

**A G E N D A**

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: July 20, 2000  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS**
3. **BANFIELD TRAIL PROJECT** Will
4. **METRO COMMENTS ON GOAL 14 WORK PLAN** Park
5. **EXECUTIVE OFFICER COMMUNICATIONS**
6. **AUDITOR COMMUNICATIONS**
7. **MPAC COMMUNICATIONS**
8. **CONSENT AGENDA**
- 8.1 Consideration of Minutes for the July 13, 2000 Metro Council Regular Meeting.
9. **RESOLUTIONS**
- 9.1 **Resolution No. 00-2972B**, For the purpose of Adopting the Locally Preferred Alternative for the Wilsonville to Beaverton Commuter Rail Study. McLain
10. **CONTRACT REVIEW BOARD**
- 10.1 **Resolution No. 00-2976**, For the Purpose of Authorizing a Personal Services Agreement with Pac/West Communications for Management and Coordination of State and Federal Legislative Agenda for Metro. McLain
11. **COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for July 20, 2000 Metro Council Meeting**

	Sunday (7/23)	Monday (7/24)	Tuesday (7/25)	Wednesday (7/26)	Thursday (7/27)	Friday (7/21)	Saturday (7/22)
CHANNEL 11 (Community Access Network) (most of Portland area)						2:00 P.M. *	
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M. *	1:00 A.M. *		7:00 P.M. *			
CHANNEL 30 (TVCA) (NE Washington Co. – people in Wash. Co. who get Portland TCI)	7:00 P.M. *			7:00 P.M.*			
CHANNEL 30 (CityNet 30) (most of Portland area)		POSSIBLE 2:00 P.M. (previous meeting)					
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	8:00 A.M. (previous meeting)	3:00 P.M. (previous meeting)	10:00 A.M. (previous meeting)	4:00 P.M. (previous meeting)	7:00 P.M. (previous meeting)	8:00 A.M. (previous meeting)	
CHANNEL 33 (ATT Consumer Svcs.) (Milwaukie)	4:00 P.M. (previous meeting)					10:00 P.M. (previous meeting)	9:00 A.M. (previous meeting)

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

***PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES.***

**Consideration of the July 13, 2000 Regular Metro Council Meeting minutes.**

**Metro Council Meeting  
Thursday, July 20, 2000  
Metro Council Chamber**

# MINUTES OF THE METRO COUNCIL MEETING

July 13, 2000

Metro Council Chamber

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

Councilors Absent: None

Presiding Officer Bragdon convened the Regular Council Meeting at 2:00 pm.

## 1. INTRODUCTIONS

Councilor McLain presented an award to the Oregon Zoo for its contributions to the National Debate Tournament, which drew students from all over the country and three of the territories. She asked Tony Vecchio, Director of the Oregon Zoo, to come forward to receive the award. She noted that the participants in the tournament had been impressed with the Oregon Zoo, particularly the helpfulness and friendliness of the staff.

Presiding Officer Bragdon invited Mr. Vecchio to share with the Council what has been happening at the Zoo.

Mr. Vecchio announced the Stellar Cove Grand Opening, which began with a gala fundraising event on Saturday, July 8, culminate with the grand opening on Saturday, July 15, 2000. He added that the Zoo had record-breaking attendance this past year in spite of all the construction.

## 2. CITIZEN COMMUNICATIONS

None.

## 2. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Metro Executive Officer, first updated the Council on the City of Fairview negotiations concerning security at Blue Lake Park. He said the conclusions from those negotiations would be presented to the Council as soon as they were complete. Second, he said a staff report on the residuals from the open spaces program would be before the Council soon. Third, he said a draft of the 1997-2017 Urban Growth Boundary Land Need Report had been completed and would be presented to the Growth Management Committee next week. That report updates population forecasts, in-fill and redevelopment rates, zoning, and growth patterns. It indicates that land has been used efficiently as the economy continues to grow. It also suggests the Council will have more work in the future to protect natural resources and to provide transportation services in the face of dwindling funding sources.

## 3. AUDITOR COMMUNICATIONS

None.

## 4. MPAC COMMUNICATIONS

**Councilor Park** reported on the Metro Policy Advisory Committee (MPAC) meeting of the previous evening. The primary discussion focused on the Regional Transportation Plan (RTP). The committee recommended the Metro Council delay action for six months. The Joint Policy Advisory Committee on Transportation (JPACT) discussed the delay further.

**Councilor Kvistad**, Chair of JPACT, said that the business and political community in Washington County had requested the six month delay in adopting the RTP because it has not been fully funded and because some growth issues remained unsolved. At the JPACT meeting that morning, the committee considered recommendations put forth by Transportation Policy Advisory Committee, (TPAC), which crystallized the concerns of the business community and Washington County. The recommendations would be taken back to the Washington County Coordinating Committee and the business group, and bring reactions back to JPACT in 30 days. The RTP would then be finalized by at least the second week of September.

**Councilor McLain** said she had attended the MPAC and JPACT meetings. She agreed with Councilor Kvistad on JPACT's concluding vote, and added more comments made at JPACT and MPAC. She said the issue has two parts. One part is the need to develop a fiscally constrained RTP. MPAC had focused its discussion on whether level of service needed to be addressed again or whether level of service should be implemented. She said the TPAC recommendations recognized that the document could be adopted to allow the implementation and fiscal issues to be discussed without excluding the concerns of the business community. The document could be changed as needed. She noted that the funding element was crucial not only to the transportation system, but also to the success of the 2040 plan. She said in her view it was not an either/or conversation.

**Councilor Monroe** said Dave Logan, Port of Portland, indicated at JPACT that he would be bringing forward language to codify the participation of the Westside Business Community and other groups. That would allow the RTP to be re-opened during the next year. Other language had been restored, which clarified the commitment to parking maximums.

**Councilor Kvistad** said he anticipates more discussion on those issues where 2040 intersect with transportation issues. He noted that parking maximums might be among them.

**Councilor Washington** complimented Chair Kvistad for his facilitation of the JPACT meeting that morning, which might have been otherwise divisive. He felt that there was a very strong message.

## 6. CONSENT AGENDA

### 6.1 Consideration of minutes of the July 6, 2000 Regular Council Meeting.

**Motion:** Councilor Park moved to adopt the meeting minutes of July 6, 2000 Regular Council meeting.

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

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

## 7. RESOLUTIONS

7.1 **Resolution No. 00-2966, For the Purpose of Accepting the May 16, 2000, Primary Election Abstract of Votes.**

**Motion:** Councilor Park moved to adopt Resolution No. 00-2966.

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

Councilor Park said that by law Metro must accept the results of the election of May 16, which affirms that the positions for Council Districts 3, 5, and 6 appeared on the ballot, according to ORS 2555295. The abstracts, which have been in the meeting packet, report that Mr. Carl Hosticka was elected in District 3; Mr. Rex Burkholder in District 5; and Mr. Rod Monroe was re-elected from District 6.

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

7.2 **Resolution No. 00-2970, For the Purpose of Council Approval of the Mt. Talbert Master Plan and Management Recommendations, Pursuant to an Existing IGA between Metro and North Clackamas Parks and Recreation District.**

**Motion:** Councilor Atherton moved to adopt Resolution No. 00-2970.

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

Councilor Atherton said that Metro had entered into an intergovernmental agreement (IGA) with North Clackamas Parks and Recreation District in 1977 to develop a master plan for the Mt. Talbert area, which had been jointly purchased by the two jurisdictions. This resolution would confirm the master plan, which would preserve the area as a natural area. Uses would be restricted to foot traffic only, with all dogs on leash. He urged support of this resolution.

Presiding Officer Bragdon opened a public hearing.

Mike Henley, Director of the North Clackamas Parks and Recreation, 11022 SE 37th Ave, Milwaukie, Oregon, urged support for the master plan. He said months of planning had gone into the effort. He said the plan reflected the community values as well as the intent of the green spaces bond measure. He noted that the citizen-based steering committee, formed to work on this master plan, had been so successful that the district had decided to retain the committee intact to act as the project manager for the capital improvement program. A number of volunteer citizen groups had already lined up to work on trail improvements. He added that the district would be considering a local option in the November election. A survey of citizens indicates that preservation of open spaces continues to be a priority. He concluded by praising the Metro Greenspaces staff for its part in this process.

Presiding Officer Bragdon closed the public hearing.

Councilor Atherton closed by urging an aye vote.

Councilor Monroe added that this was just another example of the success of the greenspaces program. He was pleased that the area would be kept as a natural area, for the sake of the wildlife.

Councilors Washington, Kvistad and Park indicated their support of this resolution.

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

**7.3 Resolution No. 00-2974, For the Purpose of Declaring Support for Metro's Open Spaces Program.**

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 00-2974.

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

**Councilor Monroe** said he had requested that this resolution be drafted. He reviewed the background to the greenspaces program and its successes. He noted Metro had purchased more than 6250 acres in 14 different target areas, more than the minimum acreage goal. Furthermore, more than \$41 million out of \$135 million left with which to buy more property. He noted one particularly successful purchase—the “hole” in Forest Park. The city of Portland had tried to purchase that property for 20 years but had not been successful. The Metro staff was able to close the deal, making the Park contiguous in that area. He praised the professionalism of the staff for that success. This resolution recognizes the success of program and the efforts of the staff.

**Charlie Ciecko**, Parks and Open Spaces Director, thanked the Council for expressing its confidence in and support for the program. He said two factors have been key in the success of the program. One was developing the bond measure itself, which specified what would be accomplished and what voters would get in return. The second was the implementation work play that allowed staff to operate in the challenging real estate market in the Portland metropolitan area. Finally, the 22 refinement plans that were worked on cooperatively. The policy guidance provided by the Council has been valuable.

Mr. Ciecko recognized the staff, whose professionalism, enthusiasm, and passion for the program have been key in cultivating the 192 willing sellers found to date. The lands purchased generally have not been on the market, so the owners needed to be contacted and sold on the long-term value of selling their property as part of this program. The staff's passions has been key in accomplishing that. He noted that the office of general counsel had also been key.

**Councilor McLain** expressed her appreciation for the resolution, which recognized a program that exemplifies Metro's success. She noted that in her conversations with local jurisdictions, individual staff members connected with this program have been highly praised for their professionalism. She thanked Mr. Ciecko and his staff.

**Councilor Kvistad** congratulated the department and thanked the staff for a job well done.

**Councilor Park** said he had voted for the measure as a private citizen. He said that the success needed to be viewed in terms of the overall program. He likened it to a golf game, where the final score determines the success of the game, not the score on each individual hole. He said the department in those terms was currently shooting under par.

**Councilor Washington** added his thanks.

**Dan Cooper**, Legal Counsel, said that in all his years as an attorney, he was as proud of the work in this program as anything he had ever done.

**Councilor Atherton** also praised the staff and the legal counsel. He those who might be concerned about the high price of land should address their concerns to the state legislature. The state had propped up the speculative value of bare land through its failure to require that developers pay the full cost of growth through systems development charges.

**Presiding Officer Bragdon** said it had been at least 50 years since a plan with this kind of vision had been implemented. He said that the thanks the department was receiving today would pale in comparison to what would come for hundreds of years to come.

**Councilor Monroe** asked those present who had been involved in the program to stand and be recognized.

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

**Mr. Ciecko** thanked the Council again.

#### 8. COUNCILOR COMMUNICATIONS

**Councilor Park** invited the Council to come and listen to the presentation on Land Supply Report at next week's Growth Management Committee.

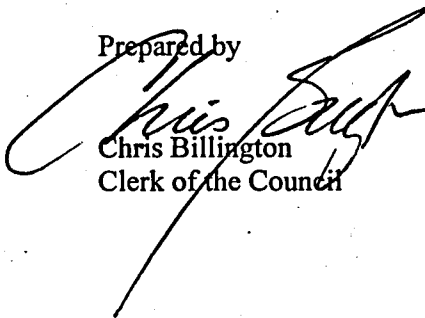
**Councilor Atherton** said that the idea Councilor Kvistad had suggested as an aside of providing for a 20-year supply of greenspaces deserved consideration.

**Presiding Officer Bragdon** said Commissioner Saltzman from the city of Portland would be at the Metro Operations Committee next week to present his ideas for increasing the city's contribution to the Convention Center by doing a "green" roof.

#### 9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 2:53 pm.

Prepared by

  
Chris Billington  
Clerk of the Council



*Agenda Item Number 9.1*

**Resolution No. 00-2972B, For the purpose of Adopting the Locally Preferred Alternative for the  
Wilsonville to Beaverton Commuter Rail Study.**

**Metro Council Meeting  
Thursday, July 20, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE )  
LOCALLY PREFERRED ALTERNATIVE FOR )  
THE WILSONVILLE TO BEAVERTON )  
COMMUTER RAIL STUDY )

RESOLUTION NO. 00-2972

Introduced by  
Councilor Jon Kvistad,  
JPACT Chair

WHEREAS, Washington County has sponsored the two initial feasibility studies of commuter rail in the Highway 217 – Interstate 5 Corridor, and

WHEREAS, Washington County led the Wilsonville to Beaverton Commuter Rail Study Alternatives Analysis which examined alternatives to serve the need for transit improvement in the Wilsonville to Beaverton corridor; and

WHEREAS, the Wilsonville to Beaverton Commuter Rail Study concluded that compared to a No-Build and a Transportation System Management (TSM), a Commuter Rail Alternative would:

- Provide 4,650 average daily ridership as compared to 1,520 for the TSM alternative by the year 2020.
- Provide in-vehicle transit travel time of 26 minutes as compared to 54 minutes for the TSM alternative for a Wilsonville to Beaverton Transit Center trip.
- Provide the most efficient transit links between regional and town centers.
- Best support state, regional and local transportation and land use plans and policies.
- Best support increased opportunities for pedestrian-friendly and transit oriented development.
- Provide a reliable and direct link between population and employment centers in the Corridor.
- Support and encourage continued economic growth.

WHEREAS, the cities of Beaverton, Tigard, Tualatin and Wilsonville have taken formal action supporting Commuter Rail recommending Washington County adopt Commuter Rail as the Locally Preferred Strategy. Now, therefore,

BE IT RESOLVED, that the Wilsonville to Beaverton Commuter Rail Study Locally Preferred Alternative is adopted for the purpose of completing preliminary engineering.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

---

David Bragdon, Presiding Officer

Approved as to form:

---

Daniel B. Cooper, General Council

GL:rmb  
C:\resolutions\2000\00-2972.doc

## TRANSPORTATION PLANNING COMMITTEE REPORT

### CONSIDERATION OF RESOLUTION NO. 00-2972B, FOR THE PURPOSE OF ADOPTING THE LOCALLY PREFERRED ALTERNATIVE FOR THE WILSONVILLE TO BEAVERTON COMMUTER RAIL

Date: July 19, 2000

Presented by: Councilor McLain

**Committee Recommendation:** At its July 18 meeting, the Committee considered Resolution No. 00-2972B and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Bragdon and McLain and Chair Monroe.

**Background:** For several years, local governments in Washington County have been examining the potential for establishing a commuter rail capacity between Wilsonville and Beaverton. In October 1999 an alternatives analysis and environmental assessment of commuter transit options was initiated for this corridor. Three alternatives were examined: 1) commuter rail, 2) a transportation system management (TSM), and a no build option. The resolution requests that the Council adopt the commuter rail option as the preferred local alternative for the purpose of initiating preliminary engineering for the project.

**Committee Discussion:** Andy Cotugno, Transportation Planning Director, explained that this resolution would be the first of two dealing with the Washington County Commuter Rail Project. The second resolution will address whether the proposed project meets federal air quality conformity requirements. Ross Roberts, Transportation Planning High Capacity Transit Manager, then presented the staff report. He explained that the alternatives analysis clearly demonstrated that the commuter rail option should be the preferred alternative. He noted that daily commuter rail ridership in 2020 would be significantly higher than the TSM option and that projected travel times would 50% shorter than the TSM option. There appears to be no local opposition to the commuter rail option.

Roberts indicated that will there had been some question as to where the northern terminus for the commuter rail line would be located, the analysis assumed that the terminus would be the Beaverton Light Rail Transit Center, which would require about 2000 feet of new track. Roberts informed the committee that the environmental analysis for the project was still under review by the Federal Transit Administration.

Councilor McLain reminded staff that there is interest in western Washington County in having the commuter rail concept ultimately extended to include Hillsboro, Cornelius, Forest Grove and possibly as far south as McMinnville.

Councilor Bragdon asked if the project included a bus component. Roberts responded that bus service in the surrounding would be modified to include service to any commuter rail stations.

## STAFF REPORT

### A RESOLUTION FOR THE PURPOSE OF ADOPTING THE LOCALLY PREFERRED ALTERNATIVE FOR THE WILSONVILLE TO BEAVERTON COMMUTER RAIL STUDY

Date: June 30, 2000

Presented by: Ross Roberts

## PROPOSED ACTION

Adopt the Wilsonville to Beaverton Commuter Rail Study Locally Preferred Alternative for the purpose of completing preliminary engineering.

## EXISTING LAW

Metro is a designated MPO and eligible recipient of federal funds. The funds for the Commuter Rail project are Section 5309 Federal New Starts funds for the purpose of engineering rail transit facilities. Washington County has requested that Metro be the grantee for preliminary engineering as they were for the Alternatives Analysis.

## FACTUAL BACKGROUND AND ANALYSIS

In October 1999, Washington County, the cities of Beaverton, Tigard, Tualatin and Wilsonville, the Oregon Department of Transportation, Tri-Met and Metro initiated Alternatives Analysis and an Environmental Assessment to develop a more diverse and balanced transportation system by providing another transit option for commuters in the Wilsonville to Beaverton corridor. The Federal Transit Administration (FTA) was the lead federal agency for this study, which analyzed two alternatives to commuter rail, a Transportation System Management (TSM) Alternative and a No Build Alternative.

The proposed project would utilize existing freight tracks in the approximately 15-mile corridor, except for approximately 2000 feet of new trackway at the northern terminus of the project near the Beaverton Transit Center. The commuter rail line would operate at 30-minute headways between approximately 5:30 a.m. and 9:00 a.m. and 3:30 p.m. and 7:00 p.m. Five stations would be constructed at Beaverton, Washington Square/Nimbus, Tigard, Tualatin and Wilsonville. Sixteen round trips would be made daily with 4,650 daily riders forecast for the year 2020.

The study concluded that compared to the No Build and the TSM Alternatives, Commuter Rail would:

- Provide 4,650 average daily ridership as compared to 1,520 for the TSM alternative by the year 2020.
- Provide in-vehicle transit travel time of 26 minutes as compared to 54 minutes for the TSM alternative for a Wilsonville to Beaverton Transit Center trip.
- Provide the most efficient transit links between regional and town centers.

- Best support state, regional and local transportation and land use plans and policies.
- Best support increased opportunities for pedestrian-friendly and transit oriented development.
- Provide a reliable and direct link between population and employment centers in the Corridor.
- Support and encourage continued economic growth.

The Locally Preferred Alternative has been unanimously supported by the City Councils of Beaverton, Tigard, Tualatin and Wilsonville, and adopted unanimously by the Washington County Board of Commissioners.

**BUDGET IMPACT**

No budget impact

**RECOMMENDATION**

Adoption of Resolution No. 00-2972.

GL:mb

C:\resolutions\2000\00-2972SR.doc

*Agenda Item Number 10.1*

**Resolution No. 00-2976, For the Purpose of Authorizing a Personal Services Agreement with Pac/West Communications for Management and Coordination of State and Federal Legislative Agenda for Metro.**

***Contract Review Board***

**Metro Council Meeting  
Thursday, July 20, 2000  
Metro Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING A ) RESOLUTION NO. 00-2976  
PERSONAL SERVICES AGREEMENT WITH )  
PAC/WEST COMMUNICATIONS FOR )  
MANAGEMENT AND COORDINATION OF )  
STATE AND FEDERAL LEGISLATIVE ) Introduced by State and Federal Legislative  
AGENDA FOR METRO ) Agenda Committee

WHEREAS, Metro Council entered into a Personal Services Agreement with Pac/West Communications, for legislative affairs, effective September 14, 1998 through June 30, 1999, and subsequent extensions up through and including June 30, 2000; and

WHEREAS, in June of 2000, Metro issued a Request for Proposals [RFP No. 00R-24-OGC] process for Management and Coordination of Legislative Agenda for Metro (RFP), for State and Federal matters; and

WHEREAS, Metro's State and Federal Legislative Agenda Committee, Metro Council and the Executive Officer desire to award the contract to Pac/West Communications through October 31, 2001, and to authorize extensions to the Personal Services Agreement for up to two (2) additional one (1) year periods, subject to budget approval of funding for future fiscal years,

BE IT RESOLVED:

That the Metro Council authorizes the Executive Officer to enter into a Personal Services Agreement with Pac/West Communications in an amount not to exceed \$100,000 and authorizes extensions of that Agreement until October 31, 2003, subject to budgeting of available funds.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

APPROVED AS TO FORM:

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



## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 00-2976 FOR THE PURPOSE OF AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH PAC/WEST COMMUNICATIONS FOR MANAGEMENT AND COORDINATION OF STATE AND FEDERAL LEGISLATIVE AGENDA FOR METRO

---

Date: July 11, 2000

Prepared by: Daniel B. Cooper

**PROPOSED ACTION:** Would authorize a new Personal Services Agreement with Pac/West Communications for management and coordination of State and Federal legislative agenda for Metro. The contract would be through October 31, 2001. The contract price would be in the amount not to exceed ONE HUNDRED THOUSAND DOLLARS (\$100,000), renewable upon mutually agreed terms for an additional two (2) years, subject to budgeting of available funds.

#### BACKGROUND

Metro secured the services of Pac/West Communications beginning September 1, 1998 for assistance for the 1999 Legislature. Pac/West Communications worked well with Metro officials and staff in developing a successful strategy for Metro during the 1999 Legislative Session.

In June of 2000, Metro went through an RFP process for Management and Coordination of State and Federal Legislative Agenda for Metro. Out of the nine (9) prospective responders to the RFP process, Pac/West Communications was the only respondent that exclusively responded to the RFP.

#### RECOMMENDED ACTION

Executive Officer Mike Burton and Presiding Officer David Bragdon recommend approval of Resolution No. 00-2976.





# **THE BANFIELD CORRIDOR**

## ***BICYCLE AND PEDESTRIAN TRANSPORTATION***

### **PROJECT**

#### **Concept**

The project is a unique community based effort toward a public work. The effort will combine the resources of average citizens, community groups and associations, non-profit organizations, foundations, churches, schools, businesses, private institutions and government agencies to design, fund and complete this project. The goals are improved quality of life, a healthy environment and increased opportunities for transportation, recreation and education.

#### **Location:**

The Banfield Corridor is the area along Interstate 84 from the Willamette River to I-205 at Rocky Butte. This corridor includes a highway, a light rail line, and a rail line. The exact area being considered for this project is the open space on the north side of the rail line.

#### **Objectives:**

- Create a greenway corridor from the Willamette River to I-205 at Rocky Butte.
- Build a bicycle and pedestrian trail from the Willamette River to I-205 at Rocky Butte.
- Remove invasive species and replant native plants throughout the new greenway.
- Remove garbage and litter.
- Create new parks and open spaces along the greenway.

#### **Important Features:**

- The trail will connect with the Eastbank Esplanade, the Willamette River Greenway, and the I-205 Trail, completing a network of urban trails.
- The trail will connect Downtown Portland, the Rose Quarter and Convention Center, the Lloyd District, the Hollywood District, 82nd Ave., and the Gateway District.
- The trail will connect all MAX light rail stops from the Rose Quarter TC to the Gateway TC with homes and neighborhoods.
- The trail will not cross any roads or train tracks. (It will cross one driveway.)
- There is a potential for approx. 50 access points on the north side and 17 existing bridges will connect the south side of the corridor to the trail.

#### **More:**

If you would like more information about the Banfield Corridor Project contact:  
Morgan Will, 249-8496, w) 282-8846 ext. 12; or Mel Huie, Metro Parks and Greenspaces, 797-1731.

*Rod Park*  
*Tele: (503) 797-1547*  
*FAX: (503) 797-1793*

July 20, 2000

Steve Pfeiffer, Chair  
Land Conservation & Development Commission  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

Re: *Revised Goal 14 and Goal 14 Rule*

Dear Chair Pfeiffer and Commissioners:

Thank you for the opportunity to comment on the first major revision of statewide urbanization rules. Metro is responsible for the regional urban growth boundary ("UGB") for 24 cities and 3 counties, the largest urban area in the state representing about two thirds of the urban population of the state. The region has led all urban areas in meeting the fundamental Goal 14 principles of a balanced, compact urban form by adopting and beginning to implement the 2040 Growth Concept. The Commission heartily endorsed the 2040 Growth Concept when it was acknowledged in 1996.

Metro already has authority in state law to implement its plan. The region is concerned about retaining the ability to implement the 2040 Growth Concept in these Goal 14 rules. The region does not need "special" urbanization rules to enable Metro to implement the 2040 Concept. It is important to Metro and all cities and counties in the region that the Commission's urbanization rules not restrict the region's implementation of the 2040 compact urban form.

#### **The Process Needs More Time**

The complexity of the issues surrounding the first complete revision of Goal 14 since 1974 is evidenced by the lengthy staff report. As that report indicates, the proposed goal language has been reviewed at a number of very sparsely attended hearings around the state. The draft Goal 14 rule was only available for a short time before its first hearing on July 27. Therefore, we urge you to add, at the least, a work session, a hearing opportunity, and a "final" draft to the

process proposed by DLCD staff. Adoption at the September Commission meeting would allow only one more staff draft after the July 27 hearing. The August 25 work session is necessary. An additional September 28 work session and another final draft prior to a third hearing in October is needed because these issues are so complex. October adoption after the third hearing is a realistic goal if this additional work can be done.

Generally, the work on the revision is a significant improvement over the current basic Goal 14 standards for UGB amendments that your staff correctly calls "vague and subject to multiple interpretations." However, this staff draft contains policy choices, including an unidentified change of current law, that the Commission has not yet considered. Additional work time would allow these changes of current law to be identified and considered by the Commission.

Metro's testimony focuses on aspects of three major issues relating to Part 1 of the proposed Goal 14 that affect implementation of the 2040 Growth Concept. Metro's ability to implement the 2040 Growth Concept will be restricted by the new Goal and rule without some amendments suggested by this testimony. Each of these issues relates to how Metro is allowed to conduct subregional analysis of lands to consider adding to the 2040 urban form. Such UGB amendments are a primary remaining controversy in Metro's successful implementation of the 2040 Growth Concept.

#### 1. Subregional Need Analysis For UGB Amendments

There is significant confusion about this issue. As MPAC states in its letter to the Commission, the new Goal 14 need factors would amend the current Goal 14, Factor 2 to eliminate the existing ability for Metro to consider UGB amendments based on subregional needs. Even though this ability has not been used often as a basis for amendments to the regional UGB, it is a tool that Metro continues to need for unique situations like the 1999 approval of Wilsonville's Dammasch concept plan. Retaining Goal 14 Factors does not mean that the regional UGB becomes a series of subregional UGBs. Subregional analysis must be related to the 20 year population and employment regionwide needs based on the forecast as suggested in DLCD's staff report.

By eliminating the ability of Metro to consider even small scale subregional needs for adding land to the UGB, the proposed revised Goal 14 is inconsistent with current case law. The policy change proposed in the revised Goal 14 conflicts with current Goal 14, Factor 2 as interpreted by LUBA. In *1000 Friends v. Metro and Forest Grove* (1989) and *Rosemont Neighbors v. Metro* (2000).<sup>1</sup> LUBA has consistently upheld Metro's ability to consider UGB amendments on a subregional basis. Adding land to an existing 2040 center or creating a new one by UGB amendment implements infill-and redevelopment policies. The ability to consider subregional needs, consistent with the 2040 Concept, is a tool that Metro needs to implement a balanced, compact urban form.

---

<sup>1</sup> *Rosemont Neighbors* has been appealed to the Court of Appeals where this issue is expected to be raised.

## 2. 20 Year Supply Of Land

As the Commission requested at its July work session, Metro has submitted alternative Goal 14 rule text. That text would allow an alternative 20 year land supply only inside Metro's jurisdictional boundary.<sup>2</sup> Metro's 2040 Growth Concept and implementing functional plan provisions encourage infill and redevelopment by selective increases in densities in urban centers. This goes farther than the longstanding 20 year land supply policy to encourage infill and redevelopment inside the UGB. Increasing the supply of land for urban land uses would be a counter incentive to infill and redevelopment. Therefore, Metro supports a policy that limits the supply of land available for urban uses to 20 years. The unique circumstances inside the Metro jurisdictional boundary justify the ability for Metro to use an alternative means of achieving that result. For example, unincorporated Damascus, outside the UGB, but inside Metro's jurisdictional boundary, is identified on the 2040 Growth Concept Map as a future town center. Any UGB amendments in that area must be able to take the integration of such a future 2040 center into account.

Unfortunately the DLCD's staff report at pp. 15-17 does not accurately describe the Metro alternative that was requested by the Commission. Metro's alternative would not make more than 20 years of land available for urban uses. If needed, a larger UGB could be used (1) only in the Metro region, (2) only inside Metro's jurisdictional boundary, (3) to allow greater than 20 years of "urbanizable" land (land inside the UGB) only when regional rules are in place that insure that only a 20 years supply of buildable land is available to be converted by cities to urban uses. This accomplishes the same result as a 20 year supply of land in UGBs elsewhere in the state. Metro's regional rules to make only 20 years of land available for urban uses are reviewable by LCDC to assure that they achieve that purpose.

This limited alternative approach to a 20 year available land supply would allow Metro and eastside cities and counties to plan and commit to urban centers in legislative UGB amendments, instead of incremental UGB amendments merely attempting incremental extensions of existing services.

The staff report seems to misstate Metro's proposal in the following ways:

1. There is no risk to farmland from this proposal because the alternative is limited to Metro's jurisdictional boundary which contains mostly exception land. *See*, page 4 of Attachment 3. Also the priority statute and the new Goal 14 apply to these UGB amendments to require that exception land must be the first land added to the UGB. ORS 197.298.

---

<sup>2</sup> This is an area outside the regional UGB that extends 1-5 miles on the east side of the region. It contains primarily exception land.

2. There would be only 20 years of buildable land available for cities to convert to urban land in the Metro area, as in the rest of the state. That is not an unlimited supply of buildable land. It is a 20 year supply of land.

3. There are limits on the size and location of the UGB not mentioned by staff. First, this alternative is limited in Metro's subsection -0030(1). A larger UGB could only result from lands added within its jurisdictional boundary. Second, Metro must comply with its LCDC-acknowledged 2040 Growth Concept to identify mixed use center areas which have connections to established regional centers.

4. The theoretical basis for the 20 year land supply, generally, is upheld by making only a 20 year land supply available. Planning for balanced urban centers in UGB amendments implements the 2040 Growth Concept better than incremental UGB amendments that may not provide certainty about the complete, efficient, mixed use center areas connected to regional transportation facilities.

### 3. Clear Application Of The Land Priority Statute – ORS 197.298

These new urbanization rules must provide guidance and clear "how to" instructions for UGB amendments to all local governments in the state. That job includes blending applicable statutes as well as relevant case law. A good start has been made in the draft Goal 14 Rule on the land priority categories in ORS 197.298(1). The Alternatives Analysis section at OAR 660-021-0060 addresses them. The Goal 14 factors are applied within each priority land category. However, there are two important "how to" issues that need clarification.

#### A. "Exceptions" To The Priorities – ORS 197.298(3)

There are significant policy issues involved in blending the "exceptions" to the priorities in the statute ORS 197.298(3). Subsection -0060(3) merely repeats that law without adding any guidance. Subsection -0040(2) interprets state law by stating that "specific identified land needs" are a "subset of general need categories." Subsection -0040(3) identifies some "specific identified land needs." These subsections should be included with the Alternatives Analysis section with additional "how to" instructions for UGB amendments based on "specific identified land needs."

Since ORS 197.298(3) is a statute, LCDC's legal advice about how this provision may be applied should be made available. A clear "how to" approach should be included in subsection -0060 based on that legal advice.

#### B. One Mile Rule

The Alternative Analysis section is an improvement over the current Goal 2 "Exceptions" factors. As far as it goes, it is much clearer than current rules. However, there is a mandatory



interpretation that "all land adjacent to the UGB" means within one mile of the UGB. That can lead to an unintended result in the Metro area. Areas with much high priority exception lands which are greater than one mile from the UGB, such as the Damascus town center could be under-represented. Lower priority lands within one mile would be added to the UGB before exception lands near Damascus which may be 1-1/4 miles from the UGB. Work with the Commission's legal counsel is needed to craft a solution to this unintended result that may violate ORS 197.298.

Sincerely,

Rod park

RP:LSS:kvw  
i:\7.9.1.9\071100sp.005.doc