decade; and

WHEREAS, this money belongs to the people of the region with Metro serving as their fiduciary agent and this money is extraordinary, non-recurring revenue that should not be relied upon as a stable on-going funding source; and

WHEREAS, cutting the tipping fee would have hampered recycling; and

WHEREAS, the Metro Council has ordained that the most prudent priority for these funds is within the solid waste area itself, in order to responsibly sustain the system and incentivize recycling, and

WHEREAS, recognizing that even after that, a certain sum will be left over that can be used for other purposes in the public interest; and

WHEREAS, expenditure of these funds should be accounted for and explainable to the public now, therefore,

BE IT RESOLVED THAT:

1. The Metro Council directs the Executive Officer to prepare the FY '00-'01 Proposed Budget and all subsequent budgets on a "no new revenue" basis, as if the contract renegotiations mentioned above and the savings resulting therefrom had never occurred.

2. The Metro Council directs the Executive Officer to identify these funds accruing from aforementioned savings as one lump-sum "undesignated savings revenue" in his proposed budget, along with an identical lump-sum amount labeled "Undesignated Savings Expenditure (to be allocated)".

3. The Executive Officer's budget submission shall otherwise be balanced strictly with revenues other than those savings and shall show the calculation by which the savings in that year have been quantified.

4. The Council will create and the Presiding Officer shall name a three-member task force to report and disband no later than December 31, 1999.

5. The members of that task force shall include Councilors Bragdon, Park and Washington.

6. The task force shall identify:

- principles and criteria for expenditure (if any) of these funds in a disciplined and coherent manner that is transparent to the public
- methods of tracking and explaining all expenditures from the undesignated savings line item
- evaluation of adjustments required to the 99-00 (current) fiscal year budget
- guidance to the Executive Officer on most likely "add" packages, if any to the FY '00-01 budget

7. Options to be evaluated by the task force are both within and without the Metro budget, and they include, but are not limited to the Dakota Option, Kvistad proposals

regarding excise tax, Atherton proposals for debt restructuring at solid waste facilities, and rebates to ratepayers. Expenditure options may include grants to local governments.

8. The task force is directed to include MPAC, local governments and the previous public comment in its deliberations.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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**CRAG URBAN
GROWTH BOUNDARY
FINDINGS SUPPLEMENT**
(To the December 28, 1978 Submission)

Submitted Under the Auspices of the
Metropolitan Service District

Metropolitan Service District

January, 1979

- . within the corporate limits of a city;
 - (a) physically developed for urban uses;
 - (b) they are vacant lands within presently developed urban areas;
 - (c). a valid Goal 2, Part II exception has been taken from Goal 3 if they are agricultural lands outside city limits; or
 - (d) their commitment to urban use is so far advanced

- . served by sanitary sewers; or
- . they will clearly and demonstrably be needed to accommodate short range (not later than 1985) regional urban population growth requirements, and will definitely be included within CRAG's Urban Growth Boundary.⁶

The IIGA boundary was approved by LCDC in Order 77-004.

Having established that land within the IIGA is clearly needed for urban use, indeed committed to urban use, it is necessary to consider land between the IGA and the UGB, referred to herein as the "envelope."

3:2.2 Envelope Area

Various land use features are combined for the envelope area on Map 3. Some land within the envelope meets one or more of the four conditions used to establish the IGA and thus meets Goal 14. These lands are shown on Map 3 as either:

- developed lands or
- sewerred lands

Map 3 also shows lands which are in sewer districts. These lands are a clear candidate for an urban designation because some commitment has been made to urban use. Properties within sewer districts are assessed taxes by the district, even though they may not have sewers. The Land Use Framework Element has addressed the issue of sewer extensions outside the UGB. It states that:

"Individual wastewater disposal systems deemed necessary for land uses appropriate in Rural Areas and sewerage systems (shall be permitted) only if sewers are required to alleviate a health hazard or water pollution problem in an area defined by the Department of Environmental Quality, local jurisdiction and CRAG, in accordance with local, regional and state land use limitations in Rural Areas."⁷ (The same statement is applied to Natural Resource Areas.)

Map 4 shows that sewer connections have not been extended outside the UGB.⁸ For the most part sewer districts fall within the UGB (e.g., See Map 2 "UGB Findings"). Where exceptions exist such as the Unified Sewage Agency Boundary, service has not been extended outside the UGB as such action would be in violation of CRAG/MSD policy. Coordination between CRAG, special sewage districts, and local jurisdictions has ensured that policies to extend sewage service has been consistent with the designation of urban areas.

In conclusion, preliminary examination of the IIGA area and the envelope area demonstrates a substantial commitment to urban use of land within the UGB. The reader is invited to review the detailed findings in the Appendices which are provided for all areas within the envelope. These findings specifically address the seven Goal 14 factors.

3:3

Boundary Features X

Once the amount of land needed for urban development has been determined, the question arises as to where should an UGB be situated. To minimize confusion as to where the boundary line is located, it is helpful to select clearly identifiable land use features such as roads, power lines, and rivers. These features also serve as a partial buffer between urban uses and rural/natural resource uses. Commonly accepted legal features such as city limits and property lines are also appropriate for an UGB.

A great amount of work, thought, and discussion took place between CRAG, local jurisdictions, special districts, and the public concerning the actual location of the UGB. Material accompanying this report describes this discussion for the 1977-78 period. The report Planning and Adoption Process summarizes discussion prior to 1977.

The UGB coincides with existing administrative or political boundaries, natural features, or man made buffers. Map 5 illustrates the type of features which form the UGB. An analysis of each of these features follows:

COLOR KEY

City/County Limits - in the Gresham-Troutdale area, in the SE and NW areas of Portland, in Happy Valley, North Plains, and Wilsonville and Canby existing city limits are a good indication of the probable maximum extension of urban services in the foreseeable future. Forty percent of the UGB coincides extensively with these city limits.

Washington County Unified Sewerage Agency - The boundaries of the Unified Sewerage Agency in Washington County are a good indication of the maximum extent of sewer service in

**METRO****CONFIDENTIAL**

TO: Metro Council
Mike Burton, Executive Officer

FROM: *lll*
Larry Shaw, Senior Assistant Counsel

DATE: October 21, 1999

RE: Legal Strategy For First Functional Plan "Nonaction" Enforcement

Legal Context For "Nonaction" Enforcement

Metro's Urban Growth Management Functional Plan, adopted in November, 1996, exercised functional plan authority to "require cities and counties . . . to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plan . . ." (Emphasis added) ORS 268.390(4). The Functional Plan requires changes in city and county comprehensive plans to the extent necessary to achieve Functional Plan performance standards by February, 1999.

Time extensions have been granted into late 1999 for many requirements, longer for a few requirements. The lack of an extension for any requirement for any city and county puts that jurisdiction in violation of that Functional Plan requirement.

For new developments that would violate a Functional Plan requirement which need a comprehensive plan or zone change under the city or county's existing plans, Metro enforcement would be straightforward. Metro would point out the violation during the local hearing on needed local change, put the Functional Plan (regional law) in the record and successfully appeal to LUBA for violation of regional law if the plan or zone change were adopted.

However, enforcement is more difficult if no time extension for Functional Plan compliance is in place where no action has been taken to change existing zoning code that directly violates a Functional Plan requirement. There is no proposed city or county plan or zone change to appeal. An application for development approvable under existing zoning may be filed. That is an application for a permit that the city or county must approve if the existing zoning code is met. Furthermore, state law makes the rules applicable to a development permit application the rules in effect at the time the application is complete. Therefore, Metro enforcement action must be adopted and effective prior to the determination that an application is complete for it to apply to that application.

TO: Metro Council
Mike Burton, Executive Officer

October 21, 1999
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Sherwood "Big Box Retail" In 2040 Employment Area – Title 4

The City of Sherwood received a time extension to September 30, 1999, for most Titles of the Functional Plan. The city has not adopted changes to its plan and zoning to implement Title 4 limits on big box retail in 2040 Employment Areas.

Home Depot initiated an application for a permit on August 6, 1999, that received two incomplete letters before today. The application seems to be allowable by Conditional Use Permit (CUP) under existing zoning. No plan change or zoning amendment has been proposed for this development. Therefore, there is no new plan or code action for Metro to appeal for violation of the applicable regional law, Title 4 of the Functional Plan. The permit application would be appealable only for violation of the existing CUP standards.

Metro Council Coordination Action Strategy

The current enforcement language in Title 8 of the Functional Plan is general. It states that Metro will take appropriate action to the full extent of the law. There is no specific exercise of Metro authority to attempt to apply functional planning authority to require changes in plans directly to permit approvals. To add that to the Functional Plan would be an aggressive, but possible, interpretation of Metro's authority under ORS 268.390 that was not considered for the 1996 ordinance adoption. To add something to the Functional Plan would require an ordinance amendment with first and second readings, plus referral to MPAC for recommendation prior to adoption. That may or may not be an option for a general remedy. Such an approach would not protect the Sherwood 2040 Employment Area from the current Home Depot application.

Metro's regional coordination authority in ORS 195.025(1) and 268.385 is not limited by statutory words. A 1994 case stated Metro's authority to assure coordination among 27 city and county plans in broad terms. The facts of that case were limited to three (3) adopted comprehensive plan provisions which actually did conflict. Metro required a new plan provision for all three. Use of coordination authority here would be identifying a conflict between Sherwood's lack of Title 4 required plan provisions and other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton and Washington County have changed their plans to prohibit Big Box retail in Employment Areas. Cornelius and Wilsonville have not.

The use of coordination action for a particular city or subregion is not an amendment to RUGGO, 2040 Growth Concept, Regional Framework Plan or Functional Plan ordinances. Therefore, a Metro Council action probably can be by resolution at any Metro Council meeting. The action would state all the special circumstances, including that the current application will violate Title 4, and require (1) a determination of whether Functional Plan requirements would be violated and (2) that any permit applications which would violate the Functional Plan be denied.

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Future Coordination Strategy

In discussing the risks of this strategy, Presiding Officer Monroe's idea for the future is an alternative way of exercising regional coordination authority. Metro Council approvals of extensions could include an exercise of regional coordination authority to require a determination of Functional Plan compliance and denial of permits which would violate the Functional Plan. More discussion is needed.

LSS/sm/kj