# Michael J. Lilly Attorney at Law 4800 SW Griffith Drive, Suite 325 Beaverton, OR 97005

Telephone: 503-746-5977 Facsimile: 503-746-5970 Email: mikelilly@michaeljlilly.com

### August 11, 2011

Metro Council: Tom Hughes, President Shirley Craddick, District 1 Carlotta Collette, District 2 Carl Hosticka, District 3 Kathryn Harrington, District 4 Rex Burkholder, District 5 Barbara Roberts, District 5 Barbara Roberts, District 6 c/o Metro 600 NE Grand Ave. Portland, OR 97232

By Hand Delivery Re: Columbia River Crossing LUFO

Dear President Hughes and Councilors:

# Introduction

If you elect to approve the LUFO requested by TriMet in this proceeding it will be Metro's last opportunity for a substantive review of the CRC project. In the past, and as recently as your decision on the locally preferred alternative resolution, you have been assured that you would have the opportunity to "see this again." This is your last opportunity to review and exert any control over this project on behalf of the public.

<u>TriMet's application for a Land Use Final Order seeks Metro's approval</u> of a bridge that is outside Metro's authority to grant under HB 3478 Chapter 12 of Oregon Laws 1996 (The 1996 Statute)

1. a. The project proposed by the applicant is outside the Metro Urban Growth Boundary, which places it outside the area within which a project can be approved using a LUFO based on the 1996 Statute.

A map from the Metro Data Resource Center (2n1e34) showing the Metro Boundary, and the Urban Growth Boundary is attached as exhibit A. In the area of the proposed bridge, the Metro Boundary extends to the state line in the middle of the river, but the Urban Growth Boundary extends only to the shoreline of Hayden Island.

The 1996 Statute does not give Metro jurisdiction to approve a Land Use Final Order (LUFO) for an Interstate Highway bridge, nor any other project extending outside of the Metro Urban Growth Boundary. Section 1(18) of 1996 Statute defines "Project" to mean: "the portion of the South North MAX Light Rail Project within the Portland metropolitan area urban growth boundary, including \* \* \*" (emphasis added).

Section 1(19) defines "Project extension" the same manner, as: "the portion of the South North MAX Light Rail Project <u>within the Portland</u> <u>metropolitan area urban growth boundary</u> \* \*" (emphasis added).

The "Project" is therefore limited to areas "within the Portland metropolitan area urban growth boundary"—not Metro's general jurisdiction boundary, but the UGB boundary. Because this jurisdictional limitation on the LUFO process is statutory, neither LCDC nor Metro has authority to extend the "Project" into the middle of the river. Under Section 4, of the 1996 Statute, LCDC's authority to establish criteria to be used by Metro is limited to "the project and project extension." Under Section 6, of the 1996 Statute, Metro's authority to issue a "land use final order" is likewise limited to "the project extension" which, again, are both limited to areas within the Metro UGB.

Nothing in the language of the 1996 Statute implies that the Council's authority to amend the Locally Preferred Alternative Report changes the statutory limitation requiring the Project to be within the UGB. If the Council makes such an inference the Council would be disregarding an express limitation of the Statute, and would be making an interpretation that is contrary to the general rules of statutory interpretation.

The text and context of the 1996 Statute is the first place LUBA or the Supreme Court will look to determine what was intended by the legislature. ORS 174.010 states:

"In the construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, <u>not to insert what has been omitted</u>, <u>or to omit what has been inserted</u>; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all." (emphasis added)

Interpretation of a statute is a question of law. The interpretive rules are set forth in <u>Portland General Elec. Co. v. Bureau of Labor and Industries</u>, 317 Or 606, 859 P2d 1143 (1993) (as modified by statute and <u>State v. Gaines</u>, 46 Or 160, 164-171, 206 P3d 1042 (2009)). Local government officials should follow the same

interpretive steps that a court would take, but ultimately it is the responsibility of LUBA and the courts to resolve ambiguities in statutes. If the Court cannot resolve the ambiguity after reviewing text, context, and legislative history or extrinsic evidence offered by the parties, the Court resorts to maxims of general construction, including statutory and common law rules for interpretation.

The problem with TriMet's proposal in this case is that there is no ambiguity to resolve. The statute does not grant supersiting authority to Metro for a bridge that extends outside of the Metro Urban Growth Boundary, and no interpretive exercise or past approvals can change that. An approval of a Land Use Final Order for an Interstate Highway Bridge extending outside of the Metro UGB is not within the jurisdiction of Metro to issue.

Even if the Statute were not clear on this limitation, there are other indications of the legislature's intent. LCDC recognized the UGB boundary limitation in its order establishing the LUFO decision criteria. In Section 10 of the LUFO criteria order, the LCDC directs Metro to consider a light rail route for the northern portion of the South-North Project.

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."

This directive includes connecting the central city with "north and inner northeast Portland neighborhoods." There is no mention of using the LUFO procedure for approval of an interstate bridge or other connection to Vancouver, Washington.

Furthermore there is nothing in the legislative history indicating that the LUFO procedure for the South-North Project would ever extend to Vancouver, involve a river crossing, or extend outside the UGB. We have examined that history and found no support for the idea that the legislature thought it was authorizing the use of the LUFO process for anything like the CRC. Instead the legislative history supports the idea that the LUFO process is confined to projects inside the UGB – see exhibit B for a summary of relevant parts of the legislative history.

# 1. b. The 1996 Statute was written to provide a special approval mechanism for approval of light rail projects, not a new Interstate Bridge for cars and trucks.

The 1996 Statute establishes a special LUFO procedure. The special procedure allows expedited review, limits the issues that Metro can consider, and limits citizen input; but the 1996 Statute consistently refers to land use approvals needed for the South-North Light Rail line. Any fair reading of the 1996 Statute establishes that light rail is the focus of the 1996 Statute, and the

highway improvements referred to in the Statute are only improvements related to the light rail. The phrase "highway improvements" is always used in a context in which it is subsidiary to the light rail project. For example:

Section 1 (18) "Project' means the portion of the South North MAX Light Rail Project within the Portland metropolitan area urban growth boundary, including each segment thereof as set forth in the Phase I South North Corridor Project Locally Preferred Alternative Report as may be amended from time to time or as may be modified in a Final Statement or the Full Funding Grant Agreement. The project includes the light rail route, stations, lots and maintenance facilities, and **any highway improvements to be included in the project**." [emphasis added]

#### and

Section 1 (12) "'Highway improvements' means the highway improvements, if any, **to be included in the project or project extension**. The highway improvements shall be selected from among the highway improvements, if any, described in a Draft Statement or Final Statement for the project or project extension." [emphasis added]

The definitions are somewhat circular but the Council should not attempt to make them meaningless by suggesting that all highway improvements, no matter how remote, can be treated as part of the South North Light Rail Project.

Staff would apparently suggest that any highway improvement can be included in a LUFO, no matter how unrelated to the South-North Light Rail Line. That interpretation simply flies in the face of the statutory language quoted above and is inconsistent the legislative findings in Section 2 of the 1996 Statute, The legislative findings state that the purpose of the statute is to allow the state to take maximum advantage of federal funding for light rail.

(1) "The Legislative Assembly finds that a failure to obtain maximum federal funding for the South North MAX Light Rail Project in the upcoming federal transportation authorization act will seriously impair the viability of the transportation system planned for the Portland metropolitan area...The Legislative Assembly further finds that to maximize the state's and metropolitan area's ability to obtain the highest available level of federal funding for the South North MAX Light Rail Project and to assure the timely and cost-effective construction of the project, it is necessary: (a) To establish the process to be used in making decisions in a land use final order on the light rail route, light rail stations, light rail park-and-ride lots, light rail maintenance facilities and any highway improvements to be included in the South North MAX Light Rail Project, including their locations..."

(4) "The Legislative Assembly deems the procedures and requirements provided for in sections 1 to 13 of this Act, under the unique circumstances of the South North MAX Light Rail Project, to be equivalent in spirit and substance to the land use procedures that otherwise would be applicable."

The supporting documents for the LCDC's LUFO approval criteria also indicate that the LCDC believed the LUFO procedure was intended for light rail but not a major highway project to build an interstate bridge. The LCDC staff listed the local ordinances that it considered when it wrote the LUFO criteria. It is a 62 page list. See exhibit C. The list contains all of the relevant comprehensive plan criteria integrating them into the LUFO criteria. Conspicuously absent from the list are comprehensive plan criteria such as those relating to Interurban and Regional Traffic Movement (ODOT Policy 2C), Freight Movement (ODOT Policy 3A, Metro Objective 19; Portland Transportation Policy 6.21, Objective B), Maintenance of Highway Systems (Portland Economic Development Policy 5.4, Objective B); cost control and financial stability in the construction of major improvements (ODOT Policy 1H, Policy 4B, and Policy 4C). Local plan criteria on these issues existed (see exhibit D) but these criteria were not included in LCDC's list of plan provisions that LCDC considered relevant. Surely the plan criteria listed in exhibit D would have been considered by LCDC if it thought that the LUFO criteria would be used to approve an interstate highway bridge.

# 1. c. The LUFO procedure from the 1996 Statute cannot be used to approve an interstate bridge for cars and trucks because the LUFO was designed for a special urgent circumstance in a specific situation.

The 1996 Statute was passed in a special session of the legislature to allow a rapid approval of the South-North Light Rail project so the State could take advantage of a special funding opportunity from the federal government. The Governor called the special session with a proclamation of that need "... the light rail project will leverage hundreds of millions in federal transportation dollars, freeing resources for use in other needed projects throughout the state." And "I am calling this special session so the legislative assembly may act on funding the South North Light Rail Project." Copy of proclamation included as exhibit E.

The governor's findings in the proclamation are echoed in the 1996 Statute itself:

"The Legislative Assembly finds that a failure to obtain maximum federal funding for the South North MAX Light Rail Project in the upcoming federal transportation authorization act will seriously impair the viability of the transportation system planned for the Portland metropolitan area, the ability of the area to implement a significant portion of its air quality and energy efficiency strategies and the ability of affected local governments to implement significant parts of their comprehensive plans. The Legislative Assembly further finds that to maximize the state's and metropolitan area's ability to

obtain the highest available level of federal funding for the South North MAX Light Rail Project and to assure the timely and cost-effective construction of the project, it is necessary:

(a) To establish the process to be used in making decisions in a land use final order on the light rail route, light rail stations, light rail parkand-ride lots, light rail maintenance facilities and any highway improvements to be included in the South North MAX Light Rail Project, including their locations;

(b) To expedite the process for appellate review of a land use final order; and

(c) To establish an exclusive process for appellate review."

The 1996 Statute was passed 15 years ago. The anticipated federal funding that provided the justification for a special legislative session and a special accelerated process no longer exists. The justification for using the accelerated process no longer exists. The justification for restricting the issues to be considered by Metro no longer exists. The justification for limiting public input no longer exists. This special LUFO procedure for light rail cannot be resurrected 15 years later to approve a highway and bridge for cars and trucks.

# 1. d. The LUFO criteria order purportedly issued by LCDC is of doubtful validity.

Section 5(6) of the 1996 Statute required LCDC to "... adopt an order establishing the criteria within 14 days..." following its hearing. LCDC voted immediately after the hearing on May 30, 1996, but a written order adopting the criteria was not prepared and signed until February 27, 1998. See exhibit F. Furthermore LCDC has no record of having sent the notices of the order required by Section 5(7) (a) and (b). See exhibit G. The order itself was not even in LCDC's files. Apparently it was found at ODOT. So far as we have been able to determine, the state archives contain no record of either the order or any notices of the order.

# 2. TriMet's application should be returned to TriMet with instructions requiring compliance with Criterion 3 of the LCDC criteria for the LUFO approval

2. a. TriMet's application and the proposed findings fail to adequately identify the economic, social and transportation impacts that will result from TriMet's proposed plan. Unfortunately and unintentionally TriMet's application for a Land Use Final Order presents the Metro Council with a plan that is in effect a "no build" option.

Criterion 3 for the Metro South-North Light Rail Project, states that the Metro Council must "Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers."

If Oregon and Washington fail to improve the transportation system crossing the Columbia River, that failure will have major negative economic, social and transportation impacts on the affected residential, commercial, and industrial neighborhoods around the I-5 Crossing and the across the entire region. These negative consequences of a failure to build are documented in the existing record. They are also partially documented in the Federal Draft Environmental Impact Statement. But the economic, social and transportation impacts that will result from this failed plan are not fully identified in your draft findings nor are mitigation measures identified in your draft findings.

The bridge and transit line as planned by TriMet will not be built because the project's financing plans are inadequate. The inability of the CRC to pay for the project improvements as planned is well documented in our reports from Joseph Cortright (submitted separately); a report from the Oregon State Treasurer to Governor Kitzhaber and from the reports of two independent economists reporting to the Oregon State Treasurer, all submitted herewith as exhibits H, I and J. And as Representative Defazio recently stated to the Associated Press, "I would say that there is a very, very, very, very grim prospect for transportation investment . . . " See exhibit K.

# 2. b. TriMet's recently announced vague intentions to phase or sequence the work project invalidates all prior identification of the economic, social and traffic impacts and their mitigation.

TriMet and CRC have recently responded to criticism of its financial plan by asserting that it would sequence or phase the work in order to match the work schedule with available funds. The Governor's office has issued similar statements. Phasing has long been a recommendation of independent consultants who have examined the project, see for example the recommendation of the Governor's Independent Review Panel. But inherent in any phasing or sequencing scheme is the intent to reschedule construction so that it is delayed until funding becomes available. This creates the virtual certainty that construction of the project will take much longer than the 4 years assumed in the staff's proposed finding of fact. The project could face indefinite delays. Federal grants and loans typically require that any phasing be scheduled so that each phase has independent utility even if other phases are never built. Nothing in the current plan explains how such phasing might occur. Any phasing will lead to partially constructed portions of the project having reduced utility and much higher than projected temporary economic, social, and traffic impacts. The impacts could continue for many years. For the purposes of this Council's review, the point is that the economic, social and traffic impacts of such extended delays have not been identified as required by Section 3 of the LUFO criteria, nor have the possible mitigation measures for the effects of those extended delays been identified. In fact at this point it would be impossible to identify the economic, social and traffic impact of schedule delays from phasing because no phasing plan has been proposed.

# <u>3. The 1996 Statute should be interpreted in a manner that is consistent with due process.</u>

As I point out in detail in my July 21, 2011 letter to Richard Benner, the Metro Council should observe certain requirements of the Due Process clause of the U.S. Constitution. Among those requirements is the right to rebut evidence and the requirement that the Metro Council make a decision based on substantial evidence in the record. The latter requirement is also implied by Section 6 of the 1996 Statute since a LUFO decision may be appealed on the ground that there is no substantial evidence in the record to support a finding.

I would also like to point out that a right to rebut evidence necessarily requires that the public be informed of the arguments and facts which have been communicated to the councilors both on the record and off. Accordingly I am requesting that the Councilors disclose ex parte contacts that they have received in the matter and that the disclosure provide enough information about the substance of the ex parte contact to allow the public to present evidence and argument to rebut any assertions made to the Councilors on an ex parte basis.

#### Conclusion

This application should be returned to TriMet. Metro does not have the jurisdiction to grant the LUFO requested. The evidence and findings fail to identify critical negative economic, social, and traffic impacts that will result from the CRC's impractical and unspecified financing plans. The evidence and findings also fail to identify the mitigation possible for the economic, social, and traffic impacts that will result from CRC's impractical and unspecified financing plans.

Michael & silly

Michael J. Lilly

Enclosure

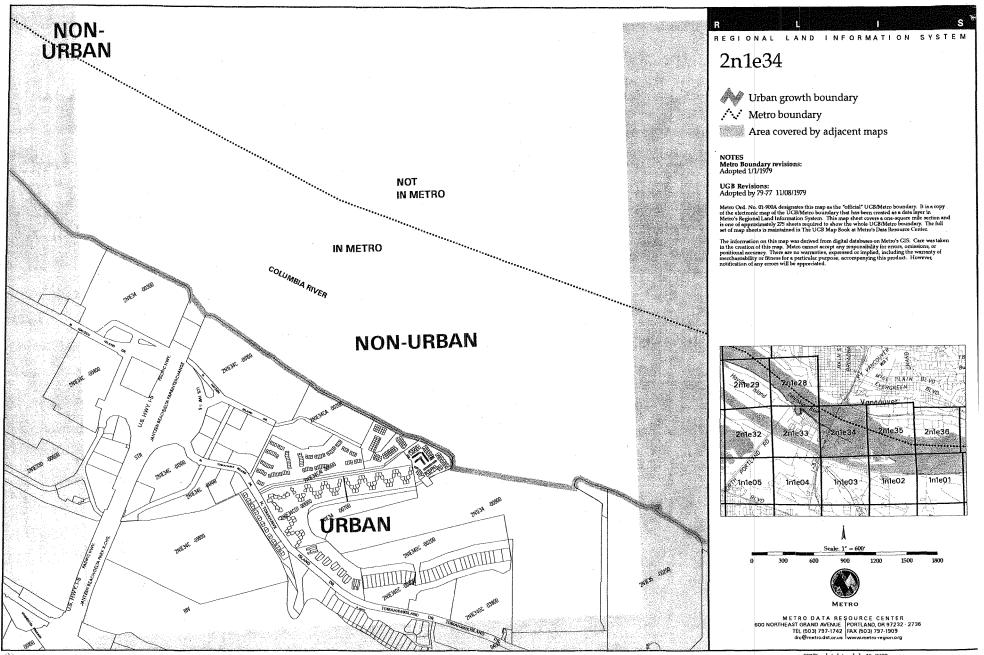
cc: Richard Benner, Attorney for Metro Tamara Lesh, Attorney for TriMet Mark Greenfield, Columbia River Crossing Project ł ł ţ

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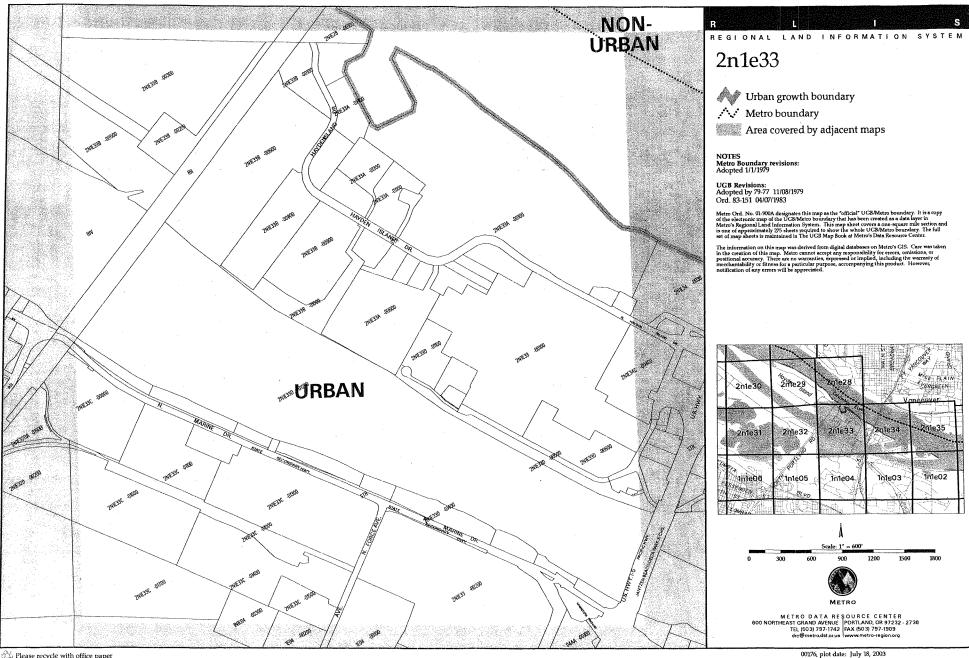
# List of exhibits for M. Lilly Letter to Metro, TriMet LUFO process

TITLE	Filename	Ex. #
Map: Metro Jurisdictional Boundary Maps (3)	-	A
Summary of Legislative History for HB 3478	Attachment B 80911.doc	В
Plan Provisions Considered For 1996 LUFO Criteria	-	С
Plan Provisions Not Considered	Attachment-Goals and Policies not considered by LCDC.doc	D
Governor Kitzhaber Proclamation	-	E
LCDC Order No. 01-08	Order No LCDC-01-98 Criteria re South- North Light Rail in Portland Metro Region.pdf	F
E-mail from DLCD staff dated 8/9/11 re notice of order	Re-Further public records request.doc	G
Columbia River Crossing-Financial Plan Review prepared by the Debt Management Division of the Oregon State Treasury, July 20, 2011	OST Review of Columbia River Crossing Finance Plan.pdf	H
Columbia River Crossing-Desktop Review of Traffic and Toll Revenue Forecasts – Final Report: C&M Associates, June 2011	C&M Associates CRC Report to Treasurer July 2011.pdf	I
Columbia River Crossing-Review of Traffic & Revenue Reports and Related Material – Summary Report 7/4/11	Bain_CRC_Report_July4.pdf	J
Seattle Post-Intelligencer Article, quoting Oregon Rep. Peter DeFazio	Seattle PI-DeFazio quote.pdf	K



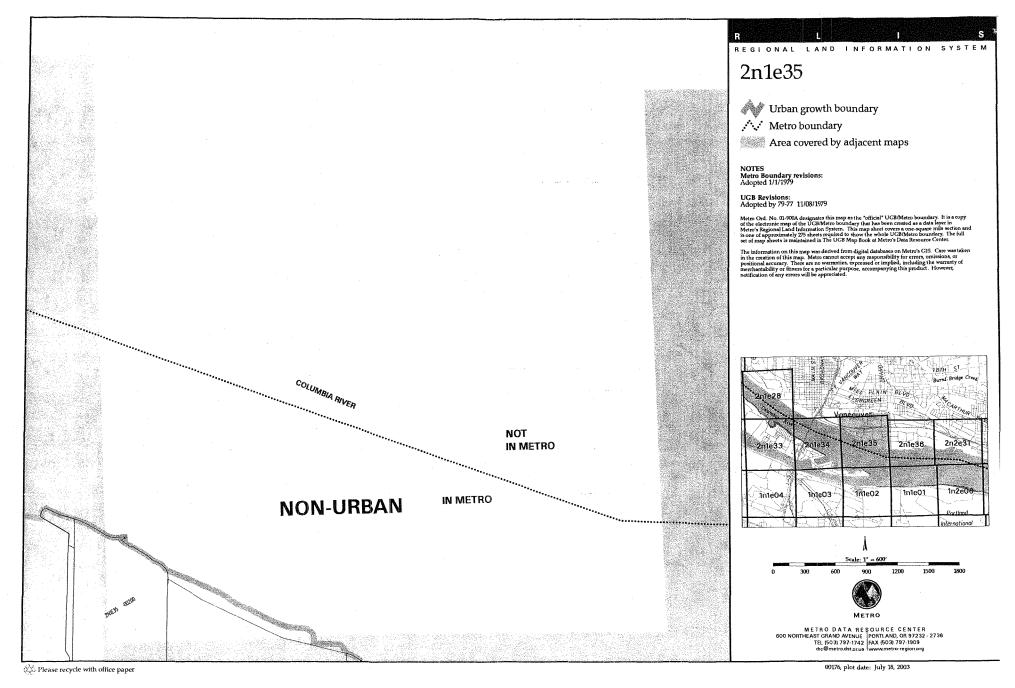


EXHIBIT



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EXHIBIT A, p. 2



EXMIBIT A. P. 3

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# EXHIBIT B

The following conversation occurred during the July 28, 1995 meeting of the Senate Committee on Rural and Urban Transportation. On Tape 4B at 165, the members began discussing the need to clarify a reference to the urban growth boundary in the project funding sections of the bill that would later become HB 3480. The committee clarified the provision so that it read "the Portland metro urban growth boundary." However, before the revision carried, Dave Barenberg of the Oregon League of Cities asked if the UGB clarification would apply to "the entire act."

Cotugno replied yes, elaborating: "The land use decision-making is all within the urban growth boundary. The light rail system that would be operating under the compact is entirely within the urban growth boundary."

The second sentence refers to what would become HB 3479, and the first refers to HB 3478. This suggests that legislators understood "project" in the definitions section of HB 3478 to include land use decisions entirely within the UGB since the language adopted at this meeting appears in the law now at issue. See, HB 3478 § 1(18).

Moreover, this understanding is further evidenced in the background section of the HB 3478 staff measure summary, dated Feb. 2, 1996. It reads, "The proposed project is entirely within the existing urban growth boundary."

# COMPREHENSIVE PLAN POLICIES APPLICABLE TO SELECTION OF CRITERIA FOR THE SOUTH-NORTH MAX LIGHT RAIL PROJECT

# I. <u>PLANNING COORDINATION</u>:

# A. Portland:

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- Metropolitan Coordination Goal 1: The Comprehensive Plan shall be coordinated with Federal and State law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.
- 2. Metropolitan Coordination Policy 1.4 Intergovernmental Coordination: Insure continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds.
- Metropolitan Coordination Policy 1.5 Future Metro Planning Efforts. Establish an update and review process that opens Portland's Comprehensive Plan for amendments that consider compliance with goals, objectives and plans adopted by Metro subsequent to acknowledgment of the Comprehensive Plan.
  - Transportation Policy 6.1 Intergovernmental Coordination. Coordinate long range transportation planning activities by participating with METRO in managing funds and resources. Coordinate transportation facilities and improvements with development activities, both public and private, and with regional transportation and land use plans in order to achieve maximum benefit with the limited available funds.
    - Transportation Policy 6.25 Access Management. The City will work with ODOT on a case-by-case basis as they develop access management agreements for State highways within the City.
    - Environment Policy 8.14 Natural Resources: Conserve significant natural and scenic resource sites and values through a combination of programs which involve intergovernmental coordination. Balance the conservation of significant natural resources with the need for other urban uses and activities through evaluation of economic, social, environmental, and energy consequences of such actions.

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a. B. Intergovernmental Coordination: Notify and coordinate programs with affected local, State, and Federal regulatory agencies of development proposals within natural resource areas.

B. Milwaukie:

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- 1. Economic Base and Industrial/Commercial Land Use Element, Objective #3 - Coordination. To continue to participate in economic development and employment programs and develop a working partnership with the private sector and various agencies to meet the economic development needs of Milwaukie.
  - Transportation Element, Objective 6, Policy 1. The City will work with Metro, Tri-Met and Clackamas County in locating existing and new transit routes and facilities within the City. The use of minor arterials and collectors for local transit service is encouraged.
  - Transportation Element, Objective 9, Policy 3. Development review shall be coordinated with the Oregon Department of Transportation (ODOT), Tri-Met, METRO, and Clackamas County.
- C. Gladstone:
  - 1. Plan Evaluation and Update Goal 2. To ensure the opportunity for citizen and agency involvement in the planning process.
- D. Oregon City:

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- Citizen Involvement Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.
- 2. Citizen Involvement Policy 5. Coordinate the multi-year comprehensive planning effort with appropriate Federal, State, regional and County agencies.
- 3. Growth and Urbanization Policy 3. Promote cooperation between the City, County and regional agencies to ensure that urban development is coordinated with public facilities and services within the Urban Growth Boundary.
- E. Multnomah County:
  - 1. Policy 4: Intergovernmental Coordination: It is the County's policy to participate in intergovernmental coordination efforts with Federal, State

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and local governments and with special service districts.

In addition, it is the County's policy to support:

a. accountability and responsiveness to regional and County-wide needs, and

b. the delivery of services necessary County-wide and in the areas outside the urban growth boundary, and

c. joint development projects with the private sector which target public investments (fiscal or regulatory) to the support of County-wide benefit and which fulfill pertinent community plans.

# **Clackamas County:**

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General Transportation Goal 2: Ensure continued coordination of County transportation programs including the development of projects and allocation of money for transportation, through coordination and participation with appropriate agencies, jurisdictions and public groups.

2. Transit Policy 11.0. Work with Federal, State and regional agencies to implement light rail transit (LRT) line in the I-205, the downtown Portland to Milwaukie, and the Milwaukie to Clackamas Town Center corridors.

City, Special District and Agency Coordination Goal 1: Provide a coordinated approach to problems which transcend local government and special purpose district boundaries or responsibilities.

a. Policy 1.0. Participate in interagency coordination efforts with Federal, State, special purpose districts and cities. The County will maintain an updated list of Federal, State and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.

Metro:

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G.

- RTP Transit System Designation Policy. The delineation of the transit system must be coordinated between Metro, Tri-Met and the local jurisdictions.
- 2. RTP Transitway Implementation Policy. Transitways have been identified as the long range method to provide regional trunk route service in the radial travel corridors (Figure 4-5). Local jurisdictions are required to

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identify these alignments in their comprehensive plans for future consideration.

3. RTP Consistency Principle. All projects in PFPs must be consistent with the RTP and those modernization improvements directly affecting the regional system as defined in Chapter 4 must be included in the RTP.

# H. ODOT:

- 1. OTP Policy 4M Private/Public Partnership. It is the policy of the State of Oregon to involve the private sector to the fullest practical extent in the planning and implementation of the Oregon Transportation Plan.
- 2. OTP Policy 4N Public Participation. It is the policy of the State of Oregon to develop programs that ensure the opportunity for citizens, businesses, local governments and State agencies to be involved in all phases of transportation planning processes.

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# II. <u>CITIZEN INVOLVEMENT:</u>

# A. Portland:

1. Citizen Involvement Goal 9: Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

2. Citizen Involvement Policy 9.1. Citizen Involvement Coordination. Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations, through the reasonable availability of planning reports to City residents and businesses, and notice of official public hearings to neighborhood associations, business groups. affected individuals and the general public.

Citizen Involvement Policy 9.4. Intergovernmental Cooperation. Promote citizen involvement in land use decisions initiated by other governmental agencies.

B. Milwaukie:

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- Citizen Involvement Goal. To encourage and provide opportunities for citizens to participate in all phases of the planning process, to keep citizens informed and to open lines of communication for the sharing of questions, problems and suggestions regarding the Comprehensive Plan and land use regulations.
- 2. Citizen Involvement Element, Objective #2 Broad Public Participation. To encourage broadly based public participation involving a cross section of citizens from a variety of geographic and interest areas, solicited through an open, well-publicized process.
- 3. Citizen Involvement Element, Objective #3 Communication. Promote informed public participation in planning decisions by providing readily available publications and printed materials regarding current issues and proposed policies and providing for two-way communication between policy-makers and citizens.
- C. Gladstone:

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Facilities and Services Policy 14c. Solicit the involvement of citizen and interest groups in making major decisions.

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- 2. Plan Evaluation and Update Goal 2. To ensure the opportunity for citizen and agency involvement in the planning process.
- D. Oregon City:
  - 1. Citizen Involvement Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

2. Citizen Involvement Policy 4. Encourage citizen participation in all functions of government and land-use planning.

Multnomah County:

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Policy 3: Citizen Involvement. The County's policy is to maintain a committee for citizen involvement and an ongoing citizen involvement program that is appropriate to the scale of the ongoing planning effort, and that offers opportunities for citizens to be involved in all phases of the land planning process, and it will provide opportunities for citizen involvement in regional, State and Federal programs and the administrative decision-making process.

- F. Clackamas County:
  - 1. Citizen Involvement Goal No. 3. Provide an opportunity for every interested citizen to participate in the formative stages and throughout the planning process.
- G. Metro:
- H. ODOT:

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### III. <u>TRANSPORTATION:</u>

# A: Portland:

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Economic Development Policy 5.4. Transportation System. Promote a multi-modal regional transportation system that encourages economic development.

a. Objective A. Support regional transportation improvements to facilitate efficient movement of goods and services in and out of Portland's major industrial and commercial areas.

b. Objective C. Work closely with public agencies, such as Tri-Met, and the private sector to deliver an efficient and effective transportation system and network. Improve transit connections between residential communities and work sites.

Transportation Goal 6: Provide for and protect the public's interest and investment in the public right-of-way and transportation system by encouraging the development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies.

Transportation Policy 6.2. Regional and City Travel Patterns. Interregional traffic should use the Regional Transit and Trafficway system. Major City Traffic Streets, District Collectors, and Neighborhood Collectors should not be designed or managed to serve as alternative routes for regional trips.

Transportation Policy 6.7. Transit First. Develop transit as the preferred form of person trips to and from downtown and all regional activity centers, as proposed in the Regional Urban Growth Goals and Objectives (RUGGO). Transit shall not be viewed simply as a method of reducing peak-hour, work-trip congestion on the automobile network, but shall serve all trip types. Reduce transit travel times on the regional system, and in the Central City area, to levels approaching automobile travel times.

Transportation Policy 6.8. Regional Rail Corridors. Assign priority to the funding and development of the regional mass transit system to reduce both the need for new regional traffic facilities and reliance on the automobile. Decisions on light rail transitway alignments and their connections to other regional facilities will be based on individual corridor studies. Regional Transitway designations in the Northern and Southern

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Corridors represent alternative alignments for future light rail transitways. Funding for light rail transit corridors should be based upon the population being served, the opportunities for redevelopment, and the traffic congestion problems in the corridors.

- 6. Transportation Policy 6.11. Pedestrian Network. Plan and provide for a pedestrian network in order to increase the modal share of pedestrian travel to 10 percent over the next 20 years.
- 7. Transportation Policy 6.12. Bicycle Network. Plan and provide for a bicycle network in order to increase the modal share of bicycle travel to 10 percent over the next 20 years.
- 8. Transportation Policy 6.19. Multi-Modal. Coordinate the planning, development, and interconnection of all modes of passenger transportation.
- 9. Albina Community Plan, Policy II, Objective 9. Support early development of a light rail line serving inner North and Northeast Portland. Ensure that light rail transit and supporting bus service provides access for local residents as well as regional service through the district.
- 10. Piedmont Neighborhood Plan, Policy 4, Objective 6. Support the development of a northern light rail corridor that will serve Piedmont residents and businesses.
- 11. Kenton Neighborhood Plan, Policy 5, Objective 1. Participate in the development of a light rail transit line that will serve the neighborhoods and commercial areas of North and Northeast Portland.
- 12. Kenton Neighborhood Plan, Policy 5, Objective 2. Establish a secure, safe environment on public transit and ensure that service is convenient for Kenton residents.
- 13. Arbor Lodge Neighborhood Plan, Policy 3, Objective 1. Reduce the use of private automobile and one person trips throughout the neighborhood.
- 14. Arbor Lodge Neighborhood Plan, Policy 3, Objective 2. Continue to maintain and improve the network of streets, sidewalks and alleys throughout the neighborhood.
- 15. Boise Neighborhood Plan, Policy VI, Objective 4. Participate in the selection of a future north-south route for light rail through Northeast Portland.

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- 16. Eliot Neighborhood Plan, Policy C Community Services and Institutions, Objective J. Advocate for the northern light rail transit corridor to be located on Flint Avenue with a stop near the intersection of Flint Avenue and Russell Street.
- 17. Eliot Neighborhood Plan, Policy 4, Objective a. Upgrade public transit service through development of a new north corridor light rail transit line that connects Eliot to jobs, schools, shopping and entertainment located throughout the region.
- 18. Humboldt Neighborhood Plan, Policy 6, Objective 1. Maintain accessibility from the Humboldt Neighborhood to I-5 freeway.
- 19. Humboldt Policy 6, Objective 5. Maintain a high level of transit service in the Humboldt Neighborhood.
- 20. Brooklyn Neighborhood Plan, Policy 7A: Transportation System for Community Livability, Encourage a transportation system that is energyefficient, safe, and pedestrian-and bicycle-friendly while it minimizes traffic impacts on the residential neighborhood and on business operations.
- 22. Brooklyn Policy 7A, Objective 7A.4. Support an eastside light rail line, with a station easily accessible from Brooklyn, which does not harm neighborhood quality of life, and does not further restrict Brooklyn's access to the Willamette River.
- 23. University District Plan, Policy 16C. Create light rail transit (LRT) access to the District from throughout the region and the Downtown, recognizing the District as one of the region's most significant destinations.
- 24. River District Policy 17I. Incorporate strategic public investments in infrastructure that will stimulate private sector redevelopment. The River District needs increased transit services, improved streets, and open space.
- 25. Central City Plan, Policy 4: Improve the Central City's accessibility to the rest of the region and its ability to accommodate growth, by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and enhancing the City's livability.

26. Central City Policy 4A. Develop the Central City as the region's transportation hub through construction of a regional light rail transit system.

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- 27. Central City Policy 4B. Work with Tri-met and other metropolitan area jurisdictions to locate and obtain funding to complete the regional light rail transit system.
- 28. Central City Policy 4L. Establish an LRT station and transit center within the University District. Provide for convenient transfers between LRT, bus and Central City Streetcar systems.
- 29. Central City Policy 21D- North Macadam. Improve road access and transit service within the district.
- Milwaukie:

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B.

- 1. Economic Base and Industrial/Commercial Land Use Element, Objective #12, Policy 7. In its planning for downtown, the City will establish location(s) for major public transit stations or interchange facilities. The City will continue to work closely with Metro and Tri-Met in planning for transit improvements.
- 2. Economic Base and Industrial/Commercial Land Use Element, Objective #13, Policy 6. The City will encourage ODOT to provide a long term solution to McLoughlin Blvd. problems in Milwaukie. This could include the relocation of McLoughlin Blvd. to the east, resulting in a better integration of the downtown area with proposed riverfront improvements.
  - Transportation Element, Transportation Goal: To provide and encourage a safe, convenient and economic transportation system by providing easy access within the City and to the major transportation networks connecting with the City. In order to lessen the dependency of Milwaukie residents on the automobile as the prime means of travel, the improvement, further development and utilization of alternative travel modes is stressed.
  - Transportation Element, Objective #2, Policy 2. The City will continue to participate in the regional Joint Policy Advisory Committee on Transportation (JPACT) to identify solutions to the congestion problems along the McLoughlin Boulevard corridor.
- 5. Transportation Element, Objective #3 Roadway Construction & Improvements. To improve the access, circulation and safety of roadways.
- 6. Transportation Element, Objective 3, Policy 3. For the short term, encourage the State to improve McLoughlin Boulevard through the riverfront area from Hwy. 224 to River Road South, providing amenities

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such as street trees, landscaped medians, landscaped right-of-way edges, turn bays rather than continuous left-turn lanes, provision for bus turnouts and pedestrian and transit supportive features.

- 7. Transportation Element, Objective #5 Regional Transit Opportunities. To encourage the improvement of transit service for trips through the Milwaukie area and trips leaving the area.
- 8. Transportation Element, Objective #5, Policy 1. The City will continue to participate in the JPACT Program to identify solutions to the congestion problems in the McLoughlin Corridor.
- 9. Transportation Element, Objective #5, Policy 2. The City will aggressively promote the McLoughlin corridor as a high priority area for transit development, specifically light rail.
- 10. Transportation Element, Objective #5, Policy 3. The City will actively encourage and participate with Clackamas County, Multnomah County, Portland, Gladstone, Oregon City, and groups representing unincorporated areas along the McLoughlin Corridor in an effort to demonstrate to Metro, Tri-Met and the Oregon Department of Transportation that major transit improvements should be seriously considered as a high priority.
- 11. Transportation Element, Objective #5, Policy 4. The City will incorporate within its downtown improvements plan and Greenway Design master Plan consideration of transit-related facilities.
- 12. Transportation Element, Objective #5, Policy 8. The City will strongly encourage the financing and development of the McLoughlin Light Rail Line, as identified in the 1984 Milwaukie Corridor Regional LRT System Plan. The exact alignment for the corridor and the auxiliary facilities (park & ride lots, transfer center, etc.) will be selected after an EIS is conducted. A general alignment is shown on Map 8 - Transportation Plan.
- 13. Transportation Element, Objective 6, Policy 3. When roadway improvements are planned for arterials and collectors suitable for transit routes, the provision of transit facilities such as bus turnouts, shelters, park and ride facilities, etc., will be considered.
- 14. Transportation Element, Objective 6, Policy 4. Through policies contained in the Public Facilities and Services Element, pedestrian facilities linking neighborhood areas to transit facilities and corridors will be provided and have high priority.

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- 15. Transportation Element, Objective 6, Policy 6. As industrial development occurs in the area between Railroad Avenue and the Milwaukie Expressway, the City will work to ensure that transit opportunities are provided to employees in the industrial area.
- 16. Transportation Element, Objective 6, Policy 7. The City will continue to support Tri-Met and Clackamas County efforts to improve facilities and provide programs to assist the transportation disadvantaged.
- C. Gladstone:
  - 1. Transportation Goal: To promote a safe, efficient and convenient multimodal transportation system that emphasizes mass transit and a street circulation pattern designed to serve people first.
  - 2. Transportation Policy 1. Promote decreased reliance on the private automobile.
  - 3. Transportation Policy 2. Provide pedestrian/bicycle ways linking public and semi-public facilities, commercial areas and regional bikeways to encourage and facilitate the use of human-powered modes of travel.
  - 4. Transportation Policy 3. Encourage and facilitate high-density residential developments within walking distance (¼ to ½ mile radius) from commercial districts in order to support future plans for rapid bus and/or light rail transit.
- D. Oregon City:
  - 1. Commerce and Industry Policy 1. As funds and opportunities become available, transportation access to industrial and commercial areas shall be improved to facilitate flow of goods and increase potential customers. Particular attention will focus on relieving congestion on McLoughlin Boulevard (Highway 99E) and Cascade Highway/Molalla Avenue (Highway 213)
  - 2. Commerce and Industry Policy 2. Use of mass transit will be encouraged between residential employment areas through coordination with Tri-Met and local employers.
  - 3. Transportation Goal: Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

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- 4. Transportation Policy 11. Local public transportation services and transit routes that connect Oregon City to the proposed transit improvements on the McLoughlin Boulevard corridor will be encouraged by the City.
- 5. Transportation Policy 17. Tri-Met will be encouraged to create a multimodal transportation system which will encourage systems other than automobiles usage.

6. Transportation Policy 18. Tri-Met will be encouraged to relate mass transit to: high and low density development, needs of low-income and limited mobility persons, and to utilize existing rights-of-way wherever possible.

Transportation Policy 19. The City will maintain a commitment to a metropolitan-wide public transportation system.

- 8. Transportation Policy 20. The City will cooperate with Tri-Met to improve and expand the public transportation system for Oregon City.
- 9. Transportation Policy 23. Light rail public transit should be encouraged and a transit station near the Oregon City Shopping Center developed when funds are available.
- E. Multnomah County:

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7.

Policy 33a: Transportation System. The County's policy is to implement a balanced, safe and efficient transportation system. In evaluating parts of the system, the County will support proposals which:

a. Implement the comprehensive plan;

b. Best achieve the objectives of the specific project;

c. Protect or enhance water and air quality and reduce noise levels;

d. Protect social values and the quality of neighborhoods and communities;

e. Support economic growth;

f. Provide a safe, functional and convenient system; and

g. Provide optimum efficiency and effectiveness of investment.

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h. Update and refine the bicycle corridor concept plan.

The County will also consider:

i. Equality of access to urban opportunities;

j. The degree of mobility available to all people in terms of alternative types of transportation;

k. Energy conservation and efficiency;

1. System flexibility;

m. Pedestrian crossing and safety; and

n. The need for landscaping and other design techniques necessary for visual enhancement.

Policy 35. The County's policy is to support a safe, efficient and convenient public transportation system by:

C. Making improvements to public transportation corridors which enhance rider convenience, comfort, access and reduced travel time, and

E. Supporting implementation of the I-205 Transitway.

G. Designating regional transit trunk routes, transit centers and park and ride lots as required by the regional transportation plan of the Portland metropolitan area as shown on the regional transit trunk route map.

## Clackamas County:

F.

2.

- 1. Transportation Goal 1: Provide a safe, efficient transportation system which encompasses several means of travel, is environmentally sensitive, conserves natural resources, protects and strengthens neighborhoods, serves the entire population, and enhances the economy of Clackamas County, while helping attain other goals in this plan.
- 2. Roadway Policy 16.0. Plan and control access onto roads within the County, for both new and existing uses, and coordinate with the Oregon Department of Transportation for access control on State highways.
- 3. Roadway Policy 22.0. The County will coordinate with ODOT in implementing ODOT's Highway Improvement Program.

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- 4. Transit Policy 1.0. Preserve all existing rights-of-way, including the Portland Traction right-of-way, which have transit potential.
- 5. Transit Policy 6.0. Emphasize transit improvements that best meet the needs of the County, including more east-west connections and service between the County's industrial and commercial areas and medium to high density neighborhood areas.
- 6. Transit Policy 11.0. Work with Federal, State and regional agencies to implement light rail transit (LRT) line in the I-205, the downtown Portland to Milwaukie, and the Milwaukie to Clackamas Town Center corridors.
  - Transit Policy 12.0. Provide light rail access to the Oregon City and Tualatin areas to relieve traffic congestion, provide for transportation alternatives to the automobile, and to promote the economy of the Oregon City and Tualatin areas and the County.
- G. Metro:

7.

- 1. **RTP**, Goal 1 Objective 2. To provide a public transit system which maintains accessibility to jobs for the transportation-disadvantaged.
- 2. RTP, Goal 1 Objective 3. To maintain accessibility to shopping opportunities for residents of the region.
- 3. RTP, Highway Objective 1. To maintain a system of principal routes for long distance, high speed, statewide travel.
- 4. RTP, Highway Objective 2. To maintain a reasonable level of speed on the regional freeway and arterial routes during the peak hours.
- 5. RTP, Highway Objective 3. To maintain a reasonable level of speed on the regional freeway and arterial routes during the off-peak periods.
- 6. RTP, Transit Service Objective 1. To provide transit service throughout the urbanized portions of the metropolitan area.
- 7. RTP, Transit Service Objective 2. To provide a quality of transit service that is a reasonable alternative to other modes of travel.

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# H. ODOT:

1.

OTP Policy 1A - Balance. It is the policy of the State of Oregon to provide a balanced transportation system. A balanced transportation system is one that provides transportation options at appropriate minimum service standards, reduces reliance on the single occupant automobile where other modes or choices can be made available, particularly in urban areas, and takes advantage of the inherent efficiencies of each mode.

2. OTP Policy 1B - Efficiency. It is the policy of the State of Oregon to assure provision of an efficient transportation system.

3. OTP Policy 1C - Accessibility. It is the policy of the State of Oregon to promote a transportation system that is reliable and accessible to all potential users, including the transportation disadvantaged, measured by availability of modal choices, ease of use, relative cost, proximity to service and frequency of service.

4. OTP Policy 2B - Urban Accessibility. It is the policy of the State of Oregon to define minimum levels of service and assure balanced, multi-modal accessibility to existing and new development within urban areas to achieve the State goal of compact, highly livable urban areas.

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# IV. PUBLIC FACILITIES AND SERVICES:

- A. Portland:
  - 1. Public Rights-of-Way Policy 11.9. Transit Corridors. high priority will be given to improvements which promote more effective public transportation for those streets functioning as transit corridors.
  - 2. Public Rights-of-Way Policy 11.10. Street Improvements. All improvements to public rights-of-way will be consistent with the rights-of-way classifications in the Arterial Streets Classifications Policy.
  - 3. Public Rights-of-Way Policy 11.12. Transit Improvements. Where feasible, construct transit streets so that transit vehicle movement is not impaired or made unsafe by street width, turning radii or other physical constraints.

# B. Milwaukie:

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- Transportation, Public Facilities and Energy Conservation Goal. To plan, develop and maintain a timely, orderly and efficient arrangement of public facilities and services to serve urban development.
- C. Gladstone:
  - 1. Facilities and Services Goal: To provide and maintain needed facilities and services in a timely, orderly and efficient manner to serve urban development in the Gladstone area.
- D. Oregon City:
  - 1. Communities Facilities Policy 4. The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services:
    - a. o. Transit services

### Multnomah County:

1.

E

Policy 31: Community Facilities and Uses. The County's policy is to:

a. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.

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b. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.

- 2. Policy 38D: Facilities: Police Protection. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection..
- F. Clackamas County:
- G. Metro: Not applicable.
- H. ODOT: Not applicable.

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# V. TRAFFIC DESIGN AND CIRCULATION:

#### A. Portland:

1. Transportation Element, North District Policy 3. Cross-town Transit. Encourage improved transit service to link North portland (cross-town) to areas other than the downtown. Improve connections to the Lloyd Center/OCC transit center and surrounding industrial areas.

2. Transportation Element, North District Policy 5. Transitway Impacts. Future plans for the design and development of a transitway along Interstate and Denver shall take into consideration the neighborhoods' desire that auto trips not be diverted to nearby Neighborhood Collectors or Local Service Streets.

3. Transportation Element, Northeast District Policy 8. North Corridor Light Rail. Two alignments for a future light rail line (N. Interstate Avenue and N. Flint/Russell), are shown on the NE Transit Streets Map between the Steel Bridge and the Fremont Bridge/I-5 interchange. The Flint/Russell alignment is the preferred alternative because it offers fewer conflicts with auto traffic and more development potential.

 Transportation Element, Southeast District Policy 2. McLoughlin Boulevard. McLoughlin Boulevard should serve as the major north/south route for regional traffic, while maintaining its operational characteristics as a Major City Traffic Street between Powell and Reedway. Improvements should address pedestrian and bicycle access along and across McLoughlin Boulevard.

#### B. Milwaukie:

1.

- Transportation Element, Objective 5, Policy 6. Improved east-west transit service is encouraged connecting the timed transfer and future regional transit facilities in downtown to the Clackamas Town Center.
- 2. Transportation Element, Objective 5, Policy 7. In the short term, the timed transfer facility on Main Street will be maintained and improved to provide an attractive, safe, convenient location for transit users. For the long term, the City will evaluate alternative locations as redevelopment occurs within the downtown area.
- C. Gladstone:

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- 1. Transportation Goal: To promote a safe, efficient and convenient multimodal transportation system that emphasizes mass transit and a street circulation pattern designed to serve people first.
- 2. Transportation Element, Policy 1d. Assign staff to study the location and design of mass transit stations to encourage walking, bicycling, automobile drop-off, and to discourage automobile usage.

# D. Oregon City:

E. Multnomah County:

1. Policy 34. The County's policy is to develop a safe and efficient trafficway system using the existing road network, and by:

b. Improving streets to the standards established by the classification system, where necessary, and/or appropriate to identified transportation problems;

c. Placing priority on maintaining the existing trafficways;

d. Making improvements to the existing system which maximize its capacity rather than constructing new facilities;

e. Providing safe road crossings for pedestrians;

f. Limiting the number of and consolidating ingress and egress points on arterials and major collectors to improve traffic flow; and

h. Implementing the street standards chapter 11.60 and Ordinance 162, including adherence to access control and intersection design guideline criteria, and establishing a procedure for allowing variances from that ordinance.

#### Clackamas County:

1:

F.

Transit Policy 8.0. Require pedestrian and transit-supportive features and amenities through review process of developments and approval of subdivisions within one-quarter mile of transit centers or transit stops on trunk routes. Such amenities may include pedestrian/bikeway facilities, street trees, outdoor lighting and seating, landscaping, shelters, kiosks, strict standards for signs and visually aesthetic shapes, textures and colors. parking should be at the rear or sides of buildings. Buildings measuring more than 100 feet along the side facing the major pedestrian/transit access should have more than one pedestrian entrance.

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#### 2:

# Transit Policy 15.0. Criteria for Designating Transit Centers

a. 15.1 Transit centers are locations where (a) transit-supportive land uses, medium to high density, frequent transit service and pedestrian access are emphasized in such a way that transit and land uses are mutually supportive, or (b) transit transfers or transfers to transit from other modes of travel are emphasized, including major park and ride lots, timed transfers and collection points for trips into the metropolitan area.

b. 15.2 Transit centers should be located on high volume transit routes, preferably on trunk routes and at the intersection of routes.

c. 15.3 Transit centers should be located where existing or planned land uses include concentrations of high density residential, commercial or labor intensive employment within one-quarter mile of transit, or where a high level of opportunity for transfers exists, including transfer from other modes of travel.

Transit Policy 16.0. Designate transit trunk routes and transit centers as shown on Map V-5. Other transit centers may be designated as indicated in Policy 14.

a. 16.1 The designation of some transit centers as "primarily park and ride" does not preclude the placement of other park and ride locations.

b. 16.2 Trunk routes will be implemented through time in coordination with financing and implementation of necessary roadway improvements and in cooperation with Tri-Met. Priority for implementation will be given to McLoughlin Boulevard, 82nd Drive/I-205, Railroad Avenue/Harmony Road and Kruse Way/Country Club Road.

G. Metro:

3

1. RTP Goal No. 3: To provide adequate Mobility with Minimal Environmental Impact and Energy Consumption.

H. ODOT:

1. OTP Policy 1G - Safety. It is the policy of the State of Oregon to improve continually the safety of all facets of statewide transportation for system users including operators, passengers, pedestrians, recipients of goods and services, and property owners.

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2.

OTP Policy 2D - Facilities for Pedestrians and Bicyclists. It is the policy of the State of Oregon to promote safe, comfortable travel for pedestrians and bicyclists along travel corridors and within existing communities and new developments.

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# VI. <u>NEIGHBORHOODS:</u>

# A. Portland:

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Urban Development Policy 2.24. Central City Plan. Encourage continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living. Through the implementation of the Central City Plan, coordinate development, provide aid and protection to Portland's citizens, and enhance the Central City's special natural, cultural and aesthetic features.

Urban Development Policy 2.25. Albina Community Plan. Promote the economic vitality, historic character and livability of inner north and inner northeast Portland by including the Albina Community Plan as a part of this Comprehensive Plan.

Goal 3. Neighborhoods: Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

Urban Design Policy 12.6. Preserve Neighborhoods. Preserve and support the qualities of individual neighborhoods that help to make them attractive places. Encourage neighborhoods to express their design values in neighborhood and community planning projects. Seek ways to respect and strengthen neighborhood values in new development projects that implement this Comprehensive Plan.

- Hosford-Abernethy Neighborhood Action Plan, Policy 3 Transportation. Encourage safe and efficient use of the transportation network which minimizes negative traffic impact on neighborhood livability and business operations.
- 6. Hosford-Abernethy Objective 3.3. Discourage commuter and truck traffic in the residentially zoned areas.

7. Hosford-Abernethy Objective 3.10. Discourage on-street parking by commuters who work downtown.

 Arbor Lodge Neighborhood Plan, Policy 7-Commercial Development, Objective 4. Improve the appearance of N Lombard Street and N Interstate Avenue, while allowing for expansion opportunities of existing businesses.

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- Eliot Neighborhood Plan, Policy 3-Housing, Objective k. Incorporate pedestrian amenities and attractions which reinforce the character of Eliot's residential areas in the design of new commercial and industrial development located along the borders of the Eliot Neighborhood. include landscaping, special sidewalk and crossing treatments, open spaces, public art, street trees, fountains, underground utilities, benches, kiosks, ornamental lighting standards at key locations and other street amenities.
- 10. Brooklyn Neighborhood Plan, Policy 4-Housing: Preserve, protect, and improve existing housing stock while providing the opportunity for new housing for people of all ages and income levels.
- 11. Brooklyn Policy 7A, Objective 7A.1. Discourage commuter and truck traffic on residential streets.
- 12. Brooklyn Policy 7A, Objective 7A.2. Discourage on-street parking by commuters who work downtown.
- B. Milwaukie:

9.

- Residential Land Use and Housing Goal: To provide for the maintenance of existing housing, the rehabilitation of older housing and the development of sound, adequate new housing to meet the housing needs of local residents and the larger metropolitan housing market, while preserving and enhancing local neighborhood quality and identity.
- 2. Neighborhood Goal: To preserve and reinforce the stability and diversity of the City's neighborhoods in order to attract and retain long-term residents and ensure the City's residential quality and livability.
- 3. Neighborhood Element, Objective #1 Neighborhood Character. To maintain the residential character of designated neighborhood areas.
- 4. Neighborhood Element, Objective #2 Neighborhood Needs. To meet the needs of neighborhood areas for public facilities and services.
- C. Gladstone:
  - 1. Housing Goal: To meet the housing needs of all segments of the population through optimum utilization of housing resources for the construction, rehabilitation and maintenance of a diversity of housing types at appropriate locations, price ranges and rent levels, while preserving and enhancing the integrity and identity of existing residential neighborhoods.

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- 2. Housing Policy 4. Promote the upgrading and preservation of existing housing units and neighborhoods, with special emphasis on historically significant homes.
- D. Oregon City:

2.

- 1. Historic Preservation Policy 4. Create Historic Conservation Districts to preserve neighborhoods with significant examples of historical architecture in residential and business structures.
- E. Multnomah County:

Policy 2: Off-Site Effects. The County's policy is to apply conditions to its approval of land use actions where it is necessary to protect the public from the potentially deleterious effects of the proposed use.

Policy 18: Community Identity. The County's policy is to create, maintain or enhance community identity by:

a. Identifying and reinforcing community boundaries;

b. Identifying significant natural features and requiring these to be preserved;

c. Requiring identified significant natural features be preserved as part of the development process.

#### F. Clackamas County:

Transit Policy 7.0. Protect neighborhoods, recreation areas and pedestrian/bikeways from transportation related environmental degradation.

G. Metro:

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1.

RTP, Goal 3, Objective 5. To remove through traffic from neighborhood streets which results from congestion on adjacent facilities.

H. ODOT:

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OTP Policy 2H - Aesthetic Values. It is the policy of the State of Oregon to protect and enhance the aesthetic value of transportation corridors in order to support economic development and preserve quality of life.

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# VII. URBAN DESIGN:

A. Portland:

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7.

- 1. Urban Development Policy 2.10. Downtown Portland. Reinforce the downtown's position as the principal commercial, service, cultural and high density housing center in the City and the region. Maintain the downtown as the City's principal retail center through implementation of the Downtown Plan.
- 2. Urban Development Policy 2.11. Commercial Centers. Expand the role of major established commercial centers which are well served by transit.
- 3. Urban Development Policy 2.12. Transit Corridors. Provide a mixture of activities along major transit routes to augment travel options. Encourage development of commercial uses and medium density apartments, and allow labor-intensive industrial activities which are compatible with the surrounding area. Encourage increased residential density, when in compliance with the Comprehensive Plan Map, near transit routes especially where vacant land affords an opportunity for infill development.
- 4. Urban Design Goal 12: Enhance Portland as a livable City, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.
  - Urban Design Policy 12.1. Portland's Character. Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community.
- 6. Hosford-Abernethy Policy 2-Housing: Protect and improve existing housing while providing the opportunity of new housing for people of all ages and income levels.
  - Central City Plan, Policy 12-Urban Design: Enhance the Central City as a livable, walkable area which focuses on the river and captures the glitter and excitement of city living.

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B. Milwaukie:

1.

Transportation Element, Objective 5, Policy 5. Through its Land Use Chapter policies, the City will encourage the provision of housing suitable for the elderly and moderate income families to be located in close proximity to regional transit facilities. The concentration of employment opportunities is also encouraged.

2. Transportation Element, Objective 6, Policy 5. Through its Land Use Chapter policies, the City will concentrate employment opportunities and commercial facilities for ease of access to transit corridors.

3. Transportation Element, Objective 9, Policy 5. The City will consider adopting Tri-Met's model standards and regulations (Planning and Design for Transit, March 1993), which are intended to affect the types and densities of land use adequate to support transit service and transitoriented development.

C. Gladstone:

1.

- Housing Policy 2. Promote the development of high density housing around commercial and/or industrial centers served by mass transit transfer stations.
- 2. Energy Policy 1. Encourage centralized shopping and service facilities for one-stop, multi-purpose trips near mass transit.
- D. Oregon City:
  - 1. Historic Preservation Policy 3. Encourage compatible architectural design of new structures in local historic districts, and the central downtown area.
  - 2. Transportation Policy 18: Tri-Met will be encouraged to relate mass transit to high and low density development needs of low-income and limited mobility persons, to utilize existing rights-of-way wherever possible.
- E. Multnomah County:

1.

Policy 19: Community Design. The County's policy is to maintain a community design process which:

a. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose being a complementary land use pattern.

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b. Evaluates individual public and private developments from a functional design perspective, considering such factors as privacy, noise, lights, signing, access, circulation, parking, provisions for the handicapped and crime prevention techniques.

c. Maintains a design review process as an administrative procedure with an appeal process, and based on published criteria and guidelines. Criteria and guidelines shall be developed specifically for commercial, industrial and residential developments.

d. Establishes criteria and standards for pre-existing uses, commensurate with the scale of the new development proposed.

e. Evaluates individual public and private development according to design guidelines in the applicable adopted community plan.

Policy 36: Transportation System Development Requirements. The County's policy is to increase the efficiency and aesthetic quality of the trafficways and public transportation by requiring:

a. The dedication of additional right-of-way appropriate to the functional classification of the street given in Policy 34 and Chapter 11.60,

b. The number of ingress and egress points be consolidated through joint use agreements,

c. Vehicular and truck off-street parking and loading areas,

d. Off-street bus loading areas and shelters for riders,

e. Street trees to be planted,

2.

f. A pedestrian circulation system as given in the sidewalk provisions, chapter 11.60,

g. Implementation of the bicycle corridor capital improvements program,

h. Bicycle parking facilities at bicycle and public transportation sections in new commercial, industrial and business developments, and

i. New streets improved to County standards in unincorporated County may be designated public access roads and maintained by the County until annexed into a City, as stated in Ordinance 313.

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# F. Clackamas County:

2.

3.

1. Transit Policy 8.0. Require pedestrian and transit-supportive features and amenities through review process of developments and approval of subdivisions within one-quarter mile of transit centers or transit stops on trunk routes. Such amenities may include pedestrian/bikeway facilities, street trees, outdoor lighting and seating, landscaping, shelters, kiosks, strict standards for signs, and visually aesthetic shapes, textures and colors. Parking should be at the rear or sides of buildings. Buildings measuring more than 100 feet along the side facing the major pedestrian/transit access should have more than one pedestrian entrance.

Economics Policy 1.4. Develop and implement strategies to revitalize and/or maintain established commercial areas considering such things as parking needs, pedestrian/auto conflicts, traffic circulation, historic character, compatibility of activities, potential for new development, compatibility of new development, transit service, pedestrian and bike access, and merchant participation.

Urbanization Policy 3.0. Land use planning for urban areas shall integrate all applicable policies found throughout the Plan including the following:

a. Locate land uses of higher density or intensity to increase the effectiveness of transportation and other public facilities investments.

b. Encourage infilling of Immediate Urban Areas with a minimum of disruption of existing neighborhoods (see infill policies in the Housing Chapter).

c. Enhance energy conservation and transportation system efficiency by locating opportunities for housing near work and shopping areas.

d. Integrate developments combining retailing, office, and medium and high density housing at places with frequent transit service and pedestrian facilities.

G. Metro:

1.

RTP Land Use Policy. Employment, commercial and residential densities should be maximized around planned transit stations and regional transit trunk route stops compatible with other local objectives.

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H. ODOT:

1. OTP Policy 2B, Action 2B.3. Promote the design and development of infrastructure and land use patterns which encourage alternatives to the single occupant automobile.

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## VIII. <u>ENERGY:</u>

A. Portland:

1.

Energy Element, Policy 7.6. Energy Efficient Transportation. The City shall provide opportunities for non-auto transportation including alternative vehicles, buses, light rail, bikeways, and walkways.

- B. Milwaukie:
  - 1. Energy Conservation Element, Objective #2 Transportation System. To encourage an energy efficient transportation system.

2. Energy Conservation Element, Objective #2, Policy 1. Through policies contained in the Transportation Element, the City will encourage the following:

a. improvements to improve the efficiency of major highways and arterials,

b. improvements to the regional and local public transit system including passenger waiting facilities to encourage transit usage for appropriate trips,

c. improvements to the pedestrian and bicycle system linking neighborhood and community facilities, and improving access to transit corridors.

# C. Gladstone:

1.

Energy Element, Transportation Policy 2. Adopt the following transportation policies for the purpose of conserving energy:

a. Provide park and ride lots within the Gladstone area;

b. Support car and van pooling programs;

c. Improve pedestrian and bicycle facilities;

d. Improve traffic flow on arterials and collectors; and

e. Promote the use of mass transit.

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- D. Oregon City:
  - 1. Energy Conservation Policy 2. Design transportation systems to conserve energy by considering:
    - a. the location of transit services
    - b. the construction materials for new streets
    - c. the location of commercial uses.
- E. Multnomah County:

Policy 22: Energy Conservation. The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The County shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:

a. The development of energy-efficient land uses and practices;

b. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;

c. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities.

- F. Clackamas County:
  - 1. Energy Sources and Conservation Policy 3.0. Encourage energy-efficient land use and circulation patterns.
  - 2. Energy Sources and Conservation Policy 3.3 Develop an overall circulation system for the County which promotes transportation alternatives (transit, carpooling, bicycling, and foot travel) and improves traffic flow on major arterials (synchronized signals, vacating nonessential cross streets, access controls).
- G. Metro:
  - 1. Goal 3 Objective 2. To minimize, as much as practical, the region's transportation-related energy consumption through improved auto

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efficiencies and increased use of transit, carpools, vanpools, bicycles and walking.

H. ODOT:

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# IX. <u>AIR OUALITY:</u>

A. Portland:

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3.

Transportation Policy 6.18. Clean Air and Energy Efficiency. Encourage the use of all modes of travel that contribute to clean air and energy efficiency.

2. Environment Goal 8: Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Environment Policy 8.1. Interagency Cooperation - Air Quality. Continue to cooperate with public agencies concerned with the improvement of air quality, and implement State and regional plans and programs to attain overall State and Federal air quality standards. Cooperate and work with Metro and the State Department of Environmental Quality in efforts to reach attainment of Federal ambient air quality standards for ozone by 1987 and carbon monoxide by 1982.

Environment Policy 8.4. Ride Sharing. Promote use of ride sharing and public transit throughout the metropolitan area.

## Milwaukie:

4.

1.

B.

Air, Water and Land Resources Quality Goal: To meet Federal and State air, noise and water quality standards.

- 2. Air, Water and Land Resources Quality Element, Objective #1 Regional Air Quality. To assist Federal and State environmental regulation agencies in their efforts to maintain and improve the quality of the air resources of the State and City.
- 3. Air, Water and Land Resources Quality Element, Objective #1, Policy 1. Milwaukie will continue to support and participate in the preparation and implementation of Regional Non-Attainment and Air Quality Maintenance Plans through Metro and DEQ.
- 4. Air, Water and Land Resources Quality Element, Objective #1, Policy 2. Milwaukie will continue to support and participate in regional public transportation planning efforts aimed at controlling air pollution in downtown Portland and throughout the region.

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- 5. Air, Water and Land Resources Quality Element, Objective #2 Local Air Quality. To control air quality problems through local land use and transportation planning.
- 6. Air, Water and Land Resources Quality Element, Objective #2, Policy 2. Milwaukie will encourage the reduction of vehicle emissions by improving local flow and seeking ways to increase transit ridership.
- C. Gladstone:
  - 1. Air, Water and Land Resource Quality Goal: To help maintain and improve the quality of air, water and land resources of the region in order to enhance the quality of life, health and economic welfare in this region.
  - 2. Air Element, Objective 1. To help meet and maintain air quality standards in accordance with the National Clear Air Act and applicable State DEQ regulations.
  - 3. Air Element, Objective 2. To help minimize the amount of air pollution from motor vehicle exhaust through appropriate land use and transportation patterns.
  - 4. Air Element, Policy 2. Encourage use of mass transit and other lowpollution transportation modes.
  - 5. Air Element, Policy 4. Support and participate in efforts to control air pollution in the metropolitan area.
- D. Oregon City:
  - 1. Natural Resources Policy 1. Coordinate local activities with regional, State and Federal agencies in controlling water and air pollution.
  - 2. All development within the City of Oregon City shall comply with applicable State and Federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with Federal and State environmental regulations.
- E. Multnomah County:
  - 1. Policy 13: Air, Water and Noise Quality. It is Multnomah County's policy to:

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a. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.

b. Support and participate in the implementation of State and regional plans and programs to reduce pollution levels.

c. Maintain healthful air quality levels in the regional airshed; to maintain healthful ground and surface water resources; and to prevent or reduce excessive sound levels while balancing social and economic needs in Multnomah County.

- F. Clackamas County:
  - 1. Noise and Air Quality Policy 4.0. Consider the potential air quality impacts of proposed major residential, commercial, industrial and public facility uses prior to any approval.
- G. Metro:

RTP, Goal 3 Objective 3. To maintain the region's air quality.

H. ODOT:

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I.

# X. <u>NOISE:</u>

- A. Portland:
  - 1. Environment Policy 8.20. Noise Abatement Strategies. Reduce and prevent excessive noise levels from one use which may impact another use through on-going noise monitoring and enforcement procedures.
- B. Milwaukie:

1:

Air, Water and Land Resources Quality Goal: To meet Federal and State air, noise and water quality standards.

- 2. Air, Water and Land Resources Quality Element, Objective #3 Noise. To assist Federal and State environmental regulatory agencies in their efforts to ensure that noise levels generated within the City will be compatible with adjacent land uses.
- 3. Air, Water and Land Resources Quality Element, Objective #3, Policy 4. Developments which would result in substantial noise generation will incorporate landscaping and other noise mitigation techniques to reduce noise impacts to levels compatible with the surrounding land uses.
- 4. Air, Water and Land Resources Quality Element, Objective #3, Policy 5. The City will work with ODOT to implement traffic management measures designed to improve traffic flow on the Milwaukie Expressway, McLoughlin Boulevard and major arterials. In considering alternative management measures, excessive stopping and starting (which create considerable noise) are to be minimized.

## C. Gladstone:

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3.

- Noise Element, Objective 1. To minimize adverse effects of noise pollution in the area.
- 2. Noise Element, Objective 2. To identify, meet and maintain sound level standards in order to ensure that sound levels within the City are not excessive and do not adversely impact adjacent land uses.
  - Noise Element, Policy 1. Require noise control features within noise impact areas.

a. Continue to periodically monitor probable noise-impact areas.

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b. Encourage appropriate tree and shrub plantings along major roadways.

# D. Oregon City:

- 1. All development within the City of Oregon City shall comply with applicable State and Federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with Federal and State environmental regulations.
- E. Multnomah County:

1.

Policy 13: Air, Water and Noise Quality. It is Multnomah County's policy to:

a. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.

b. Support and participate in the implementation of State and regional plans and programs to reduce pollution levels.

c. Maintain healthful air quality levels in the regional airshed; to maintain healthful ground and surface water resources; and to prevent or reduce excessive sound levels while balancing social and economic needs in Multnomah County.

d. Discourage the development of noise-sensitive uses in areas of high noise impact.

Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels. If the proposal is a noise sensitive use and is located in a noise impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan:

a. Building placement on the site in an area having minimal noise level disruptions;

b. Landscaping or other techniques to lessen noise generation to levels compatible with surrounding land uses;

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c. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.

F. Clackamas County:

1.

2.

Noise and Air Quality Policy 1.0. Cooperate with public agencies and the private sector to reduce noise.

Noise and Air Quality Policy 2.0 Implement a procedure to minimize the impact of external noise on sensitive land uses.

a. 2.1 Require, through the review process, buffering of noise sensitive areas or uses where appropriate. For example, adjacent to arterials, expressways, freeways or heavily used rail lines, landscaped berms or other solid barriers may be required. Encourage setbacks and/or noise insulation in structures.

b. 2.2 Noise mitigation plans, subject to County approval, shall be required of significant new noise generating land uses adjacent to or impacting established noise sensitive properties.

c. 2.3 Construction or reconstruction of high volume arterials, expressways, or freeways in or near residential areas may require sound buffers as part of the road project.

G. Metro:

H. ODOT:

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### XI. <u>ECONOMIC DEVELOPMENT:</u>

# Portland:

1.

A.

Economic Development Policy 5.4. Transportation System. Promote a multi-modal regional transportation system that encourages economic development.

a. Objective A. Support regional transportation improvements to facilitate efficient movement of goods and services in and out of Portland's major industrial and commercial areas. Ensure access to the Port of Portland's marine and air terminals and related distribution facilities.

b. Objective C. Work closely with public agencies, such as Tri-Met, and the private sector to deliver an efficient and effective transportation system and network. Improve transit connections between residential communities and work sites.

# B. Milwaukie:

- 1. Land Use Economic Base and Industrial/Commercial Land Use Element, Objective #1, Policy 8. The City will lobby strongly for roadway and other improvements outside of the City that bear heavily on the community's industrial complex, such as efforts to reduce congestion on McLoughlin Boulevard and Hwy. 224, improvement of public transit service, improved access for the Johnson Creek Industrial Area to I-205 and improved connections between Milwaukie and downtown Portland.
- C. Gladstone:
- D. Oregon City:

1.

Commerce and Industries Policy 1. As funds and opportunities become available, transportation access to industrial and commercial areas shall be improved to facilitate flow of goods and increase potential customers. Particular attention will focus on relieving congestion on McLoughlin Boulevard (Highway 99E) and Cascade Highway/Molalla Avenue (Highway 213).

2. Commerce and Industries Policy 2. Use of mass transit will be encouraged between residential and employment areas through coordination with Tri-Met and local employers.

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- E. Multnomah County:
  - 1. Economic Development Policy 5(F)(2): Economic Development. The County's Policy is to support economic development investments and land use actions which will assure the timely and efficient provision of public services and facilities by public agencies in a coordinated manner.
- F. Clackamas County:
  - 1. Economics Policy 2.6. Encourage Tri-Met to provide better transit service. Specifically, improve service to commercial centers, small city downtowns, and the Clackamas industrial area.
- G. Metro:
  - 1. RTP Principal 1. Encourage and facilitate the economic growth of the Portland region.
- H. ODOT:

OTP Goal 3: Economic Development. To promote the expansion and diversity of Oregon's economy through the efficient and effective movement of goods, services and passengers in a safe, energy efficient and environmentally sound manner.

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# XII. NATURAL HAZARDS:

## A. Portland:

- 1. Environment Policy 8.13. Natural Hazards. Control the density of development in areas of natural hazards consistent with the provisions of the City's Building Code, Chapter 70, the Floodplain Ordinance and the Subdivision Ordinance.
- B. Milwaukie:
  - 1. Natural Hazards Goal: To prohibit development that would be subject to damage or loss of life from occurring in known areas of natural disasters and hazards without appropriate safeguards.
  - 2. Natural Hazards Element, Objective #1 Floodplain. To manage identified 100 year floodplains in order to protect their natural function as waterways, and to protect the lives and property of those individuals and concerns currently located within and along the flood plain boundary.
  - 3. Natural Hazards Element, Objective #2 Seismic Conditions. Regulate the structural integrity of all developments within the City consistent with the provisions of the Uniform Building Code, Earthquake Regulations.
  - 4. Natural Hazards Element, Objective #3 Weak Foundation Soils. To ensure that adequate measures are undertaken to mitigate the structural limitations of soils.
  - 5. Natural Hazards Element, Objective #3, Policy 1. When developments are proposed for areas identified as having a severe construction rating, a special report, (completed by a qualified soils engineer or engineering geologist), must accompany the application indicating proposed building techniques to mitigate soil limitations. Examples of appropriate mitigative techniques include:
    - a. Excavating and backfilling where appropriate
    - b. Special footing and foundation designs
    - c. Special construction techniques such as pilings, etc.
- C. Gladstone:
  - 1. Natural Disasters and Hazards Goal: To protect life and property from natural disasters and hazards such as floods, landslides, weak foundation soils and earthquakes.

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- 2. Natural Hazard Areas Element, Objective: To minimize loss of life or property in areas of known natural hazards.
- 3. Natural Hazard Areas Element, Policy 2. Manage development and redevelopment in areas subject to flooding.

a. Encourage the maintenance of natural vegetation within the flood plain areas.

D. Oregon City:

1.

Natural Resources Policy 10. Avoid developments in known areas of natural disasters and hazards without appropriate safeguards.

2. Natural Resources Policy 11. Require special development standards for construction of buildings and roadways in areas evidencing weak foundation soils, in order to eliminate future damages.

3. Natural Resources Policy 12. Require maintenance of existing vegetation or re-vegetation for excavation and road slopes, for those areas designated as landslide-prone or having moderate to severe erosion potential.

E. Multnomah County:

1.

Policy 14: Developmental Limitations. The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitation areas are those which have any of the following characteristics:

a. Slopes exceeding 20%;

b. Severe soil erosion potential;

c. Land within the 100 year flood plain;

d. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;

e. A fragipan less than 30 inches from the surface;

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- f. Land subject to slumping, earth slides or movement.
- F. Clackamas County:

1. Natural Hazards Policy 2.0. Prevent development (structures, roads, cuts and fills) of landslide areas (active landslides, slumps and planar slides as defined and mapped by the Oregon Department of Geology and Mineral Industries, DOGAMI) to avoid substantial threats to life and property except as modified by 2.1. Vegetative cover shall be maintained for stability purposes and diversion of stormwater into these areas shall be prohibited.

- 2. Natural Hazards Policy 2.1. Allow mitigation of identified landslide hazards based on established and proven engineering techniques, and related directly to an approved specific plan which avoids adverse impacts (see Land Use Chapter). Developers should be made aware of liability in such cases for protection of private and public properties from damage of any kind.
- Natural Hazards Policy 3.0. Apply appropriate safeguards to development on organic/compressible soils, high shrink-swell soils and wet soils with high water table (as defined in DOGAMI Bulletin No. 99) to minimize threats to life, private and public structures/facilities.
- 4. Open Space and Floodplains Policy 6.0. Prohibit development of areas designated Major Hazard Open Space except as provided in Policy 2.1 of the Natural Resources and Energy chapter, Natural Hazards Section, and Policy 5.3b of the Land Use chapter, residential section.
- G. Metro:
- H. ODOT:

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## XIII. NATURAL RESOURCES:

# A. Portland:

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Urban Development Policy 2.6. Open Space. Provide opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways and cemeteries.

2. Urban Development Policy 2.7. Willamette River Greenway Plan. Implement the Willamette River Greenway Plan which preserves a strong working river while promoting recreation, commercial and residential waterfront development along the Willamette south of the Broadway Bridge.

Environment Policy 8.11. Special Areas. D. Johnson Creek Basin. Protect and preserve the scenic, recreation, fishery, wildlife, flood control, water quality, and other natural resource values of the Johnson Creek basin through application of environmental overlay zones and implementation of the Johnson Creek Basin Protection Plan.

Environment Policy 8.11 H. Willamette River Greenway. Protect and preserve the natural and economic qualities of lands along the Willamette River through implementation of the City's Willamette River Greenway Plan.

Environment Policy 8.14. Natural Resources. Conserve significant natural and scenic resource sites and values through a combination of programs which involve zoning and other land use controls, purchase, preservation, intergovernmental coordination, conservation, and mitigation. Balance the conservation of significant natural resources with the need for other urban uses and activities through evaluation of economic, social, environmental and energy consequences of such actions.

a. Objective C. Impact Avoidance. Where practical, avoid adverse impacts to significant natural and scenic resources.

b. Objective D. Mitigation. Where adverse impacts cannot be practicably avoided, require mitigation or other means of preservation of important natural resource values. The following order of locational and resource preference applies to mitigation:

(1) On the site of the resource subject to impact, with the same kind of resource;

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(2) Off-site, with the same kind of resource;

(3) On-site, with a different kind of resource;

(4) Off-site, with a different kind of resource.

6.

7.

c. Objective E. Soil Erosion Control. Protect natural resources where appropriate from sediment and other forms of pollution through the use of vegetation, erosion control measures during construction, settling ponds, and other structural and non-structural means.

Environment Policy 8.15. Wetlands/Riparian/Water Bodies Protection. Conserve significant wetlands, riparian areas, and water bodies which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat. Regulate development within significant water bodies, riparian areas, and wetlands to retain their important functions and values.

a. Objective A. Wetland/Water Body Buffer. Conserve significant riparian, wetland, and water body natural resources through the designation and protection of transition areas between the resource and other urban development and activities. Restrict non-water dependent or non-water related development within the riparian area.

Environment Policy 8.16. Uplands Protection. Conserve significant upland areas and values related to wildlife, aesthetics and visual appearance, views and sites, slope protection, and groundwater recharge. Encourage increased vegetation, additional wildlife habitat areas, and expansion and enhancement of undeveloped spaces in a manner beneficial to the City and compatible with the character of surrounding urban development.

a. Objective A. Wetland/Water Body Buffer. Provide protection to significant wetland and water body natural resources through designation of significant upland areas as a buffer between the resource and other urban development and activities.

b. Objective C. Wildlife Corridors. Conserve and enhance drainageways and linear parkways which have value as wildlife corridors connecting parks, open spaces, and other large wildlife habitat areas, and to increase the variety and quantity of desirable wildlife throughout urban areas.

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Environment Policy 8.17. Wildlife. Conserve significant areas and encourage the creation of new areas which increase the variety and quantity of fish and wildlife throughout the urban area in a manner compatible with other urban development and activities.

a. Objective A. Natural Resource Areas. Regulate activities in natural resource areas which are deemed to be detrimental to the provision of food, water, and cover for fish and wildlife.

b. Objective B. City-wide. Encourage the creation or enhancement of fish and wildlife habitat throughout the City.

c. Objective C. City Parks. Protect existing habitat and, where appropriate, incorporate new fish and wildlife habitat elements into park plans and landscaping.

Environment Policy 8.22. Aggregate Resources. Protect aggregate resources sites for current and future use, where there are no major conflicts with urban needs, or these conflicts may be resolved.

10. Parks and Recreation Goal 11F: Maximize the quality, safety and usability of parklands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland.

11. Brooklyn Neighborhood Plan, Policy 6A. Gathering Places: Parks, Recreation, and Waterfront Activities. Develop new and maintain existing parks, recreational facilities, and public open spaces in order to improve the livability of the neighborhood.

B. Milwaukie:

8.

9.

 Open Spaces, Scenic Areas and Natural Resources Goal: To conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #1

 Open Space. To protect the open space resources of Milwaukie to
 improve the quality of the environment.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2
 Natural Resource Areas. To preserve and maintain important natural

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habitats and vegetation by protecting and enhancing major drainageways, springs, existing wetlands, riparian areas and water bodies, and significant tree and vegetative cover, while retaining their functions and values related to flood protection, sediment and erosion control, groundwater discharge and recharge, aesthetics, education, recreation, vegetation, and wildlife habitat. Regulate development within designated water bodies, riparian areas, wetlands, uplands, and drainage areas.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 1. Protect designated natural resource areas and their associated values through preservation, intergovernmental coordination, conservation, mitigation, and acquisition of resources.

4.

5.

б.

a. Notify and coordinate review of development proposals and plans within natural resource areas with affected State, local, and Federal regulatory agencies.

b. Develop a review process for development in natural areas, which requires mitigation or other means of preservation of natural resource values.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 2. Provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities. Restrict non-water dependent development within the riparian buffer area.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 3. Maintain and improve water quality of wetlands and water bodies through regulating the placement and design of stormwater drainage facilities.

7. Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 4. Protect existing upland areas and values related to wildlife habitat, groundwater recharge, and erosion control.

a. Encourage the development of open spaces and increased vegetation for wildlife habitats.

b. Protect steep slopes from erosion through the use of vegetation.

c. Provide protection between the resource and other urban development.

8. Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 5. The City will continue to work with Metro and other

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jurisdictions to establish and implement drainage plans and policies for Johnson Creek, designated by Metro as an area of Significant Environmental Concern.

- Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 6. Provide greater protection and more stringent development review to those sites deemed most valuable to the community.
- 10. Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 7. Provide protection to inventoried natural resource sites currently outside the City limits as these sites are annexed.
- Open Spaces, Scenic Areas and Natural Resources Element, Objective #3

   Scenic Areas. Significant scenic and view sites will be preserved for the enjoyment of present and future City residents as well as for visitors to the City.
- 12. Open Spaces, Scenic Areas and Natural Resources Element, Objective #3, Policy 2. The City will work with the Oregon State Department of Transportation to ensure that future improvements to McLoughlin Boulevard do not obstruct the visual relationship between downtown and the riverfront area and encourage that the large trees north of downtown be retained where possible.
- 13. Land Use Recreational Needs Goal: To provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, encouraging the development of private recreational facilities, and preserving the opportunity for future public recreational use of vacant private lands.

#### Gladstone:

C.

- 1. Natural Resource, Open Spaces, Historic and Scenic Areas Goal: To preserve and enhance the natural beauty of the City's waterways, open space and other natural resources, both scenic and historic, so they may become a more dominant feature of the area's character and setting and to be enjoyed by a larger number of the area's residents both now and in the future.
- 2. Fish and Wildlife Element, Objective: To protect, preserve and enhance the community's wildlife habitat and refuges.
- 3. Fish and Wildlife Element, Policy 1. Maintain and improve existing fisheries.

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- 4. Fish and Wildlife Element, Policy 2. Maintain and manage streamside vegetation and groundcover to promote wildlife habitats, to stabilize banks and to allow for the natural filtering action of soils.
- 5. Open Space Element, Objective 1. To provide an open space system designed in response to the needs and capabilities of the area.
- 6. Open Space Element, Objective 2. To promote the conservation of significant stands of trees and other natural vegetation.
  - Open Space Element, Objective 3. To preserve and improve significant scenic views and settings, historic and archaeological landmarks and sites.

# D. Oregon City:

7:

- 1. Natural Resource Goal: Preserve and manage our scarce natural resources while building a liveable urban environment.
- 2. Natural Resource Policy 7. Discourage activities that may have a detrimental effect on fish and wildlife.
- 3. Water Resources Policy 2. The City shall establish a mechanism for review of all development which may occur on or adjacent to a Water Resource Impact area.
- 4. Water Resources Policy 3. The City shall encourage the open space use of water resources and land use compatible with water resources preservation.
- 5. Water Resources Policy 4. The City shall establish development review procedures which will preserve the natural function of water resource areas and protect them from deterioration by:

a. Incorporation of the natural water resource feature in site design;

b. Prevent clearing of natural vegetation in the water resource impact areas;

c. Preserve the natural retention storage capacity of the land; and

d. Prevent discharge of water pollutants into the ground.

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- 6. Parks and Recreation Goal. Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.
- E. Multnomah County:

2.

3.

- 1. Policy 16: Natural Resources. The County's policy is to protect natural resources, conserve open space, and to protect scenic and historic areas and sites. These resources are addressed within sub-policies 16-A through 16-L.
  - Policy 16-A: Open Space. It is the County's policy to conserve open space resources and protect open spaces from incompatible and conflicting land uses.
  - Policy 16-B: Mineral and Aggregate Resources. It is the County's policy to protect and ensure appropriate use of mineral and aggregate resources of the County, and minimize conflict between surface mining activities and surrounding land uses.

a. Policy 16-B (L) The County shall require increased setbacks, insulation, screening, or similar measures as conditions of approval for any new conflicting use within an impact area surrounding an aggregate or mineral resource site when such measures are necessary to resolve conflicts identified in a site specific Goal 5 analysis.

Policy 16-D: Fish and Wildlife Habitat. It is the County's policy to protect significant fish and wildlife habitat, and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

- 5. Policy 16-E: Natural Areas. It is the County's policy to protect natural areas from incompatible development and to specifically limit those uses which would irreparably damage the natural area values of the site.
- 6. Policy 16-F: Scenic Views and Sites. It is the County's policy to conserve scenic resources and protect such areas from incompatible and conflicting land uses.
- 7. Policy 16-G: Water Resources and Wetlands. It is the County's policy to protect and, where appropriate, designate as areas of significant environmental concern, those water areas, streams, wetlands, watersheds and groundwater resources having special public value in terms of the following:
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a. Economic value;

b. Recreation value;

c. Educational research value (ecologically and scientifically significant lands);

d. Public safety, (municipal water supply watersheds, water quality, flood water storage areas, vegetation necessary to stabilize river banks and slopes);

e. Natural area value, (areas valued for their fragile character as habitats for plant, animal or aquatic life, or having endangered plant or animal species).

# F. Clackamas County:

1.

4.

Water Resources Policy 1.0. Maintain rivers and streams in their natural state to the maximum practicable extent through sound water and land management practices. Consideration shall be given to natural, scenic, historic, economic, cultural, and recreational qualities of the rivers and adjacent lands.

2. Water Resources Policy 3.0. Require preservation of a buffer or filter strip of natural vegetation along all river and stream banks (excluding intermittent streams), the depth of which will be dependent on the proposed use or development, width of river or stream, steepness of terrain, type of soil, existing vegetation, and other contributing factors, but will not exceed 150 feet.

3. Water Resources Policy 6.0. Allow diversion or impoundment of stream courses if adverse impacts to fisheries, wildlife, water quality, or flow are reasonably mitigated commensurate with the proposed use and intensity while meeting all State and Federal agency standards.

Water Resources Policy 17.0. Prevent disturbance of natural wetlands (marshes, swamps, bogs) associated with river and stream corridors or otherwise identified as Open Space on the Urban Land Use Map. Adjacent development shall not substantially alter normal levels or rates of runoff into and from wetlands. Site analysis and review procedures specified in the Open Space and Floodplains section of the Land Use chapter shall apply. (See Wildlife Habitats and Distinctive Resource Areas of this chapter).

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- 5. Open Space Goal 1: Protect the open space resources of Clackamas County.
- 6. Open Space Policy 5.0. Prepare, in a timely manner, a site analysis for any development in the northwest urban area affecting land designated as Open Space. In addition, the County may prepare an analysis for development in an area of high visual sensitivity for any development having significant impact upon the County.

7.

Open Space Policy 5.1. The County's analysis will supplement the applicant's environmental assessment and include the following:

a. An evaluation of the proposed development's impact on the relevant natural systems or features of the open space network.

b. Identification of applicable provisions or criteria of this Plan.

c. Alternatives to the proposal which might better achieve the optimum siting or design layout and protect the site's open space values.

d. An evaluation of the potential for public acquisition or dedication as part of the urban park or trail system.

G. Metro:

1.

RTP, Goal 3 Objective 1. To ensure consideration of applicable environmental impact analyses and practicable mitigation measures in the RTP decision-making process.

H. ODOT:

1.

OTP Policy 1D - Environmental Responsibility. It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation of natural resources.

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#### XIV. WATER OUALITY AND DRAINAGE:

A. Portland:

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3.

Environment Goal 8: Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

2. Environment Policy 8.5. Interagency Cooperation - Water Quality. Continue cooperation with Federal, State and regional agencies involved with the management and quality of Portland's water resources.

Environment Policy 8.10. Drainageways. Regulate development within identified drainageways for the following multiple objectives.

a. Objective A. Stormwater runoff. Conserve and enhance drainageways for the purpose of containing and regulating stormwater runoff.

b. Objective B. Water Quality and Quantity. Protect, enhance, and extend vegetation along drainageways to maintain and improve the quality and quantity of water.

c. Objective C. Wildlife. Conserve and enhance the use of drainageways where appropriate as wildlife corridors which allow the passage of wildlife between natural areas and throughout the City, as well as providing wildlife habitat characteristics including food, water, cover, breeding, nesting, resting, or wintering areas.

4

Environment Policy 8.15. Wetlands/ Riparian/Water Bodies Protection. Conserve significant wetlands, riparian areas, and water bodies which have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat. Regulate development within significant water bodies, riparian areas, and wetlands to retain their important functions and values.

a. Objective B. Water Quality. Maintain and improve the water quality of significant wetlands and water bodies through design of stormwater drainage facilities.

b. Objective C. Stormwater and Flood Control. Conserve stormwater conveyance and flood control functions and values of significant riparian areas within identified floodplains, water bodies, and wetlands.

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Environment Policy 8.16. Uplands Protection.

a. Objective B. Slope Protection and Drainage. Protect slopes from erosion and landslides through the retention and use of vegetation, building code regulations, erosion control measures during construction, and other means.

6.

7.

5.

Public Facilities Policy 11.27. Impervious Surfaces. Where necessary, . limit the increase of Portland's impervious surfaces without unduly limiting development in accordance with the Comprehensive Plan.

Public Facilities Policy 11.31. Quality. Maintain the quality of the water supply at its current level, which exceeds all State and Federal water quality standards and satisfies the needs of both domestic and industrial consumers.

#### B. Milwaukie:

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2.

3.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2 - Natural Resource Areas. To preserve and maintain important natural habitats and vegetation by protecting and enhancing major drainageways, springs, existing wetlands, riparian areas and water bodies, and significant tree and vegetative cover, while retaining their functions and values related to flood protection, sediment and erosion control, groundwater discharge and recharge, aesthetics, education, recreation, vegetation, and wildlife habitat. Regulate development within designated water bodies, riparian areas, wetlands, uplands, and drainage areas.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 2. Provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities. Restrict non-water dependent development within the riparian buffer area.

Open Spaces, Scenic Areas and Natural Resources Element, Objective #2, Policy 3. Maintain and improve water quality of wetlands and water bodies through regulating the placement and design of stormwater drainage facilities.

4. Air, Water and Land Resources Quality Goal: To meet Federal and State air, noise and water quality standards.

5. Air, Water and Land Resources Quality Element, Objective #4 - Water Quality. To assist Federal and State environmental regulation agencies in

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their efforts to maintain and improve the quality of the water resources of the State and City.

- 6. Public Facilities and Services Element, Objective #6, Policy 3. New development will be designed to limit storm drainage runoff outside project boundaries, or will provide a storm drainage and collection system within the project.
- 7. Public Facilities and Services Element, Objective #6, Policy 4. The City will cooperate with other affected agencies in exploring regional solutions to the storm drainage problem.
- 8. Public Facilities and Services Element, Objective #6, Policy 5. The City will restrict development within drainageways to prevent erosion, regulate stormwater runoff, protect water quality, and protect and enhance the use of drainageways as wildlife corridors.
- Gladstone:

C.

- 1. Air, Water and Land Resource Quality Goal: To help maintain and improve the quality of air, water and land resources of the region in order to enhance the quality of life, health and economic welfare in this region.
- 2. Water Element, Objective: To participate in maintaining an adequate level of water quality and quantity to ensure its continued use for recreation, domestic water supply and aquatic habitat.
- 3. Water Element, Policy 3. Stormwater flows within and to natural drainage courses shall not be altered to exceed natural flows.
- 4. Water Element, Policy 4. Maintain, when possible, major vegetation along streams and drainage ways for a minimum distance of 10 feet from the mean low water line in those areas having slopes of 10% or less; add one foot per one additional percent of slope or less for slopes exceeding 10% (selective cutting, trimming and thinning will be allowed as necessary for access to the waterway).
- 5. Water Element, Policy 5. Stream courses shall not be significantly altered.
- 6. Water Element, Policy 6. Help maintain identified major wetlands to protect groundwater levels.
- 7. Water Element, Policy 7. Develop storm water run-off plan and continue to require separation of storm and sanitary sewer systems in new developments.

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# D. Oregon City:

1. Natural Resources Policy 1. Coordinate local activities with regional, State and Federal agencies in controlling water and air pollution.

2. Natural Resources Policy 9. Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

3. All development within the City of Oregon City shall comply with applicable State and Federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with Federal and State environmental regulations.

4.

Water Resources Policy 4. The City shall establish development review procedures which will preserve the natural function of water resource areas and protect them from deterioration by:

a. Incorporation of the natural water resource feature in site design;

b. Prevent clearing of natural vegetation in the water resource impact areas;

c. Preserve the natural retention storage capacity of the land; and

d. Prevent discharge of water pollutants into the ground.

E. Multnomah County:

1.

Policy 13: Air, Water and Noise Quality. It is Multnomah County's policy to:

a. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.

b. Support and participate in the implementation of State and regional plans and programs to reduce pollution levels.

c. Maintain healthful air quality levels in the regional airshed; to maintain healthful ground and surface water resources; and to prevent or reduce

excessive sound levels while balancing social and economic needs in Multnomah County.

Policy 37: Utilities. The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

a. There is adequate capacity in the storm water system to handle the runoff; or

b. The water run-off can be handled on the site or adequate provisions can be made; and

c. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.

# F. Clackamas County:

2.

1. Water Resources Policy 2.0. Apply erosion and sediment reduction practices in all river basins to assist in maintaining water quality. Existing riparian vegetation along streams and river banks should be retained to provide fisheries and wildlife habitat, minimize erosion and scouring, retard water velocities, and suppress water temperatures.

Public Facilities Policy 17.0. Require submission of storm drainage and erosion control plans prior to approval of all significant new development. The contents of such plans shall include at least the following:

a. 17.1 The methods to be used to minimize the amount of runoff created from the development both during and after construction.

b. 17.2 An analysis of source controls as an alternative method to control stormwater runoff, i.e., detention and storage techniques.

c. 17.3 Statement of consistency with County stormwater improvement standards and plans.

3.

2.

Public Facilities Policy 18.0. Require that urban stormwater runoff be minimized by nonstructural controls, where feasible, to maintain the quality and quantity of runoff in natural drainageways. These areas may be calculated as part of the required open space (see Land Use).

4. Public Facilities Policy 19.0. Require runoff from impervious surfaces to be collected and, where feasible, transported to natural drainageway capable of accepting the discharge.

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- 5. Public Facilities Policy 20.0. Require control measures to minimize erosion and sedimentation during construction. The method of retention and control shall be approved by the County.
- 6. Public Facilities Policy 21.0. Stabilize drainageways as necessary below drainage and culvert discharge points for a distance sufficient to minimize erosion created by the discharge.
- 7. Public Facilities Policy 22.0. Determine the responsibility for installation of storm drainage systems prior to final approval of all new developments.
- G. Metro:
- H. ODOT:

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# XIV. HISTORIC PRESERVATION:

## A. Portland:

1. Neighborhoods Policy 3.4. Historic Preservation. Preserve and retain historic structures and areas throughout the City.

2. Urban Design Policy 12.3. Historic Preservation. Enhance the City's identity through the protection of Portland's significant historic resources. Preserve and reuse historic artifacts as part of Portland's fabric. Encourage development to sensitively incorporate preservation of historic structures and artifacts.

3. Albina Community Plan, Policy IX, B-Urban Design, Objective 8. Protect and enhance Albina's historic and cultural characteristics and encourage compatible, quality development.

4. Hosford-Abernethy Neighborhood Action Plan, Policy 4-Livability, Identity and Public Safety, Objective 4.10 Encourage identification, preservation, restoration and rehabilitation of historic buildings, structures, sites, and areas which give the neighborhood its special sense of identity.

5. Arbor Lodge Neighborhood Plan, Policy 1-Historic Preservation, Objective 1. Designate and protect buildings and areas in the neighborhood that are historically and architecturally significant.

6. Arbor Lodge Policy 1, Objective 3. Preserve historic features such as horse rings, stamping and street names found on sidewalks and in other places throughout the neighborhood.

7. Boise Neighborhood Plan, Policy IV: Enhance the historic character and distinctive physical features of the Boise Neighborhood.

- 8. Central City Plan, Policy 11A. Protect historically significant sites and architecturally important structures.
- 9. Central City Policy 11B. Preserve the visual quality of historic districts by protecting historic structures and maintaining street furniture and other features which are in keeping with the historic character.
- B. Milwaukie:
  - 1. Historic Resources Goal: Preserve and protect significant historical and cultural sites, structures, or objects of the City.

## Page 60 - PLAN POLICIES APPLICABLE TO SELECTION OF CRITERIA

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- 2. Historic Resources Element, Objective #1, Policy 3. Require City review of plans for any alteration or demolition to a protected resource.
- 3. Historic Resources Element, Objective #1, Policy 5. As archaeologic resources are identified, inventory methods and protection measures shall be established.
- C. Gladstone:
  - 1. Open Spaces, Historic and Scenic Areas Goal: To preserve and enhance the natural beauty of the City's waterways, open space and other natural resources, both scenic and historic, so they may become a more dominant feature of the area's character and setting and to be enjoyed by a larger number of the area's residents both now and in the future.
  - 2. Open Space, Scenic and Historic Areas Element, Objective 3. To preserve and improve significant scenic views and settings, historic and archaeological landmarks and sites.
  - 3. Open Space, Scenic and Historic Areas Element, Policy 7. Require the preservation of significant scenic views and settings, historic landmarks and archaeological sites which meet established criteria or have been designated by a Federal or State agency.

# D. Oregon City:

- 1. Historic Preservation Goal. Encourage the preservation and rehabilitation of homes and other buildings of historical and architectural significance in Oregon City.
- 2. Historic Preservation Policy 1. Identify and inventory historic properties and districts in Oregon City to determine which are suitable for preservation and restoration.
- 3. Historic Preservation Policy 2. Assist in the preservation of significant landmarks with architectural, historic or aesthetic value, which also serve to orient and direct people.
- E. Multnomah County:
  - 1. Policy 16-I: Historic Resources. It is the County's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites.

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- 2. Policy 16-J: Cultural Areas. It is the County's policy to protect cultural areas and archeological resources, and to prevent conflicting uses from disrupting the scientific value of known sites.
- F. Clackamas County:
  - 1. Historic Landmarks, Districts and Transportation Corridors Goal: Preserve the historical, archaeological, and cultural resources of the County.
  - 2. Historic Landmarks, Districts and Transportation Corridors Policy 6.0. Develop policies and programs to protect historic resources and minimize the conflicts.
- G. Metro:
- H. ODOT:

# LIST OF GOALS AND POLICIES NOT CONSIDERED BY LCDC IN ESTABLISHING THE CRITERIA FOR A LUFO FOR THE SOUTH NORTH LIGHT RAIL PROJECT

# Metro

# I. Metro Plan Provisions Relevant to CRC but not Cited in LUFO Criteria Selection but in Effect in 1996:

**Regional Urban Growth Goals and Objectives, Objective 19:** A regional transportation system shall be developed which: (i) Reduces reliance on a single mode of transportation through development of a balanced and cost-effective transportation system which employs highways, transit, bicycle and pedestrian improvements, and system and demand management; (ii) Recognizes and protects freight movement within and through the region and the road, rail, air, waterway and pipeline facilities needed to facilitate its movement; (iii) Provides adequate levels of mobility consistent with local comprehensive plans and state and regional policies and plans; ... (vi) Recognizes financial constraints and provides public investment guidance for achieving the desired urban form.

**Regional Framework Plan, Transportation Policy 2.5.2:** Emphasize the maintenance, preservation and effective use of transportation infrastructure in the selection of RTP projects and programs.

**Regional Framework Plan, Transportation Policy 2.11.4:** Focused on motor vehicle travel, the system is multi-modal, with street design criteria intended to limit the impact of motor vehicles on bicyclists, pedestrians, public transportation and pedestrian and transit-oriented districts.

**Regional Framework Plan, Transportation Policy 2.28:** Establish acceptable motor vehicle level of service thresholds that balance the regional accessibility and mobility policies with the region's growth management objectives.

**Urban Growth Management Functional Plan, Policy 6.2, Objective A(1):** ... Cities and counties shall amend their comprehensive plans and implementing ordinances, if necessary, to require consideration of the following freeway design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map: (a) high vehicle speeds, (b) improved pedestrian crossings on overpasses, (c) parallel facilities for bicycles, (d) motor vehicle lane widths that accommodate freight movement and high-speed travel.

Urban Growth Management Functional Plan, Policy 6.4(B) outlines a motor vehicle congestion analysis.

# EXHIBIT D

# <u>ODOT</u>

# I. Relevant Provisions in the Prior (1992) Oregon Transportation Plan

**Policy 1E – Connectivity among Places:** It is the policy of the State of Oregon to identify and develop a statewide transportation system of corridors and facilities that ensures appropriate access to all areas of the state, nation and the world.

**Policy 1H – Financial Stability:** It is the policy of the State of Oregon to ensure a transportation system with financial stability. Funding programs should not bias transportation decision-making.

**Policy 2C – Relationship of Interurban and Urban Mobility:** It s the policy of the State of Oregon to provide interurban mobility through and near urban areas in a manner which minimizes adverse effects on land use and urban travel patterns.

**Policy 3B – Linkages to Markets:** It is the policy of the State of Oregon to assure effective transportation linkages for goods and passengers to attract a larger share of international and interstate trade to the state.

**Policy 3A – Balanced and Efficient Freight System:** It is be [sic] the policy of the State of Oregon to promote a balanced freight transportation system which takes advantage of the inherent efficiencies of each mode.

**Policy 4B – Efficient and Effective Improvements:** It is the policy of the State of Oregon to develop and maintain a transportation finance structure that promotes funding by the state and local governments of the most appropriate improvements in a given situation and promotes the most efficient and effective operation of the Oregon transportation system.

**Policy 4C** – **Cost and Benefit Relationships:** It is the policy of the State of Oregon to modernize and extend the user pays concept to reflect the full costs and benefits of uses of the transportation system and to reinforce the relationship between the user fees and uses of the related revenues.

**Policy 4G – Management Practices:** It is the policy of the State of Oregon to manage effectively existing transportation infrastructure before adding new facilities.

**Strategy 1.3.1:** Use a regional planning approach and inter-regional coordination to address problems that extend across urban growth boundaries.

**Policy 2.1 – Capacity and Operational Efficiency:** It is the policy of the State of Oregon to manage the transportation system to improve its capacity and operational efficiency for the long-term benefit of people and goods movement.

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# Portland

# I. Portland Comprehensive Plan as of May 1996

**Neighborhoods Policy 3.8 – Albina Community Plan Neighborhoods:** Include as part of the Comprehensive Plan neighborhood plans developed as part of the Albina Community Plan. Neighborhood plans developed as part of the Albina Community Plan are those for Arbor Lodge, Boise, Concordia, Eliot, Humboldt, Irvington, Kenton, King, Piedmont, Sabin and Woodlawn.

Note: See Section II for relevant provisions in those plans.

**Economic Development Policy 5.4, Objective B:** Support the maintenance and efficient use of the transportation infrastructure for national and international distribution of goods and services.

**Economic Development Policy 5.10, Objective C:** Protect and enhance the scenic and environmental qualities of Marine Drive, the area's sloughs, areas providing significant wildlife habitat, and archaeological resources. Adopt a Columbia South Shore Cultural Resources Protection Plan by April 1, 1995. **Objective F:** Protect the transportation capacity of the area's highways and roads through both review of individual projects and identification and construction of new facilities which increase the system's capacity.

[Goal 6 was considered, but included only in part. Emphasis added to part not included] **Goal 6 – Transportation:** Provide for and protect the public's interest and investment in the public right-of-way and transportation system by encouraging the development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies by ... minimizing the impact of inter-regional and longer distance intra-regional trips on city neighborhoods, commercial areas, and the city street system by maximizing the use of regional trafficways and transitways for such trips.

**Transportation Policy 6.3 – No New Regional Trafficways:** The regional trafficway system within the City of Portland is complete. Any future increases in regional traffic should be accommodated by improvements to existing trafficways and not by building new corridors for circumferential freeways within the city.

**Transportation Policy 6.21, Objective B:** Preserve the public and private investment in the freight network. [Added by Ordinance No. 170136, May 1996]

**Transportation Policy 6.24 – Market-Based Congestion Management:** Advocate a regional, market-based system to price or charge for an auto trip during the peak hours. The pricing strategies should be set based on the environmental and social costs of single occupant commuters.

Note: This provision is probably irrelevant, but it could apply to setting crossing tolls.

**Plan Review and Administration Policy 10.14 – Columbia River:** Develop a plan for Portland's frontage along the Columbia River to protect, conserve, maintain, and enhance the scenic, natural,

List of Goals and Policies Not Considered by LCDC for LUFO

historical, economic, and recreational qualities of Portland's Columbia River bank.

**Public Facilities Policy 11.7 – Capital Improvement Program:** The capital improvement program will be the annual planning process for major improvements to existing public facilities and the construction of new facilities. Planning will be in accordance with the framework provided by the Public Facilities System Plan [and the Transportation System Plan].

Note: Amended by Ordinance No. 170136, May 1996, to add language contained in brackets. The Transportation System Plan did not yet exist in 1996. In its most recent revision (2006), the TSP mentions neither the CRC Project nor the Interstate Bridge.

**Urban Design Policy 12.1, Objective H:** Preserve and enhance existing public viewpoints, scenic sites and scenic corridors. As new development occurs, take advantage of opportunities to create new views of Portland's rivers, bridges, the surrounding mountains and hills, and the Central City skyline.

# **II. Relevant Neighborhood Plan Provisions:**

**Note:** Mentions of the South-North Light Rail Project appear in almost every neighborhood plan in the Albina community – most are referenced in the LCDC's documents supporting the LUFO criteria. By comparison, only the Hayden Island Plan (see section IV) refers to the CRC Project directly.

Albina Community Plan, Transportation Objective 5: Reduce the environmental impacts of the I-5 freeway. [Adopted Jan. 1993]

**Bridgeton Neighborhood Plan, Transportation Objective 4:** Support the improvement and continued use of Marine Drive as a scenic, recreational route and neighborhood collector. Encourage truck traffic to use other routes in the system. [Adopted Nov. 1997]

Humboldt Neighborhood Plan, Transportation Objective 6: Maintain accessibility from the Humboldt Neighborhood to the I-5 freeway. [Adopted July 1993]

**Piedmont Neighborhood Plan, Transportation Objective 3:** Buffer the Piedmont Neighborhood from noise and other off-site impacts of the I-5 freeway. [Adopted Oct. 1993]

From the Office of the Governor State of Oregon

Proclamation Calling Special Session

For 20 years, the Portland metropolitan area has been a national model for pursuing a balanced, sensible, and workable transportation system. Metropolitan voters, local governments, and the State of Oregon have consistently chosen to invest in a transportation system which avoids the congestion, dirty air, and sprawl which plague other urban centers. Now, completion of the tri-county metropolitan light rail system is necessary to cope with growth while preserving livability and economic vitality throughout Oregon.

As an integral component of Oregon's statewide transportation system, the light rail project will leverage hundreds of millions in federal transportation dollars, freeing resources for use in other needed projects throughout the state. The Oregon Legislature has an opportunity to continue the sensible course it has historically chosen with regard to innovative transportation by committing future lottery funds to construction of the South/North light rail project. I am calling this special session so the Legislative Assembly may act on funding the South/North light rail project.

THEREFORE, I, John Kitzhaber, Governor of Oregon, find an extraordinary occasion exists and I do by this proclamation, pursuant to section 12, Article V, Oregon Constitution, call the 68th Legislative Assembly of the State of Oregon to convene in special session on July 28, 1995, at 10:00 a.m. The Constitution does not empower me to limit the time of the special session or specify matters which may considered, but it is my earnest hope that the members of the Assembly may act most expeditiously in enacting the legislation referenced above, addressing no other subjects.

John Kitzhaber, Governor State of Oregon

## EXHIBIT E

#### 03/02/98 NON D8:48 FAX

TGM PROGRAM

## BEFORE THE LAND CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF OREGON

## LAND CONSERVATION AND DEVELOPMENT

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OF

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# IN THE MATTER OF CRITERIA EXPEDITING CERTAIN DECISIONS **REGARDING SOUTH-NORTH LIGHT RAIL IN THE PORTLAND METRO**

2687

#### ORDER NO. LCDC-01-98

This matter came before the Land Conservation and Development Commission ( the Commission) on May 30, 1996, as a Request for Adoption pursuant to House Bill 3478 (Or. Laws 1996, Chapter 12), with specific regard to Section 4 of that Act. The Commission having fully considered the South North Light Rall criteria, timely comments and reports of the Department of Land Conservation and Development (the Department), and having provided for objections and exceptions of interested parties, now enters its:

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The 68th Legislative Assembly, 1996 Special Session adopted House Bill 3478, relating **L**., to siting of the South-North Light Rail Line in the Portland Metro region. The Bill was signed into law by Governor John Kitzhaber on March 4, 1996.

2 Section 4 of HB 3478 directs the Commission to establish criteria expediting decisions remaining for a South-North MAX Light Rail Project to be located in the cities of Portland. Milwaukie, Gladstone and Oregon City and Multnomah and Clackamas counties. Remaining issues are the light rail route, stations, park-and-ride lots and maintenance facilities and highway improvements for the South-North MAX Light Rail Project, including their locations. .

3. Said criteria are to be suitable for use by the Metro Council in making South-North light rail and highway improvement land use decisions that are in spirit and substance equivalent to the land use procedures that otherwise would be applicable.

· . .

4. Metro prepared and submitted proposed criteria to the Commission on behalf of itself, the affected local governments, Tri-Met and the Oregon Department of Transportation (ODOT) by letter dated March 5, 1996 and signed by representatives of Metro, the local governments, Tri-Met and ODOT.

The Commission director reviewed the proposed criteria and prepared a report to the 5. Commission dated May 9, 1996, which explained according to the statute how the criteria reflect statewide land use goals and applicable acknowledged local comprehensive plan policies. Criteria recommended by the director to the Commission were the same as proposed by Metro.

Contained in the director's report is a "narrative in support of the south-north criteria", an exhibit titled "Brief Statement Explaining How Criteria Reasonably Reflects Relevant Statewide Land Use Planning Goals and Affected Local Government Comprehensive Plan Policies" and an outline of "local plan policies applicable to selection of criteria".

6. LCDC conducted a public hearing on May 30, 1996 on the recommended criteria and, hearing no opposition and finding the supporting documentation cited above adequate evidence, adopted the criteria. Rationale presented for each criterion in the director's report together with relevant attachments, which are incorporated by reference in this Order, addresses how the criteria reasonably reflect applicable Commission statewide land use planning goals and rules and local plan policies.

## DATED THIS J/DAY OF FEBRUARY 1998

#### FOR THE COMMISSION:

Richard P. Benner, Director Department of Land Conservation and Development

NOTE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this final order. Judicial review is pursuant to the provisions of ORS 183.482 and 197.650

Exhibits:

Exhibit A: House Bill 3478 (Or. Laws 1996, Chapter 12) Exhibit B: Metro Letter and Proposed Criteria Exhibit C: Directors Report dated May 9, 1996

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May 9, 1996

TO: Land Conservation and Development Commission

FROM: Richard P. Benner, Director

SUBJECT: Agenda Item 1.0, May 30, 1996, LCDC Meeting

Proposed Criteria for Metro South-North Light Rail Project

## RECOMMENDED ACTION

The department recommends that the commission:

- 1. Adopt the proposed criteria and supporting documentation; and
- 2. Authorize the commission chair or his designee to sign an order which establishes the criteria and provides a brief statement explaining how the criteria reasonably reflect those statewide land use planning goals and local plan policies relevant to Metro's decisions.

## **OVERVIEW**

House Bill 3478, signed into law by Governor Kitzhaber on March 6, 1996, directs the Land Conservation and Development Commission (LCDC) to establish criteria that will be used by Metro to make decisions for the South-North Project. The LCDC's statutory charge is to issue an order establishing the criteria and a brief statement explaining how the criteria reflect statewide land use goals and acknowledged local comprehensive plan policies relevant to Metro's light rail and associated highway decisions.

The purpose of HB 3478 is to authorize a more expedited land use review process than would ordinarily be possible under existing regulations. The legislation expedites the review process in three ways. First, it authorizes the Metro Council to make the land use decisions for all of the affected jurisdictions (cities of Portland, Milwaukie, Gladstone and Oregon City and the counties of Multnomah and Clackamas). Absent this provision, the six affected jurisdictions would be required to make separate land use decisions for the project based on their respective comprehensive plans. In addition to being lengthy, a series of separate review processes could subject the project to multiple appeals. With Metro making a single decision for the region, only one land use action will be subject to appeal.

Second, the legislation expedites the appellate review process. Both an appeal of the criteria adopted by LCDC and an appeal of Metro's findings and decisions based on the criteria are subject to accelerated appeal procedures as outlined in the act.



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Third, the legislation limits the basis of judicial review for both the criteria established by LCDC and the decisions made by Metro.

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The Commission adopted land use criteria for Westside Light Rail Transit in 1991 pursuant to SB 573. These South-North criteria are substantially similar to the Westside criteria. Changes appear where the 1995 South-North legislation differs from the 1991 legislation, where local plans required a change, and where geographic features such as the Willamette River varied between the Westside and south-north areas.

## PURPOSE OF LCDC CRITERIA

Under the legislation Metro's decision-making authority is limited to those aspects of the siting decision which have not yet been made. For example, Metro's Regional Transportation Plan and the acknowledged comprehensive plans of the affected counties and cities already address the need for light rail and give some direction regarding the route for light rail. Statewide land use goals and local plan policies also conceptually support the project on the grounds that it will provide for a balanced, energy efficient transportation system that will contribute to improved air quality in the region.

The land use decisions remaining to be resolved concern the following:

- The light rail route;
- The light rail stations and park-and-ride lots;
- Vehicle maintenance facilities:
- The highway improvements to be included in the project.

The legislation requires LCDC to adopt criteria that will be used by the Metro Council to make decisions on the portions of the project described above. The criteria represent a synthesis of the statewide land use goals and acknowledged local comprehensive plan policies that are relevant to making those decisions.

When reviewing the proposed criteria, it is important to note that the criteria relate only to the first tier in what can be described as a two-tiered local land use decision-making process. The first tier consists of the Metro Council adopting a preferred alternative for the South/North project based on findings in support of the criteria. At this stage, Metro will be required to identify adverse impacts associated with the project and to identify ways in which such impacts might be mitigated.

The second tier consists of local land use review processes (e.g., design review, conditional use review) required by affected local jurisdictions. Local review will occur after a preferred alternative has been selected by Metro.

Under provisions of the legislation, the project cannot be denied at the local review stage. However, reasonable conditions of approval necessary to mitigate adverse impacts may be imposed. A primary advantage of this approach is that local jurisdictions maintain discretion over numerous final design details of the project. The process also allows the public to participate in the public review process used to determine what types of mitigation measures should be applied.

The National Environmental Policy Act (NEPA) process is referenced in the criteria because the federal NEPA process requires identification of adverse impacts and approval of a mitigation plan as part of the Final Environmental Impact Statement for projects receiving federal funds.

#### CRITERIA DEVELOPMENT

In early September 1995 Metro staff began working with planning and transportation staff from affected local jurisdictions to identify comprehensive plan goals and policies relevant to the South/North Project. That effort is documented in "Comprehensive Plan Policies Applicable to Selection of Criteria for the South-North MAX Light Rail Project" (hereafter referred to as Comprehensive Plan Policies).

The affected jurisdictions are in agreement that the document identifies all comprehensive plan goals and policies relevant to Metro's decision.

Using the Comprehensive Plan Policies and the statewide planning goals, Metro developed 10 criteria. Metro developed its proposed criteria after consulting with the affected jurisdictions, the Department of Land Conservation and Development (DLCD) staff and the Department of Justice, and after providing opportunity for other interested persons to present testimony.

#### PROPOSED CRITERIA

DLCD staff is recommending the same criteria as those proposed by Metro. The criteria shown below reflect the intent of statewide goals and local comprehensive plan policies.

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

**<u>Rationale</u>**: Criteria 1 and 2 (stated below) are procedural rather than substantive. They direct the way in which the project hearing should be conducted. HB 3478 specifically requires the Metro Council to consider testimony provided by Tri-Met, Oregon Department of Transportation, and affected jurisdictions.

Statewide Goal 2, <u>Land Use Planning</u> calls for city, county, state, federal agency and special district plans and actions related to land use to be consistent. To demonstrate compliance with this goal, government entities and special districts throughout the state are required to develop and implement planning coordination agreements.

-4-

As indicated in the Comprehensive Plan Policies, the local comprehensive plan policies also promote intergovernmental coordination and cooperation.

Criterion 1 directs the Metro Council to coordinate with the affected agencies and jurisdictions and to provide an opportunity for those entities to submit testimony on the project facilities. The criterion, however, limits consideration of testimony to those aspects of the project identified in HB 3478.

2. Hold a 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.

**<u>Rationale</u>**: As stated above, Criterion 2 is a procedural criterion which directs the Metro Council to facilitate citizen involvement by providing a public hearing on the project. Similar to Criterion 1, it limits consideration of testimony to aspects of the project defined by HB 3478.

Citizen involvement in the land use decision-making process is one of the hallmarks of Oregon's land use program. Statewide Goal 1, <u>Citizen Involvement</u> and related citizen involvement policies contained in the local comprehensive plans promote opportunities for public participation. The purpose of Criterion 2 is to ensure that the public has an adequate opportunity to present written and/or oral testimony in a public forum.

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 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 a 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.

**Rationale:** Statewide Goal 12 and Rule, <u>Transportation</u>, encourages a safe, convenient and economic transportation system. In designing and constructing transportation improvement, the Goal 12 Transportation Planning Rule (TPR) (OAR 660-12-035(3)(c)) calls for environmental, energy, land use, economic, and energy consequences. The TPR at 660-12-030(3)(b) and (4) also requires consideration of measures to reduce reliance on the automobile and increase the modal share of non-automobile trips. In addition, the Metro Regional Transportation Plan (RTP) encourages adequate levels of mobility with minimum environmental and energy consumptions impacts.

Local comprehensive plan policies are supportive of transit and traffic improvements which promote an efficient, balanced, urban transportation system while minimizing adverse social, economic, and environmental impacts. In other words, the state and local plan policies recognize that transportation needs must be balanced with other urban needs and concerns.

Criterion 3 reflects the balancing concept articulated in Goal 12, the RTP, and related local comprehensive plan policies. It requires Metro to identify adverse economic and social impacts on affected neighborhoods and to balance those impacts with transportation needs. In addition, Metro must consider ways to mitigate adverse impacts through project design.

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Criterion 3 also reflects provisions in the TPR, RTP and local plans encouraging mixed use centers and higher density development near light rail lines. It provides for Metro to consider the likely contribution of light rail proximity and service to the development of an efficient and compact urban form as part of its balancing process.

The criterion clearly outlines a two-tiered decision-making process. At the Metro decision-making level, an alignment will be chosen, stations, park-and-ride lot and vehicle maintenance facility locations will be selected, and the highway improvements will be defined. Sections A and B of Criterion 3 require Metro to consider adverse impacts on affected neighborhoods when making these decisions. Specific measure designed to mitigate adverse impacts on affected neighborhoods will be imposed through the NEPA process or by affected local governments during the permitting process

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.

**Rationale:** Statewide Goal 6, <u>Air. Water, and Land Resources Quality</u>, calls for maintaining and improving the quality of the state's air, water and land resources. Noise is identified as a component of this goal.

-5-

Applicable local comprehensive plan policies encourage consideration of noise impacts when planning and constructing development and transportation projects. Furthermore, they call for measures to minimize excessive noise that adversely affects adjacent land uses.

-6-

Under Criterion 4, and consistent with Goal 6, Metro is required to identify adverse noise impacts associated with the project. HB 3478 authorizes the Metro Council only to decide the project facilities. Decisions on appropriate mitigation techniques will occur at later stages of the planning and permitting processes. Consistent with applicable local plan policies, Criterion 4 offers assistance in those processes through identification of impacts and potential mitigation measures.

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 would be imposed during the NEFA process or, if reasonable and necessary, by local governments during the permitting process.

**Rationale:** Statewide Goal 7, <u>Areas Subject to Natural Disasters and Hazards</u>, and related local comprehensive plan policies were established to protect the public from natural disasters and hazards. The local plan policies require jurisdictions to identify sensitive geologic areas, steep slopes, floodplains, groundwater sources, erosion and deposition, earthquake-sensitive areas, and weak foundation soils, among others. All of the affected jurisdictions have some type of mechanism either to limit development or to control the design of development on lands subject to natural disasters and hazards.

In accordance with state and local policies, Criterion 5 requires Metro to identify adverse impacts to sensitive lands. Measures designed to mitigate for such natural occurrences may be imposed through the NEPA or local land use review processes.

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.

**Rationale:** Statewide Goal 5, <u>Open Spaces. Scenic and Historic Areas and Natural Resources.</u> calls for conserving open spaces and protecting natural and scenic resources. The local comprehensive plans contain like policies for these resources. Both the state and local policies recognize that such resources should not be preserved at all costs. Local plans are required to balance the need to preserve significant natural resources with the need to accommodate growth and development within the urban growth boundary. In determining the relative value of urban and natural uses, Goal 5 and several of the related local comprehensive plan policies require that

an economic, social, environmental, and energy (ESEE) analysis be conducted. As a result of that analysis, local jurisdictions have the authority to impose land development controls and/or mitigation measures.

-7-

Criterion 6 requires Metro to identify impacts associated with the project that are adverse to Goal 5 resources that are protected in a nowledged comprehensive plans. Where practical, the criterion requires Metro avoid uses adversely affecting natural or scenic resources. If avoidance is impractical mitigation measures may be imposed through the NEPA and local land use review processes. Metro is required to identify the types of mitigation measures which could be imposed.

Statewide Goal 15, <u>Willamette River Greenway</u>, calls for protecting, conserving, enhancing and . maintaining the qualities of lands along the Willamette River Greenway while allowing certain development to occur. The City of Portland's comprehensive plan contains a similar policy. Because the light rail alignment will cross the Greenway somewhere in the City of Portland, Criterion 6 includes a specific reference to the Greenway.

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.

**Rationale:** Statewide Goal 6, <u>Air. Water and Land Resources Quality</u>, calls for maintaining and improving water quality. Similarly, applicable plan policies recognize the need to protect water quality, and identify and mitigate for such impacts as stormwater runoff resulting from increases in impervious surfaces. Runoff becomes an issue in regard to highway widening, light rail stations, park-and-ride lots and maintenance facilities.

Criterion 7 requires Metro to identify where the project is expected to increase stormwater runoff and to demonstrate that mitigation measures or natural systems are adequate to handle the runoff. Specific mitigation measures will be imposed during the NEPA or local land use reviews.

8. Identify adverse impact on significant historic and cultural resources protected in acknowledged comprehensive plans. Where adverse impact 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.

**Rationale:** In addition to protecting natural and scenic resources, Statewide Goal 5 provides for protection of significant historic and cultural resources. Local plans also protect these resources.

Generally, the protection of historic and cultural resources is carried out through ordinances which are applied to development at the permitting stage. At that time, the local government may impose appropriate conditions on the development to minimize adverse impacts or to fully protect the resource. Alternatively, the local government may allow for the alteration, removal or

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demolition of the resource in accordance with standards and procedures set out in their local ordinances. Also, the federal NEPA process requires very careful consideration of impacts on historic and cultural resources.

Criterion 8 reasonably reflects Goal 5 and the relevant local plan policies and implementing measures. Metro is required to identify adverse impacts on significant historic and cultural resources protected in acknowledged plans. Such impacts are to be avoided to the extent practicable, and to identify the local, state and federal procedures available to address and reduce adverse impacts on these resources when avoidance is not practicable.

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.

**<u>Rationale</u>**: Criteria 9 and 10 (below) concern Metro's decision only for the location of the light rail route. While these criteria may help implement Statewide Goals 6, 9, 12 and 13 by improving air quality, reinforcing and encouraging economic development, reducing reliance on the automobile, and meeting regional energy conservation objectives, they are intended more particularly to respond to specific policies in applicable plans. Criterion 9 concerns the southern portion of the project, i.e., that portion located in Clackamas County and the cities of Milwaukie, Oregon City and Gladstone.

Criterion 9 is consistent with and reflects Clackamas County plan policies (Transit Policy 11.0), Milwaukie Transportation Plan Map 8, Milwaukie Transportation Element, Objective No. 5, Policies 2, 7 and 8, and Oregon City Transportation Policy 23.

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.

**<u>Rationale:</u>** Like Criterion 9, Criterion 10 responds to local policies addressing where the light rail route should be located. Criterion 10 considers the northern portion of the project and is responsive to policies in Portland's and Milwaukie's plans. Specifically, Milwaukie Transportation Element, Objective #5, Policy 2, promotes a light rail route along the McLoughlin Boulevard corridor. This route is also shown on Milwaukie's Transportation Plan Map 8.

-9-

- Albina Community Plan, Policy II, Objective 9
- Piedmont Neighborhood Plan, Policy 4, Objective 6
- Kenton Neighborhood Plan, Policy 5, Objective 1
- Boise Neighborhood Plan, Policy VI, Objective 4
- Eliot Neighborhood Plan, Policy C
- Brooklyn Neighborhood Plan, Policy 7A
- University District Plan, Policy 16C
- Central City Plan, Policy 4A
- Transportation Element, North District Policies 3 and 5; Northeast District Policy 8 and Southeast Policy 2.

Criterion 10 reasonably reflects these plan policies.

### **CONCLUSION:**

The affected cities and counties, Oregon Department of Transportation, Tri-Met and Metro have undergone considerable effort to identify the comprehensive and functional plan policies that are relevant to Metro's decision on the South-North Light Rail project facilities, including their locations, and to draft criteria that reasonably reflect those policies and the statewide planning goals. The result is a set of criterion that fulfills the legislative directive to LCDC set out in HB 3478. The purpose of this legislation can be reasonably and expeditiously achieved by application of these criteria.

Furthermore, the proposed criteria are written to avoid vague language that can be subject to different interpretations. And they are written to assist local governments during the permitting process.

### ATTACHMENTS:

- Transmittal Letter
- Letter of Support from Local Governments
- Proposed South-North Land Use Criteria
- Narrative in Support of the South-North Criteria Proposed by Metro, the Cities of Gladstone, Milwaukie, Oregon City and Portland, Clackamas and Multnomah Counties, Tri-Met and ODOT
- Comprehensive Plan Policies Applicable to Selection of Criteria for the South-North MAX Light Rail Project

### S:\NSLRP.WP5

Subject: RE: Further Public records request Date: Tuesday, August 9, 2011 11:04 AM From: Tuttle, Casaria R. <casaria.r.tuttle@state.or.us> To: 'Tom Holmes' <tomholmes@michaeljlilly.com> Conversation: Further Public records request Mr. Holmes, staff have not been able to locate this notice at this time. From: Tom Holmes [mailto:tomholmes@michaeljlilly.com] Sent: Friday, August 05, 2011 11:49 AM To: Tuttle, Casaria R. Subject: Re: Further Public records request Any update on the Notice? I haven't heard anything further on that. Tom Holmes, Paralegal Office of Michael J. Lilly 4800 SW Griffith Drive, Suite 325 Beaverton, OR 97005 MAIN NO: 503-746-5977 FAX: 503-746-5970 tomholmes@michaeljlilly.com From: "Tuttle, Casaria R." <casaria.r.tuttle@state.or.us> Date: Tue, 26 Jul 2011 13:07:41 -0700 To: 'Tom Holmes' <tomholmes@michaeljlilly.com> Conversation: Further Public records request Subject: RE: Further Public records request Mr. Holmes, here is one of the documents you requested. Staff are working on the notice portion of your request. ----Original Message-----From: Tom Holmes [mailto:tomholmes@michaeljlilly.com] <mailto:tomholmes@michaeljlilly.com%5d> Sent: Tuesday, July 26, 2011 9:54 AM To: Tuttle, Casaria R. Subject: Re: Further Public records request Have you received a copy of the LCDC Order yet? I was expecting it to come last week. Tom Holmes, Paralegal

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Office of Michael J. Lilly
4800 SW Griffith Drive, Suite 325
Beaverton, OR 97005
MAIN NO: 503-746-5977 FAX: 503-746-5970
tomholmes@michaeljlilly.com
> From: "Tuttle, Casaria R." <casaria.r.tuttle@state.or.us>
> Date: Thu, 14 Jul 2011 16:17:13 -0700
> To: "casaria.r.tuttle@state.or.us" <casaria.r.tuttle@state.or.us>, 'Tom
> Holmes' <tomholmes@michaeljlilly.com>
> Cc: "heather.awlasewicz@state.or.us" <heather.awlasewicz@state.or.us>
> Conversation: Further Public records request
> Subject: RE: Further Public records request
>
> Mr. Holmes,
> DLCD expects to have a copy of the order at the Salem office within the next
> week. At that time a scanned copy will be emailed to you at
> tomholmes@michaeljlilly.com. If you would like this copy sent to a different
> email address please let me know.
>
> Thank you for your continued patience.
>
> Casaria
>
> ----Original Message-----
> From: Tom Holmes [mailto:tomholmes@michaeljlilly.com]
<mailto:tomholmes@michaeljlilly.com%5d>
> Sent: Thursday, July 14, 2011 3:10 PM
> To: casaria.r.tuttle@state.or.us
> Cc: heather.awlasewicz@state.or.us
> Subject: Further Public records request
>
> Here is another public records request related to the meeting of LCDC on May
> 30, 1996. I had previously asked for a copy of the order that came from
> that meeting for Agenda Item No. 1 "Public Hearing and Adoption of Proposed
> Criteria for South/North Light Rail."
> I heard today that someone has found a copy of the actual LCDC order, but I
> haven't seen it yet.
> Thanks for your help and patience with these requests.
>
> ___
> Tom Holmes, Paralegal
> Office of Michael J. Lilly
> 4800 SW Griffith Drive, Suite 325
> Beaverton, OR 97005
>
> MAIN NO: 503-746-5977 FAX: 503-746-5970
> tomholmes@michaeljlilly.com
>
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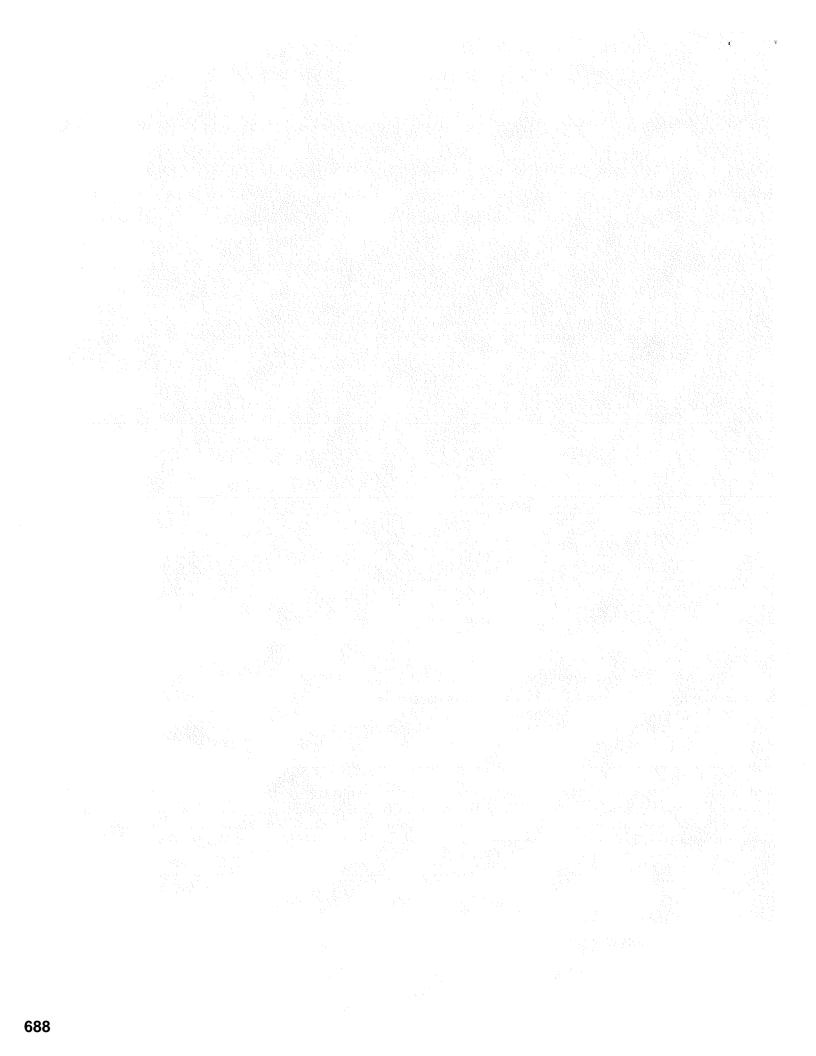


# COLUMBIA RIVER CROSSING FINANCIAL PLAN REVIEW

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Prepared by the Debt Management Division

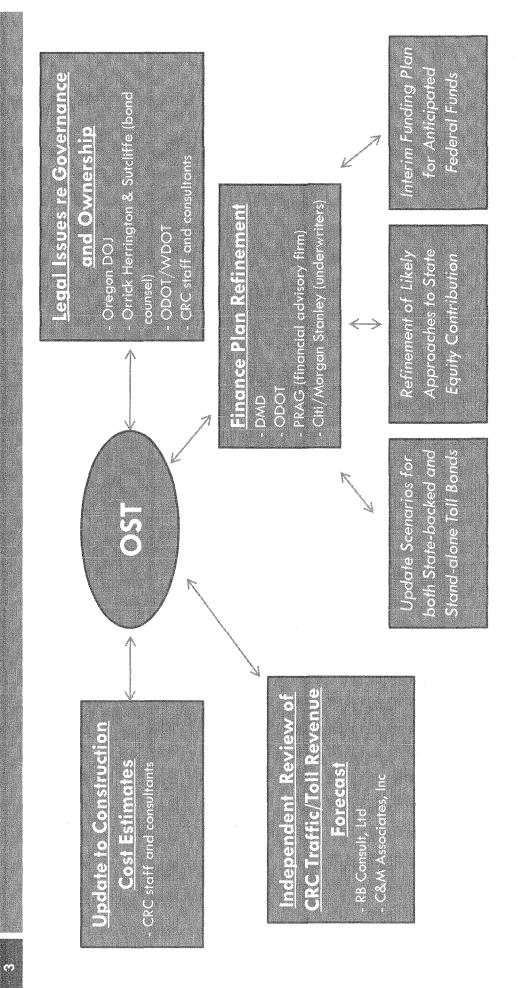
of the Oregon State Treasury



### Elements of OST's Financial Plan Review

- 2
- 1. Update of Construction Cost Estimates
- 2. Evaluation of CRC's Traffic and Toll Revenue Forecast
- 3. Refinement of CRC's 2008 Plan of Finance
- 4. Exploration of Legal Issues regarding Governance and Ownership Framework

Participants in the OST Review Process

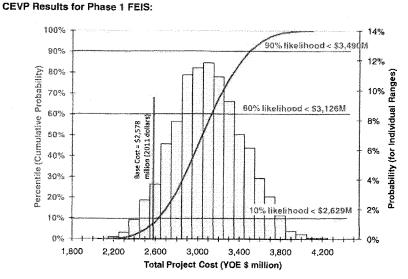


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### Update to Construction Cost Estimate Phased Construction Scenario

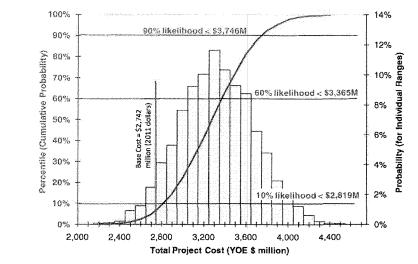
- Cost Estimation Validation Process (CEVP) is an estimating technique employed by the CRC that uses a probabilistic approach to narrow the range of costs as key project milestones are met
- Assuming phased construction (does not include improvements to SR-500 or the Port of Portland flyover ramp), overall CRC project costs are now estimated to be between \$2.63 to \$3.49 billion, with a 60% probability that costs will be \$3.13 billion or less



Uncertainty in Overall Project Cost for Baseline Funding, Phase 1 FEIS. Includes previous costs of \$120.35 million

# Update to Construction Cost Estimate Full Build Scenario

- Under the full build scenario, which does include improvements to SR-500 and the Port of Portland flyover ramp, overall CRC project costs are estimated to be between \$2.82 to \$3.75 billion, with a 60% probability that costs will be \$3.37 billion or less
- Final decision about size and scope of project will be determined upon further refinement of overall project costs and the future availability of various federal and state funds



CEVP Results for Full Build FEIS:

Uncertainty in Overall Project Cost for Baseline Funding, Full Build FEIS. Includes previous costs of \$120.35 million

### Initial CRC Financial Plan

based on the 2008 Adopted Draft Environmental Impact Statement (DEIS)

Sources of Funds	Estimated Amt (\$M)	Construction Funds Spent
Federal Funds		
Discretionary Highway Funds	\$ 400	FY 2012 - 15
New Starts Transit Grant	850	FY 2013 - 17
State Funds		
Equity Contribution (50% per state)	900	FY 2012 - 15
State-backed (G.O.) Toll Bonds (50% per state)	1,300	FY 2015 - 19
Total	\$ 3,450	

7/20/2011

### **Toll Bonding Considerations**

- General Obligation (G.O.) bonds vs. stand-alone toll revenue bonds
  - > Repayment of either type of bond comes from tolls paid by I-5 bridge users
  - State-backed G.O. bonds can be sold at higher credit ratings and therefore, significantly lower interest costs, than stand-alone toll revenue bonds
  - Each DOT (and ultimately, each state's General Fund) are obligated to cover toll revenue shortfalls over the life of these G.O. bonds
- An "investment grade" traffic and toll revenue forecast prior to the initial sale of toll bonds is essential
  - Bonds must be structured and sized prudently so that neither states' long-term credit ratings are impacted by the CRC project
- Establishing a strong coverage requirement can also help mitigate potential toll revenue shortfalls by providing a substantial revenue cushion
  - CRC financing model assumes 1.25 debt service coverage level for State-backed G.O. toll bonds
- The initial CRC finance plan phased toll bonds towards the latter parts of the construction project in order to minimize the use of capitalized interest (borrowing for interest payments on the bonds until the imposition of tolls on bridge users)

# Background on CRC's Traffic and Toll Revenue Forecasting

- A 4-step traffic and toll revenue forecast was developed in 2005 by Stantec using the Portland Metro traffic model
  - Model modified upward using "VIS SIM" micro-simulation to adjust traffic flows by 6% based upon planned improvements to the I-5 corridor upon project completion
  - 2008 DEIS conservatively used Stantec's baseline forecast without this predicted improvement in traffic flows to calculate projected toll revenues
- Some economists are nevertheless critical of the current 4-step traffic forecast model's ability to accurately predict traffic growth and toll revenue over time
  - By its very nature, this type of model assumes a steady growth rate in annual population, employment, traffic, and GDP
  - Cumulative impacts of relatively small differences in assumptions about traffic growth can have a significant impact on forecast revenues over the 30-year forecast horizon
  - Changes in land use and employment patterns as well as periodic changes in economic conditions can have a profound impact on driving patterns and thus, toll revenue generation
  - Many toll roads around the world have not met their forecast revenues due to these unanticipated conditions

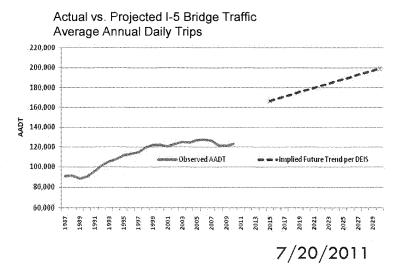
# OST's Evaluation of CRC's Traffic and Toll Revenue Forecasting to Date

- OST hired two respected independent consulting firms to conduct desktop reviews of the CRC forecasts from both the credit analysis and traffic engineering perspectives
  - Robert Bain, RB Consult Ltd (former S&P ratings analyst who has published widely on problems with the traffic and toll forecasting process)
  - Herb Vargas and Carlos Contreras, C&M Associates, Inc. (traffic engineering firm with international experience in investment grade studies)
- Each firm independently reviewed CRC's traffic modeling approach as well as key socioeconomic and land use factors which drive the forecast of long-term trends in traffic growth in the Columbia River corridor
- While both firms agreed that CRC's modeling thus far has been adequate for EIS purposes, they also noted that a far more robust modeling approach (i.e., the investment grade traffic and toll revenue study) will be required prior to the initial toll bond financing planned for FY 2015

# Summary of the Consultants' Findings

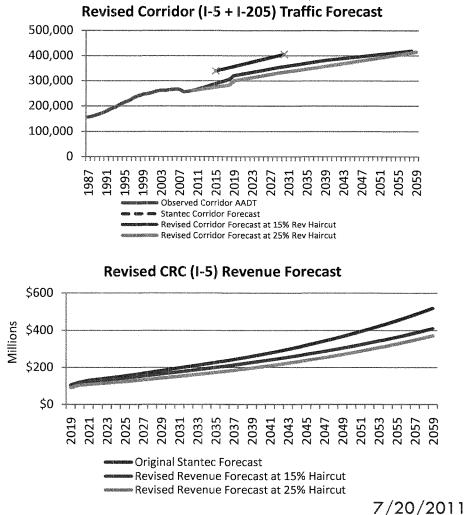
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- Portland Metro's 2002 long-term employment projections, which were relied upon for the 2008 DEIS, are very outdated
- Traffic counts on the I-5 and I-205 bridges have not grown at the rates predicted in the 2008 DEIS
- Both firms recommend that the CRC lower its baseline traffic and toll revenue forecasts in recognition of the unanticipated depth of the recent recession and the resulting impact on Portland Metro's long-term employment and traffic growth trends
- For planning purposes, it was suggested that the CRC assume that projected annual gross toll revenues will be somewhere between <u>15% to 25% lower</u> than the baseline forecast assumed at the time the 2008 DEIS was adopted

Socioeconomic Data	Source			
	Metro	Moody's	Global Insight	
Households				
2005	767,000	805,000	815,300	
2030	1,134,100	1,240,000	1,180,500	
Growth	48%	54%	45%	
Population				
2005	1,906,600	2,074,400	2,072,300	
2030	2,853,900	3,142,700	2,977,800	
Growth	50%	51%	44%	
Employment				
2005	1,032,200	987,200	987,200	
2030	1,691,900	1,262,100	1,292,200	
Growth	64%	28%	31%	



# Next Steps in Refining the CRC Traffic and Toll Forecast Model

- The key difference between OST's two consultants was their assumption regarding the likely shift in traffic to the I-205 bridge upon tolling of the new I-5 bridge
- The original Stantec forecast assumed the new I-5 bridge would still "capture" 45% -47% of traffic in the overall corridor
  - For each 1% reduction in the I-5 bridge
     "capture" rate, our consultants' estimate that gross toll revenues drop by approximately 2%
- An investment grade study that incorporates the latest forecast of longterm employment trends and examines the impact of tolling on bridge users of different income levels will allow the CRC to narrow and refine projected I-5 toll revenues prior to the initial sale of bonds in FY 2015



### Impact of Lowering the I-5 Bridge Toll Revenue Forecast on the CRC Finance Plan

- All else being equal, a 15% reduction in gross toll revenues reduces the amount of proceeds that can be generated for the project through sale of state-backed G.O. toll bonds by 18.5%, or approximately <u>\$240 million</u> compared to the CRC's original finance plan
- The percentage differential between the reduction in revenues vs. project proceeds is due to certain annual and periodic fixed costs associated with operation and maintenance of the I-5 toll bridge that will need to be funded regardless of overall traffic levels
- At a 25% toll revenue reduction, estimated project proceeds are reduced by 31% or approximately <u>\$407 million</u>

# Other Bond Structuring Considerations Impacting CRC Project Financing

- The original CRC finance plan envisioned that State-backed GO bonds would be "back-loaded" (i.e. structured with ascending annual debt service linked to ascending toll revenues over time), with the following assumptions:
  - > I-5 bridge traffic would grow annually by 1.3%
  - > Toll rates would increase annually by 2.5%
- Based on Washington's experience with toll revenue shortfalls on the Tacoma Narrows project, Washington State Treasurer McIntire is now requiring WDOT to use more conservative revenue growth assumptions on all new state bond tolling projects
- Eliminating the toll escalation assumption from the CRC financing model reduces the risk of toll revenue shortfalls, but also reduces the amount of toll bond proceeds that can be generated by approximately <u>\$318 million</u>
- When combined with the impacts of the aforementioned 15% 25% potential reduction in projected toll revenues, CRC toll bond proceeds are estimated to be <u>\$468 to \$598 million lower</u> than predicted in the 2008 DEIS

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### Potential Solutions to the CRC Funding Gap

### **Pre-Completion Tolling**

CRC has estimated that pre-completion tolling of the I-5 bridge could generate up to <u>\$200 million</u> in additional revenue for the project

### TIFIA Loan

- The Transportation Infrastructure Finance and Innovation Act (TIFIA) established a Federal program that provides direct loans to surface transportation projects of national and regional significance
- TIFIA loans provide competitive interest rates and flexible repayment terms (no interest payments are required during construction, up 35 years for repayment upon project completion, and debt service coverage of 1.1x revenues on a subordinate basis to the states' G.O. bonds)
- A TIFIA loan of \$704 to \$833 million, repaid from I-5 toll revenues, would substantially reduce the need for state-backed G.O. bonds and limit the exposure of each state's General Fund to the project, while restoring project funding by \$194 to \$238 million
- Given the increasingly competitive nature of the TIFIA loan approval process, the CRC team if it opts to pursue this option -- should initiate efforts to secure US DOT and Congressional approval for this loan at the same time it seeks other Federal funding 7/20/2011 commitments for the project

### Potential Modifications to CRC's Plan of Finance

Sources of Funds	Original CRC Plan (\$M)	Combined Impact of Debt Structuring Limitations and Toll Revenue Reductions on CRC Original Plan (\$M)		Potential Modifications to CRC Plan (\$M)
		At a 25% Revenue Reduction	At a15% Revenue Reduction	
Federal Funds				
Discretionary Highway Funds	\$ 400	\$ 400	\$ 400	\$ 400
New Starts Transit Grant	850	850	850	850
State Funds				
Equity Contribution (50% per state)	900	900	900	900
State-backed (G.O.) Toll Bonds (50% per state)	1,300	702	832	190 - 230
TIFIA Loan (secured by tolls & back-up pledge of ODOT/WDOT revenues)				704 - 833
Pre-Completion Tolling (estimated)				200
Total	\$ 3,450	\$ 2,852	\$ 2,982	\$ 3,244 - 3,413

7/20/2011

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# Other CRC Financing Issues

- Securing Federal transit funding is now on the critical path
  - \$850M in New Starts grant is key to moving ahead with the overall project as currently conceived
  - Vote on tax to generate \$3M in annual transit operating funds by Clark County residents is critical to getting the New Starts money
  - Failure to win Federal funding for the transit portion of the project may require rethinking of the overall project scope, timeline and financing plan
- Assuming the CRC is successful in securing a commitment of all anticipated Federal funding, the two states will nevertheless need to provide interim financing to pay significant portions of the CRC's construction costs prior to receiving \$1.25 billion of transit and discretionary highway money

### Other CRC Financing Issues (continued)

- The current CRC plan envisions equity contributions of \$450 million by each state in FY 2013 to fund initial phases of design and construction
- ODOT's preferred option appears to be issuing state-backed G.O. bonds to cover its equity contribution
  - Under the Oregon Constitution, ODOT is allowed to issue G.O. bonds to fund "permanent roads" within the state
  - Both the G.O. bond sale and source of debt repayment will require legislative approval
  - A 1.5 cent per gallon dedicated increase in state gas tax (or equivalent weight-mile fees) generates \$40.6 million per year and is estimated to support up to \$522 million in self-supporting 25-year G.O. bonds at a 1.10x coverage level
- Alternatively, ODOT could issue 12-year "GARVEE" Bonds which are a type of grant anticipation note that gets repaid from future federal discretionary highway revenues
  - GARVEEs are frequently issued by states and local governments for large transportation projects and will likely be the source of interim funding used for other Federally-funded aspects of the project
  - Each \$10 million in annual Federal Funds pledged would generate roughly \$94 99 million in equity towards the project
     7/20/2011

### Governance and Ownership Framework

- 18
- ODOT/WDOT continue to meet to develop the IGA for governance and ownership of the project
  - Oregon's Department of Justice and ODOT's bond counsel, Orrick, Herrington and Sutcliffe, are now included in the CRC governance planning process
- CRC's current plan envisions that toll collection, bridge ownership and on-going maintenance will be done by the State of Washington but that Oregon will share in a 50/50 split of all CRC project costs, including cost overruns and revenue shortfalls
  - Oregon Constitution prohibits use of state gas tax for projects outside state borders
  - Preliminary cost allocation between project elements suggests this will not be a problem
- Regardless of whether the CRC project is funded in part through statebacked G.O. toll bonds or a Federal TIFIA loan, the CRC's governance plan must include a robust toll-setting mechanism to assure that all tollrelated debt service is paid in full each year through toll revenues

## Conclusions

- CRC's construction cost estimating process appears solid, with contingency plans being developed for project phasing depending upon the finalized estimate of project costs and the availability of various state and federal funds
- Key assumptions in the traffic and toll revenue forecast used in the 2008 DEIS are now outdated, given the unanticipated depth of the recent recession
  - Completion of an investment grade study over the next two years will allow the CRC to refine its estimate of anticipated I-5 bridge toll revenues over time, which in turn will allow us to refine the amount of toll bond proceeds that can be generated for the project
- The combined impact of Washington State Treasurer McIntire's requirement that CRC adopt a more conservative toll bond debt structure and the potential toll revenue reduction of 15% – 25% is a \$468 to \$598 million reduction in projected CRC funding resources

# Conclusions (continued)

- Pre-completion tolling of the I-5 bridge and the shift from state-backed GO toll bonds to a primarily TIFIA loan funding approach may be able to restore between \$394 to \$438 million in CRC funding, while greatly reducing the financial risk to both states' General Funds and credit ratings
- Securing Federal funding for the project remains on the critical path, with an important vote on taxes to fund annual transit operating costs coming up this fall in Clark County
- Both state-generated and federal transportation funds can be leveraged to provide Oregon's \$450 million equity contribution to the CRC project
- The CRC's governance plan must include a robust toll-setting mechanism to assure that all toll-related debt service is paid in full each year through toll revenues



Metro

503-797-1700 tel 503-797-1930 fax

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No.	/

Aug. 11, 2011

#### Columbia River Crossing Land Use Final Order Public Hearing

(Please print)	Ronald L. BueL
Name (required)	Nonala AIVORL
Affiliation (if any)	
Address (required)	2817 NE 19th Luc., Portland, DR 97212
E-mail (optional)	Ron B @ Donavoncards, com
Send me written n	otification of adoption of the LUFO (requires valid mailing address).
Electrication de la companya de la c	
Testimony (use back o	or attach additional sheets if necessary)
See	testimony
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Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.

My name is Ronald A. Buel

My address is 2817 NE 19<sup>th</sup> Avenue, Portland, OR, 97212 Please notify me at that address if and when any LUFO is adopted.

Please accept the following testimony into the hearing record regarding the Land Use Final Order for the Columbia River Crossing Project, for the hearing to be held August 11, 2011 at 2:00 pm.

Metro must reject this LUFO application, because it is based on erroneous claims.

ERROR ONE: HB 3478 of 1996 applies only to the South North light rail project. Although TriMet's LUFO Application purports to be for that project, it is not.

Abraham Lincoln is supposed to have asked: "How many legs does a sheep have if you call a tail a leg?" and to have answered his own question "Four, because calling a tail a leg doesn't make it one." We have that exact situation here.

Consider that the Oregon Legislature passed the first LUFO law as Senate Bill 573 of 1991, and the first LUFO was adopted in April 1991 for the "Westside Corridor Project," in order to expedite that particular project.

In "Seto v. Tri-County Metro. Transportation Dist.", 311 Or. 456, 814 P.2d 1060 (1991), the Oregon Supreme Court describes the general purposes of Senate Bill 573:

"The Act establishes an alternative to the usual land use siting and judicial review process, which is governed by ORS chapter 197. SB 573, ss 1, 3. The extensive legislative preamble to the operative provisions of the Act states, among other things: The Project, at a total estimated cost of nearly \$1 billion, is the largest public works project in Oregon's history. Various regional and state governmental bodies have identified the Project as the region's and the state's highest transportation priority and a high air-quality priority. The Project is important to help implement significant parts of the comprehensive plans of Multnomah and Washington counties, as well as those of the cities of Portland, Hillsboro, and Beaverton. A full funding agreement with the federal Urban Mass Transportation Administration (UMTA) must be signed by September 30, 1991, in order to assure that the federal government supplies 75 percent of the funding, rather than 50 percent or less, a difference of about \$227 million. The usual process for local land use decisions and for administrative and judicial review would extend well beyond September 30, 1991. Final resolution of the land use issues must be accomplished by July 31, 1991, if the agreement with UMTA is to be signed by September 30, 1991."

The enactment itself succinctly recapitulates those points and adds a legislative finding that a failure to obtain maximum federal funding would 'seriously impair the viability' of the Project, with the attendant adverse consequences. SB 573, s 1(1). The law further provides that '[t]he Legislative Assembly deems the procedures and requirements provided for in this Act, under the unique circumstances of the Westside Corridor Project, to be equivalent in spirit and

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substance to the land use procedures that otherwise would be applicable.' SB 573, s 1(3)."

Similarly, HB 3478 of 1996 refers to a specific project, as follows:

"SECTION 1. (18) 'Project' means the portion of the South North MAX Light Rail Project within the Portland metropolitan area urban growth boundary..."

"SECTION 2. (1) The Legislative Assembly finds that a failure to obtain maximum federal funding for the South North MAX Light Rail Project in the upcoming federal transportation authorization act will seriously impair the viability of the transportation system planned for the Portland metropolitan area, the ability of the area to implement a significant portion of its air quality and energy efficiency strategies and the ability of affected local governments to implement significant parts of their comprehensive plans. The Legislative Assembly further finds that to maximize the state's and metropolitan area's ability to obtain the highest available level of federal funding for the South North MAX Light Rail Project and to assure the timely and costeffective construction of the project, it is necessary: (a) To establish the process to be used in making decisions in a land use final order on the light rail route, light rail stations, light rail parkand-ride lots, light rail maintenance facilities and any highway improvements to be included in the South North MAX Light Rail Project, including their locations; (b) To expedite the process for appellate review of a land use final order; and (c) To establish an exclusive process for appellate review."

Metro and TriMet would have us believe that HB 3478 outlines a multi-year vision of light rail expansion, one that may be amended and expanded by them at any time, with no time limit. They believe that a future extension to Oregon City would still be covered by HB 3478 (the so-called "extension" mentioned in that law).

The courts have ruled that the first LUFO law was not a long-term vision, but a process for expediting a single project in the short term. One would presume that the second LUFO law, in the absence of language to the contrary, was also intended for short term expediting.

TriMet opened the Airport Light Rail project (Red Line) in 2001 without a LUFO, because there was no Full Funding Grant Agreement. The revival of the LUFO process in 2004 implies that TriMet and Metro believe that any project within Multnomah or Clackamas Counties that includes light rail, and is partially funded by a federal "Full Funding Grant Agreement" may utilize the 1996 law, whether or not major components of the project were part of the South North project in 1996. There would appear to be no limit in time or space to the applicability of this law, under their interpretation.

However, the interpretation of LUFO legislation by the courts is that each project requires a new law.

The Oregon Legislature created each LUFO law to expedite a specific project, responding to the "unique circumstances" of each project. It is not possible for HB 3478 to apply to a project in

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2011 and later, because this law has expired. The word "expedite" could not possibly refer to a 15 year or longer process, purportedly extending a project that was voted down by the electorate in two separate elections.

In November 1996, voters statewide (measure 32) rejected the state funding plan that was part of the same package of legislation passed by the 1996 special session that included HB 3478. In November 1998, Portland area voters rejected Tri-Met measure 26-74 to pay for a shrunken version of South North light rail project.

One might reasonably conclude that HB 3478 expired with those electoral defeats.

Subsequent to the electoral defeats, the project was actually constructed (the now-operating "Yellow" or "Interstate" MAX line) without the use of additional tax monies, opening in May of 2004. Certainly the law expired then.

It is not necessary to define the exact moment when HB 3478 expired. The first LUFO adopted under HB 3478 on July 23, 1998, and amended October 28, 1999 for Interstate MAX, may well have been valid.

The subsequent 2004 amendments for the "Green Line" are highly questionable, but went unchallenged. For example, consider LCDC Criterion 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."

According to the 2004 LUFO Amendment "Findings of Fact and Conclusions of Law" regarding alignment: "The Metro Council finds that given the extensive consideration of LRT service to Clackamas Regional Center and Milwaukie, this criterion has been met."

The "Findings" ignore the fact that the "Green Line" does not travel on any of the routes listed in Criterion 9.

So, by 2004, TriMet and Metro are just talking through their hats, hoping no one will challenge their absurd claims.

In 2008, Metro passed resolution 08-3960B, approving the "locally preferred alternative" for the CRC. Buried within this resolution is a claim that the CRC bridge is part of the South North project. But, of course, calling it part of the South North project doesn't make it so, nor does it revive HB 3478.

Now, in 2011, the charade needs to come to a halt. Like the infamous "Norwegian Blue" parrot of Monty Python fame, HB 3478 is dead, and simply nailed to its perch.

The truth is revealed in the published notice for this hearing, which describes "Adoption of a Land Use Final Order For the Columbia River Crossing Project" not the "South North" project to which HB 3478 applies.

There is no legal authority for the LUFO amendment. The Metro Council should write a letter to TriMet, ODOT, and the purported "LUFO Steering Committee" members, informing them that unless and until the Oregon Legislature passes a LUFO law specific to the CRC, Oregon's normal land use laws will continue to apply to all subsequent phases of the CRC project.

ERROR TWO: Even if the courts determine that HB 3478 of 1996 has not expired with regard to the light rail components of this application, the CRC Highway projects are not eligible for inclusion in a LUFO for the South North project defined by that law.

The CRC Draft EIS makes no claims that the CRC is an update of the South North project, or that the freeway components of the CRC project were or are a part of the South North project. There are essentially two areas of the DEIS that reference the South North project: The "Executive Summary" on page S-3, which is the most complete, and Chapter 1, on page 1-2, which is a subset of the same information.

The "Executive Summary" information states (page S-3):

"High-capacity transit in the I-5 corridor through north Portland and Vancouver has been studied periodically for over a decade. In 1993, the FTA, in cooperation with Metro, began studying high-capacity transit in the "South/North Corridor", which stretches from Clackamas and Milwaukie, Oregon to Vancouver, Washington. FTA and Metro published the South/North Corridor Project Draft Environmental Impact Statement in 1998. This identified a variety of alignments and length options for a light rail corridor connecting Milwaukie, downtown Portland, North Portland, and downtown Vancouver. Subsequent funding challenges didn't allow construction of the entire corridor assessed in the South/North project, but did allow construction of the MAX Yellow line. The Yellow line was built in 2004 through North Portland, a section of the South/North corridor. The new light rail line currently being constructed along the north-south axis of downtown Portland can accommodate a future extension to Milwaukie; an environmental impact study is currently evaluating this extension. The transit component of the CRC project is now assessing the extension of high-capacity transit through Vancouver. These projects are part of the vision outlined in the original planning studies of the 1990s."

Note that the DEIS makes no claim that the highway components are part of the South North project.

Chapter 2 of the DEIS, section 2.5.1, (page 2-47) provides the history of the CRC project. It is clear from this history that the CRC is a NEW PROJECT. It evaluated a variety of transit alternatives that were never a part of the South North project. It is clear from section 2.5.4 starting on page 2-50 of the DEIS that light rail was merely one possible option among many that were being considered by the CRC project. Far from being a modification of the South North project, the CRC had a separate genesis, separate development, and only in the final stages was a transit component selected that could reasonably be considered to have been a part of the South North project at the time HB 3478 was passed in 1996.

Consider the definition of 'Highway improvements' in HB3478 Section 1(12)

"Highway improvements' means the highway improvements, if any, to be included in the project or project extension. The highway improvements shall be selected from among the highway improvements, if any, described in a Draft Statement or Final Statement for the project or project extension.

"(9) 'Draft Statement' means the Draft Environmental Impact Statement for the project or project extension prepared pursuant to regulations implementing the National Environmental Policy Act of 1969.

"10) 'Final Statement' means the final Environmental Impact Statement for the project or project extension, as may be amended from time to time, or any supplementary assessments or statements, prepared pursuant to regulations implementing the National Environmental Policy Act of 1969."

Now consider the definition of 'Project' in HB3478 Section 1(18)

"Project' means the portion of the South North MAX Light Rail Project within the Portland metropolitan area urban growth boundary, including each segment thereof as set forth in the Phase I South North Corridor Project Locally Preferred Alternative Report as may be amended from time to time or as may be modified in a Final Statement or the Full Funding Grant Agreement. The project includes the light rail route, stations, lots and maintenance facilities, and any highway improvements to be included in the project."

HB3478 describes only a single 'Draft Statement' which is obviously the original Draft EIS for the South North project. There is no 'Final Statement' yet approved for the CRC. Even if the CRC Draft EIS were to be considered, the freeway components of the CRC are in no way described as

part of the South North project.

HB3478 is clear that not just any highway project can be considered part of the project. They must be described in an appropriate Federal EIS document or document amendment. There is no such document that purports to be a supplement or an amendment to the South North Project FEIS.

If Metro adopts a LUFO for the CRC, it must not include the freeway components.

ERROR THREE: The LCDC Criteria have expired. If the courts determine that the CRC freeway components can be added to the South North project at this late date, this can only be done if the LCDC criteria are updated to reflect this unanticipated re-definition of the project defined by HB 3478.

SECTION 4 of HB 3478 gives authority to the LCDC to establish criteria for making a decision regarding a LUFO.

"The Land Conservation and Development Commission shall establish criteria to be used by the council in making decisions in a land use final order on the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project and project extension, including their locations.

"(6) The commission shall close the hearing and adopt an order establishing the criteria within 14 days following commencement of the hearing. In establishing the criteria, the commission shall consider those statewide planning goals and those plan policies that are relevant to decisions regarding the light rail route, stations, lots and maintenance facilities, and the highway improvements, and their locations. The commission's order shall include a brief statement explaining how the criteria established reasonably reflect those statewide land use planning goals and those plan policies that are relevant to decisions regarding the light rail route, stations, lots and maintenance facilities, and the highway improvements, and their locations.

"(8) The commission shall adopt the order described in subsection (6) of this section within 90 days following the effective date of this Act."

Although the initial criteria were required to be adopted within 90 days of the effective date of the act, the Commission has continuing authority under HB 3478 to adopt criteria for a LUFO amendment for the South North Project. There is no language in HB 3478 that terminates

#### LCDC's authority to establish criteria.

The stated intent of the law is that the LCDC criteria "...consider those statewide planning goals and those plan policies that are relevant to decisions regarding... highway improvements, and their locations." With the purported addition of the freeway expansion to the South North project, this can only be accomplished by a new LCDC hearing to establish updated criteria.

When conditions change, including new scientific understandings regarding the contribution of transportation systems to global climate change, that have a direct bearing on "plan policies that are relevant to decisions regarding the... highway improvements" then it is incumbent on LCDC, and implicit in the law, that the LUFO criteria be updated. In the present circumstances, the Metro Council needs to continue this hearing to a later date, and petition LCDC to revise their criteria to meet current conditions.

ERROR FOUR: The definition of Associated Highway Improvements in the proposed LUFO is inconsistent with the definition contained in HB 3478. The proposed LUFO states:

""Highway improvements" include new roads, road extensions or road widenings outside existing rights-of-ways that have independent utility in themselves and are not needed to mitigate adverse traffic impacts associated with the light rail route, stations, lots or maintenance facilities.'

However, HB 3478 SECTION 2 (3) states:

"It is the intent of the Legislative Assembly that residents of neighborhoods within the Tri-County Metropolitan Transportation District of Oregon affected by land use decisions, limited land use decisions or land divisions resulting from the siting, construction or operation of any MAX Light Rail line, either as individuals or through their neighborhood associations, shall have the opportunity to participate in such decisions and divisions."

Note that this provision does not mention highway improvements. It is unreasonable to conclude that the Legislature wished to exclude residents from any opportunity to participate in decisions regarding "highways with independent utility". The reasonable conclusion is that the Legislature intended that the only highway improvements to be covered by this LUFO law are those that are the direct and necessary result of the "siting, construction, and operation" of the South North Light Rail line.

I hereby ask the Metro Council to reject or modify the proposed LUFO in response to the errors identified above.

I further request Metro to include, in the record for this decision, the following items:

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Each and every Final EIS for the South North Project. Each and every Full Funding Grant Agreement for the South North Project. The DEIS for the South North project, and any supplements. The "Phase I South North Corridor Project Locally Preferred Alternative Report" and any amendments to it, or modifications to it as found in a Final Statement or a Full Funding Grant Agreement for the South North Project, as referenced by HB 3478. Each LUFO and LUFO amendment previously approved by Metro for the South North Project. Any other South North Corridor Project documents that define the project according to the definition contained within HB 3478. The public notice for this hearing.

Signed,

Ronald a. Bud

Ronald A. Buel



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Aug. 11, 2011

#### Columbia River Crossing Land Use Final Order Public Hearing

(Please print) AMELA L PRAUSON Name (required) VIANNFACTURED Affiliation (if any) Broughta Dr. (Ommun Address (required) E-mail (optional) Gusenn  $\sqrt{x}$ C aim. com □ Send me written notification of adoption of the LUFO (requires valid mailing address). Testimony (use back or attach additional sheets if necessary) BUT member Communit den atrie hanh an.

Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record. .



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Aug. 11, 2011

#### Columbia River Crossing Land Use Final Order Public Hearing

(Please print)	
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Name (required)	JOHN MOHLIS
Affiliation (if any)	OREGON BULLOWLY TRADES COUNCIL
Address (required)	3535 SE BGT AVE. POILTLAND 97266
E-mail (optional)	john-mohlis e concast. net

Send me written notification of adoption of the LUFO (requires valid mailing address).

Testimony (use back or attach additional sheets if necessary) 25/5 MEMBY 50,000 カレ SOLUTION 14 II AN PRIPULTE EF PROCESO WITH THI PROFEC HAUE THE SIGNED CLOSER WZ 700 BUILT. our TE REEN out Ot Hom NEED 70 60 4.5.A. YEAR WORK 0152 A *~* . 0

Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.



No. 12

Aug. 11, 2011

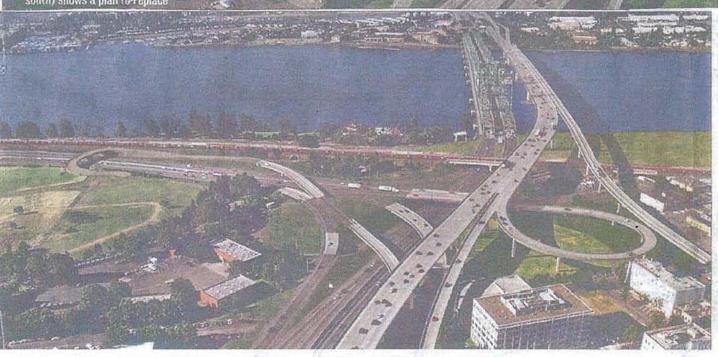
#### Columbia River Crossing Land Use Final Order Public Hearing

(Please print)	i
Name (required)	ART LEWELLAN
Affiliation (if any)	· · ·
Address (required)	Lotilius @ Gmail.com 1020 NW 9th# 604 PORTLAND 97209
E-mail (optional)	NORTLAND 97209
□ Send me written no	otification of adoption of the LUFO (requires valid mailing address).
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# BRIDGE FACES A WIDE GULF

An artist's rendering (looking south) shows a plan to replace



### river crossing plan

Even the Portland City Council has taken a stand, saying it will only support an option that includes a new on this light-rail line to Vancouver.

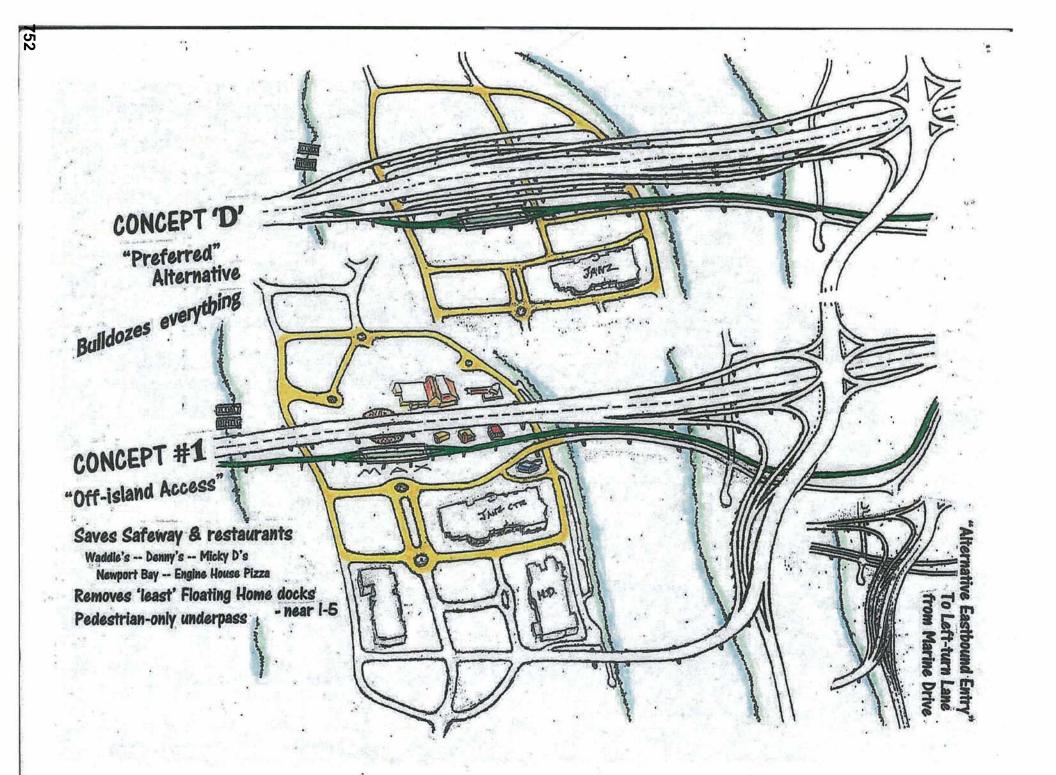
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or

Rex Burkholder, a Metro Council member serving on the 39-member Columbia River Crossing Task Force that developed the five options, isn't surprised people didn't wait for the release of the study before making un their minds. to remate

See BRIDGE / Page 2



It's cory likely turb dence from big-box traffic contribut is to the address songestion during the promotion doer state. Shoppers are, after bid, pre likely be traveling to stores in the able point ad evening.

Turbulence om autos er' -ring 1 exiting the reeway can use a rippio effect, uwing traffic f miles.

A Simpler Fix:

# Fix the existing I-5 bridge.

Even though it's not as bad off as other bridges in the region, the 1-5 bridge does need repair. It can be seismically upgraded for a fraction of the cost of the megabridge.

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Build a local bridge to Hayden Island. Give island residents dependable way to get on and off the island any time of the day

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SPENCER BOOMHOWER

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Save the Safeway A recent megabridge rede would Control to the second stores li The DOTs' proposed \$4 billion megabridge plan would place up to 22 lanes of travel lanes, auxiliary lanes, and interchanges onto Hayden Island.

Is this necessary?

Lose the Hayden Island interchange. Make I-5 a straight shot across Hayden. Eliminate turbulence, and in the process eliminate much of the congestion that is the primary reason a \$4,000,00 d bridge is even bein this is not as educed as a second straight of the fragment this is not as educed before. Members of the fragment before Members of the fragment openaous Council, a key committee on the project agreed April 23 to re-examine the Hayden Island interchange, which islanders presser!

The Oregonian, May 01, 2011

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Aug. 11, 2011

# Columbia River Crossing Land Use Final Order Public Hearing

(Please print)
Name (required) Donna MURPHY
Affiliation (if any) $H/L/P$
Address (required) 1501 N. Hayden Island DR. #47
E-mail (optional) penny putupon & yahoo.com
Send me written notification of adoption of the LUFO (requires valid mailing address).
Testimony (use back or attach additional sheets if necessary)
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Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.

My name is Donna Murphy, Co-Chair of Hayden Island Livability Project (HILP). I represent 1300 residents of the Hayden Island Manufactured Home Community. Over half of us are seniors living on fixed low incomes. We are of diverse backgrounds and are people living with mobility issues and disabilities. We ask that you listen with an open mind and heart.

We are not opposed to the CRC project and LRT and our intention is to show that the project does not reflect the serious impacts facing our community. By signing off on this LUFO and the FEIS you are not acknowledging our environmental justice community.

The LUFO does not:

- recognize that our community will be impacted
- contains no description of the impacts
- has no mention of specific mitigation

These three points are a glaring omission in the document and of paramount importance to my community.

On page 42 the analysis for the displacement of Safeway is very speculative and egregiously false. The LRT mitigates the displacement of Safeway

Here is an example of the impact this will have on our community. Instead of driving her car to Safeway to do her weekly shopping, 92-year old, Mila Kemintz can simply walk a ½ mile to MAX and ride to one of Portland's busiest intersections at Lombard and Interstate to shop at Fred Meyer's. She will have to juggle 3 full bags of groceries, racing the green arrow while praying for a safe crossing. She'll then ride the MAX where it takes her a ½ mile from her home. Fiercely independent, Mila, is not the only one, some of us are 75 and 80 years old and we walk to the bank, Target and Safeway and we catch busses to our appointments. Some of us are people living with disabilities who have to drive our motorized

wheel chairs alongside cars on busy streets. It's interesting that there is no safe way to get to Safeway.

Have you ever heard of the TriMet Lift Service? The CRC project states that they will work with TriMet to maintain paratransit service for qualifying, mobility impaired island residents. It's not easy to qualify for this TriMet service, just ask 80 year old, Irene Johannsen. She was walking to the bank a block or so from her house, tripped and fell because of the uneven pavement. She chipped her eye socket and was badly scraped and bruised on her face and hands. It took its toll on her and she now uses a walker to steady herself, but after only a year of trying, she finally qualified for the TriMet Lift to get her to church on Sunday.

On page 58. The data for the current LUFO is not current at all. The 1998 LUFO data on demographic analysis of low income residents on Hayden Island has not been updated. Because the CRC hasn't updated the demographics, you haven't analyzed the impacts to our community, and haven't developed specific mitigation plans for these impacts. Yet the CRC project is still referencing from that old data because they are lazy and don't think it matters.

On page 59: The project makes a blanket statement that it will protect our community, but doesn't say HOW it will protect us.

Page 92, there are statements about the impacts of noise, vibration, fumes, dust, etc. being short-term. We are the fence-line and ground zero community, construction staging area, and will be facing 10+ years of adverse impacts. This is not short-term, this is life for many of our residents.

And lastly, on page 93, it states that mitigation plans will be developed 'down the road', sounds leisurely doesn't it? We need mitigation plans now.

There isn't another vote down the road to pass this off to, there isn't another group of officials to pass responsibility off to. We support the concept of some type of bridge project, but we need a project that works and one that protects our quality of life as much as possible. If the Metro Council gives this project a green light today, without having these questions answered, the only thing left to protect our community is a lawsuit.

Thank you for your time and we hope that you have listened with an open mind and heart.

1. Establish demographics of the community, say that not all Hayden Island residents are the same, and that HIMHC is an environmental justice community

2. LUFO (p.58) refers to the original 1998 LUFO, which is based on 1990 Census data. That's 20 year old data. Where is the updated demographic analysis?

3. Because you haven't updated the demographics, you haven't analyzed the impacts to our community, and haven't developed specific mitigation plans for these impacts.

4. The LUFO acknowledges that there will be an adverse impact due to the displacement of the Safeway, our only grocery and pharmacy, yet that this loss will somehow be mitigated by the light rail. Again, you don't understand who lives in our community many elderly folks with limited mobility who cannot take light rail to North Portland to shop and carry groceries home.

5. The LUFO continues to refer to these impacts as "temporary" or "short-term" - we are the fenceline community for the construction staging area, and will be facing 10+ years of adverse impacts. This is not short-term, this is life for many of our residents.

6. The LUFO acknowledges that emergency vehicles access will be impeded. This is life or death for our residents. Where is the mitigation plan for this? The local bridge must be built as phase



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Aug. 11, 2011

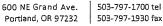
# Columbia River Crossing Land Use Final Order Public Hearing

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Aug. 11, 2011

# Columbia River Crossing Land Use Final Order Public Hearing

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# #15

8/11/2011

Metro Vote on LUFO

Thank you for the opportunity to give testimony.

I am Herman Kachold co-chair of the Hayden Island Livability Project. I have lived on Hayden Island Manufactured Home Community with my wife Carroll for 4 years and love it.

We are concerned that the CRC will not follow the Hayden Island Plan. The plan was development over more that 3 years. The input from many individuals and groups were used to produce a document that was passed by the City Council. We will keep a close eye on the CRC and Metro as the project continues and how it works with the H.I.P. vision for the future of the island.

Another concern is that the CRC does not seem to realize the we in the Hayden Island Manufactured Home Community are a Environmental Justice Community. We have a mix of low income, limited mobility, health issues and minority population that will need help to deal with the upheaval from the CRC project.

We are looking forward to the local access bridge with extension of the MAX line to the island. This part of the CRC project should be completed in the First Stage to help ease our access to and from the island during the completion of the project.

Thank you. Herman Kachold and Carroll Kachold 1501 N. Hayden Island Drive, Unit 42b Portland, OR 97217 503-286-1150 Residents of Hayden Island Herman is Co-Chair of the Hayden Island Livability Project Herman and Carroll are members of HINooN and HIMHC-HOA

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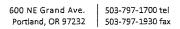
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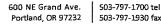
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Aug. 11, 2011

### Columbia River Crossing Land Use Final Order Public Hearing

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Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.



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Aug. 11, 2011

### **Columbia River Crossing Land Use Final Order Public Hearing**

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your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.

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The OR/WA legislator 's Oversight is NON Bending The FEIS is being sent in The Second week of Sept. The 1st Oversight Committee meeting is Sept 27th The Land Use decision need to come agter Their imput Mot begore ----. Thorron Nasset

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The Project Team" Chose The Boundaries

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Matt Garrett is not Taking about land USE and he is Talking about, Fright, Jobs + Light in Vancoven -His words need to be Removed from the Record -Outreach ~ Cifizen events - (???) Sessic! THE made NO comments about land Use or A Reason for The Changes. HE Did Not give a Reason for Why we need this Charge The Original Votes Fail / of where voted down / Now we dont Get a Vote -Sharon Masset Thedbridge Now, com

To meet federal quidelines and requests for HCT to service an area at must be within 1/2 mile of the Station, - Jantzen Beach station adjacent to I-5 Freevery & The Mall Parking Lot - Please proved map showing the employment or Residencial with 1/2 mile that are - Expo Center 2 picture handout Where are the Jobs - Rivergate isn't even on maps -- The Transit is to Server - Rivergote - Hayden - Jobs . - North Partland Jobs. Approved of Route to where? This Area's arent Served so concertion + Sprowl wilk Gontihle They me talking about not about the Area's being Served & How great And How great transit will be going To where people are going to work -

#### South/North Project Land Use Final Order Criteria

On May 30, 1996, pursuant to Section 4 of House Bill 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 South/North Project, including their locations. The approved criteria include two procedural, six substantive, and two alignment-specific standards, set out below. Compliance with these criteria must be demonstrated.

#### 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, vehicle maintenance facilities and the highway improvements, including their locations.

#### **Substantive** Criteria

A.

B.

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.

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.

- 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.

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identify affected landslide areas, areas of severe erosion potential, areas subjects the arthquake damage and lands within the <u>100-year floodplain</u>. Demonstrate the impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed during the NEPA process or reasonable and necessary, by local governments during the permitting the permitting the termination of the permitting adverse impacts on significant wetland and park and are protection. Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse construction techniques which could be imposed during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.

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.

Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal and protect water guality 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 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. Prudent or peasible

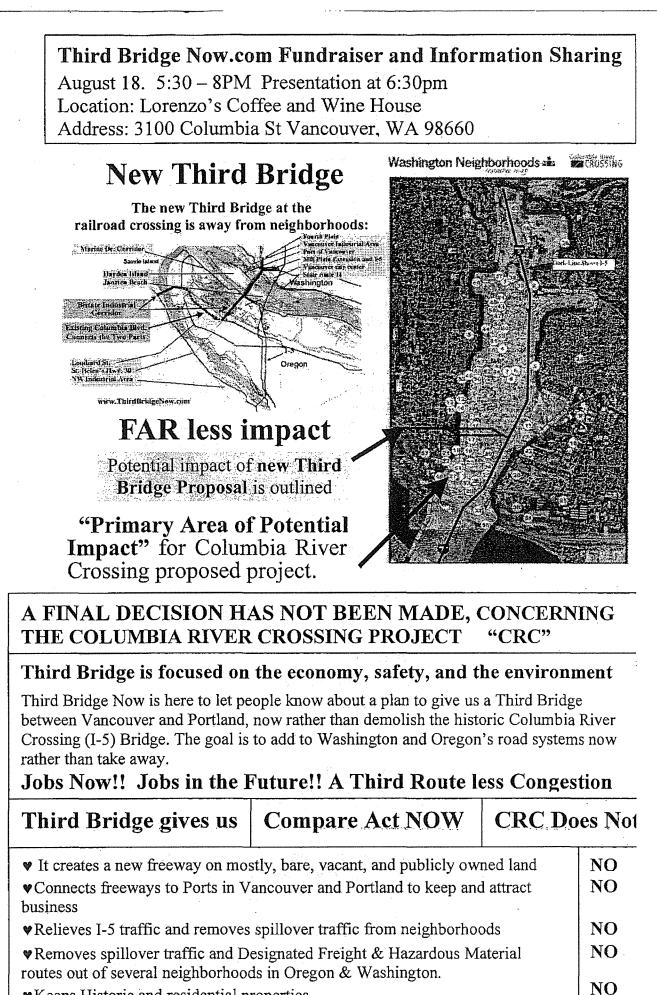
#### Alignment-Specific Criteria

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.

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. Ffected Neghborroods

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♥Keeps Historic and residential properties

#### Make Yourself Heard Often Send a Letter & Call! Tell Them Why We Need Third Bridge Now!

US RepPeter DeFazio, 2134 Rayburn Office Building Washington, D.C. 20515 **P: 202.225.6416 Free:800.944.9603** Eugene: 405 East 8th Ave. #2030 Eugene, OR 97401 P: 541.465.6732 / F: 541.465.6458

US Rep. Jaime Herrera Beutler O.O. Howard House (Officers' Row) 750 Anderson Street, Suite B Vancouver, WA 98661 P: (360) 695-6292 / F: (360) 695-6197

US Rep. Rick Larsen U.S. House of Representatives 108 Cannon House Office Building Washington, D.C. 20515 P: (202) 225-2605 / F: (202) 225-4420 119 North Commercial Street, Suite 1350 Bellingham, WA 98225 P: (360) 733-4500 / F: (360) 733-5144

Senator Murray, Patty 173 Russell Senate Office Building Washington, D.C. 20510 (202) 224-2621

Senator Cantwell, Maria 511 Dirksen Senate Office Building Washington, D.C. 20510 (202) 224-3441

Senator Wyden, Ron 223 Dirksen Senate Office Building Washington, D.C. 20510 (202) 224-5244

Senator Merkley 107 Russell Senate Office Building Washington, D.C., 20510 P: (202) 224-3753 / F: (202) 228-3997

Transportation Secretary Ray LaHood Federal Highway Administration 1200 New Jersey Ave SE, Washington, D.C. 20590 P: 202-366-4000

#### A <u>Range</u> of alternative thoroughly studied is required and has <u>NOT</u> taken place

Thirdbridgenow.com / Thirdbridgenow@aol.com



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# Columbia River Crossing Land Use Final Order Public Hearing

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Aug. 11, 2011

# Columbia River Crossing Land Use Final Order Public Hearing

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Name (required)	Seth King 📾 Steven L. Pfeiffer
Affiliation (if any)	Perkins Coie LLP
Address (required)	1120 NW Couch St Tenth Floor PDX OR 97209
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1120 N.W. Couch Street, Tenth Floor Portland, OR 97209-4128 PHONE: 503.727.2000 FAX: 503.727.2222 www.perkinscoie.com

Steven L. Pfeiffer PHONE: (503) 727-2261 FAX: (503) 346-2261 EMAIL: SPfeiffer@perkinscoie.com

August 11, 2011

#### VIA EMAIL AND HAND DELIVERY

Metro Council c/o Laura Dawson Bodner 600 NE Grand Avenue Portland, Oregon 97232

# Re: Metro Council Resolution No. 11-4280 (Land Use Final Order for Columbia River Crossing Project); Written Comments by Jantzen/Angel LLC

Dear Ms. Dawson Bodner:

This office represents Jantzen/Angel LLC ("Owner"), the fee owner of real property located at 12225 North Jantzen Drive in the City of Portland ("Property"). Owner will be adversely affected by approval and construction of the Columbia River Crossing project and related local street improvements (together, "Project"). The purpose of this letter is to identify and explain the legal and policy deficiencies of the proposed Land Use Final Order ("LUFO") for the Project and to request that the Metro Council not adopt the LUFO and instead continue the public hearing and refer the matter back to Tri-Met for further review.

Please place a copy of this letter in the official record for this matter and consider it prior to taking action in this matter. Further, in the event Metro adopts the LUFO, please provide Owner with written notice of same in care of the undersigned at the address set forth in the letterhead to this letter.

#### **1. Description of the Property.**

The Property is approximately 0.63 acres in size and is located in a corridor of auto-oriented commercial uses on Hayden Island between North Jantzen Drive on the east and the Hayden Island/Interstate 5 interchange on the west. The Property's zoning designation is Neighborhood Commercial 2. Due to the Property's high visibility and accessibility and commercial zoning, the Property was developed with a Burger King restaurant and drive-through ("Restaurant") and related parking and landscaping in 1986. A third party has operated the Restaurant on the Property since 1986. Currently, the Property enjoys a full access driveway connecting to North Jantzen Drive. An aerial photo/map of the Property is attached for reference as Exhibit A.

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Metro Council August 11, 2011 Page 2

#### 2. Issues.

# A. The Metro Council lacks jurisdiction to consider the CRC under HB 3478 because it is located outside of the Metro Portland Urban Growth Boundary.

Section 6(1) of HB 3478 authorizes the Metro Council to adopt a LUFO for "the light rail route, stations, lots and maintenance facilities, and the highway improvements for the <u>project</u> or <u>project</u> extension." (emphasis added). In turn, Section 1(18) of HB 3478 defines "project" to include "the portion of the South North MAX Light Rail Project within the Portland metropolitan area urban growth boundary." Section 1(19) of HB 3478 defines "project extension" to refer to Phase II of the project but again applies only "within the Portland metropolitan area urban growth boundary." Thus, HB 3478 grants broad super-siting authority to the Metro Council but only within the confines of the Portland metropolitan area urban growth boundary ("UGB").

The Resolution exceeds this scope of authority. In Section 1 of the Resolution, the Metro Council purports to apply the LUFO up to the Oregon/Washington state line as follows:

"[h]ereby amends the 1998 Land Use Final Order (LUFO) for the South/North Light Rail Project, and adopts the LUFO for the Columbia River Crossing Light Rail Project, Expo Center/Hayden Island Segment of the South/North Light Rail Project, attached and incorporated into this resolution as Exhibit A, including the locations of the light rail route, station and highway improvements extending from the Expo Center to the Oregon-Washington line, and as shown in Exhibit A to be identical to the TriMet LUFO application."

As depicted in Metro's official UGB map in <u>Exhibit B</u>, the northernmost boundary of the UGB appears to be the top of the riverbank on the north side of Hayden Island. This map also clearly shows that the Oregon/Washington state line is clearly north of the northernmost UGB boundary in the middle of the Columbia River. In short, a portion of the Project clearly falls outside the UGB. As such, the Resolution exceeds the scope of HB 3478, and the Metro Council lacks the authority to approve the LUFO as drafted.

Instead, the portion of the Project located between the northern boundary of the UGB and the Oregon/Washington state line must be subjected to a separate land use application and review process conducted by either the City of Portland ("City") or Multnomah County ("County"). At a minimum, this separate process must address how the Project is consistent with Statewide Planning Goals 2 and 14 (or any required exceptions thereto) as well as the provisions of the acknowledged comprehensive plans of the City and/or County.

The Metro Council must amend the terms of the LUFO to eliminate that portion of the Project located outside of the UGB, and TriMet must make application for the required permits and approvals necessary to site the Project outside of the UGB.

.  Metro Council August 11, 2011 Page 3

> B. The Metro Council lacks jurisdiction to approve the Project under HB 3478 because the Project is primarily a highway project with associated light rail transit improvements, not a light rail project with associated "highway improvements."

The Metro Council lacks jurisdiction to consider the Project under HB 3478 for a second reason: The State Legislature adopted this law to permit expedited super-siting of light-rail projects and their associated improvements. It was never intended to apply to the Project, which is primarily a highway project, with only related light-rail improvements. The Metro Council's interpretation to the contrary is inconsistent with legislative intent and therefore exceeds the scope of the statute.

The process for determining legislative intent proceeds through three steps. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 859 P2d 1143 (1993). First, there must be an examination of the text and context of the law in question, including any related sections. *Id.* The second step of statutory interpretation involves review of any proffered legislative history. *PGE*, 317 Or at 611-12. It is no longer necessary that there be ambiguity in the first step of analysis before reaching the second step. *State v. Gaines*, 346 Or 160, 171-72, 206 P3d 1042 (2009). Finally, if there is ambiguity after the first two steps, the third step involves resorting to general maxims of statutory construction. *PGE*, 317 Or at 612.

In the instant case, the legislative intent that HB 3478 is limited to the specific instance of light rail projects is clear in two ways. First, the plain language of HB 3478 supports this conclusion. Although HB 3478 contemplates that "highway improvements" may be approved as part of a LUFO, they are limited to "highway improvements for the project." HB 3478, Section 1(13)(c). The "project" is defined as the "South North MAX Light Rail Project." HB 3478, Section 1(18). Thus, construing these provisions together, the highway improvements that may be approved under HB 3478 must be a subcomponent of the light rail project. There is no language that authorizes including an interstate bridge or widening of Interstate 5 that does not directly support, provide access to, or mitigate impacts of the light rail project.

Second, LCDC signaled its interpretation that HB 3478 was so limited when it adopted the approval criteria for the Metro Council to apply to applications submitted under HB 3478. Criterion 3 notes that the Project must analyze impacts for "a light rail route" and secondarily, for "associated highway improvements." Thus, it is clear that the light rail component of the Project must be the primary aspect of the Project, and highway improvements are ancillary thereto.

Finally, it should be noted that to date, the State of Washington, City of Vancouver, and Clark County have not formally approved the extension of light rail across the state line. As such, and in light of the limited funding opportunities for the Project, it is entirely hypothetical whether the Bridge will even include a rail component at all. Under these circumstances, it is particularly egregious for the Metro Council to act under the authority of HB 3478 to approve the Project.

For these reasons, the Metro Council should not approve the LUFO.

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Metro Council August 11, 2011 Page 4

# C. The Project will have adverse economic impacts on the Property and the Restaurant due to the installation of loss of a full access driveway, and the Metro Council has failed to consider these Property-specific adverse impacts.

Pursuant to LCDC Order No. LCDC-01-98, the Metro Council must consider and apply Criterion 3, which reads as follows:

"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 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-andride 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 a 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."

This criterion is designed to ensure that the Metro Council considers the full economic impacts of all aspects of the Project on affected properties. The Metro Council has not conducted this review as to the Property.

As proposed, the Project will install a concrete median in the middle of North Jantzen Drive, which will restrict the existing full access to and from the Property to an access that permits right-in/right-out movements only. The draft findings for the Resolution note the following on page 31:

"[C]hange of access can have adverse economic impacts on businesses. If the project must remove an existing access, and if that access cannot be safely and adequately relocated or reconfigured, then the entire business is assumed to be displaced. Even if alternative access is available, it may not be as convenient as the existing access and could result in some loss of business."

In the case of the Restaurant, the "loss of business" will be significant and adverse. As explained in the letter from Owner set forth in <u>Exhibit C</u>, installing the Median will so severely restrict access, it will discourage customers from patronizing the Restaurant. As a result, Owner

Metro Council August 11, 2011 Page 5

estimates that installation of the Median will permanently reduce revenue associated with the Restaurant by 50-60% as compared to revenue in the absence of such access restrictions. Owner further testified that even prior to the installation of the Median, construction of the Bridge and related improvements to Interstate 5 would have similar adverse impacts on sales at the Restaurant because the ongoing, long-term construction activities would cause through traffic on Interstate 5 to find alternate routes, which will reduce pass-by traffic at the Restaurant.

The LUFO does not identify or propose mitigation for these adverse economic impacts to the Property. Therefore, the Metro Council's conclusion that the application satisfied Criterion 3 is not supported by substantial evidence.

### 3. Conclusion.

For the foregoing reasons, the LUFO is defective for both legal and policy reasons. These are not matters that can be remedied at the public hearing in this matter. Rather, they require further analysis, review, and revisions to the LUFO and its related findings of fact. Therefore, the Metro Council should not adopt the LUFO but instead should continue the public hearing and refer the matter back to Tri-Met for further review.

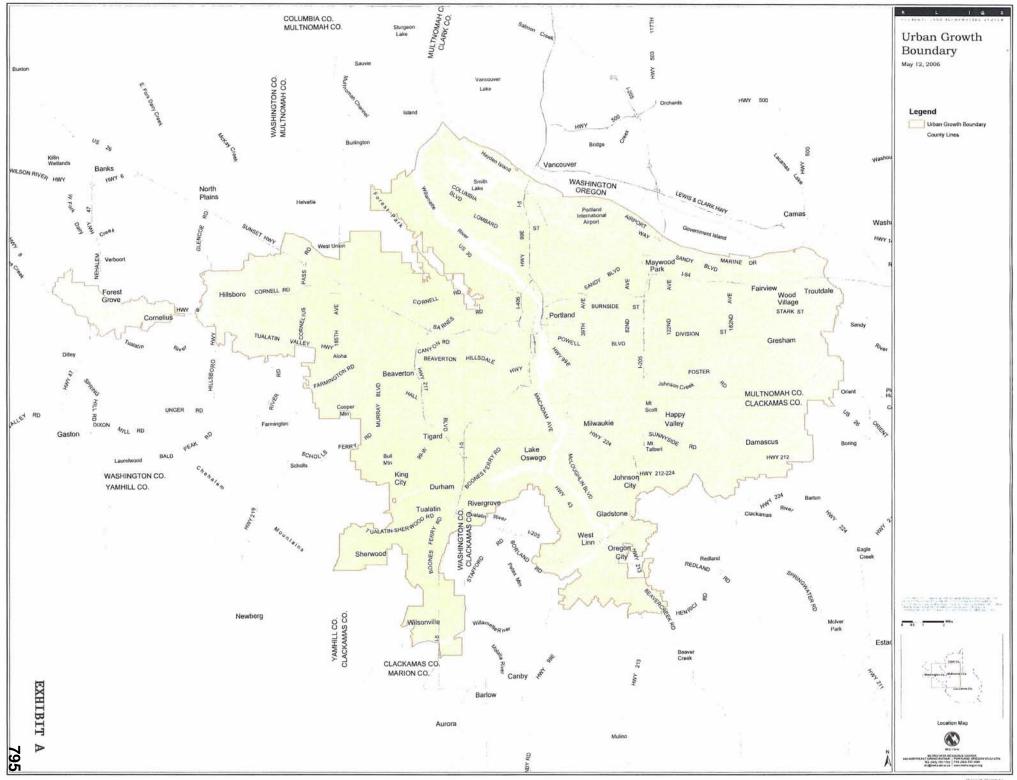
Very truly yours,

Steven L. Pfeiffer

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Enclosures

cc: Council President Tom Hughes Councilor Shirley Craddick Councilor Carlotta Collette Councilor Carl Hosticka Councilor Kathryn Harrington Councilor Rex Burkholder Councilor Barbara Roberts Richard Benner Tamara Lesh Client Seth King



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Source: Portlandmaps.com

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#### Jantzen/Angel LLC 1001 S.E. WATER AVENUE, SUITE 450 • PORTLAND, OREGON 97274-2132 (503) 525-9100 • FAX (503) 345-9745

August 11, 2011

VIA EMAIL AND HAND DELIVERY Metro Council c/o Laura Dawson Bodner 600 NE Grand Avenue Portland, Oregon 97232

### Re: Metro Council Resolution No. 11-4280 (Land Use Final Order for Columbia River Crossing Project); Written Comments by Jantzen/Angel LLC

Dear Ms. Dawson Bodner:

My name is Joseph W. Angel II. I am the owner of Jantzen/Angel LLC, which owns the real property located at 12225 North Jantzen Drive in Portland ("Property"), where a Burger King restaurant with drive-through facilities ("Restaurant") is currently located. While this particular restaurant is operated by the third party lessee, I have owned, managed, and/or operated more than 40 Burger King restaurants and their related properties in the metropolitan Portland area over the last 30 years. During that time, I have gained first-hand knowledge of the quick service restaurant ("QSR") business and the factors that positively or negatively affect sales at a QSR.

The purpose of this letter is to convey my analysis of the likely negative economic implications to the operation and profitability of the Restaurant and the Property if the local street modifications associated with the Columbia River Crossing are implemented. Based upon my experience and in my professional judgment, installing a concrete median ("Median") in the middle of North Jantzen Drive and restricting access to the Property to right-in/right-out only, as currently proposed by the CRC, will permanently reduce revenue associated with the Restaurant by 50-60% as compared to revenue in the absence of such access restrictions. As a result, installation of the Median will make it no longer economically feasible to operate the Restaurant, which will, in turn, significantly reduce the fair market value of the Property.

Simply stated, the QRS business is a high volume/low-margin business that is dependent upon generating high volumes of customers. The more difficult it is for customers to access a site, the less likely they will actually visit the restaurant. Instead, customers will follow the path of least resistance and travel to a more readily accessible QSR. As a result, restricted or confusing access arrangements of the type proposed by Tri-Met in conjunction with the CRC Project will reduce sales volume and, therefore, profit margins at the QSR which, in this particular instance, I believe will exceed 50% of current revenue.

I will add that even prior to installation of the Median, construction of the Columbia River Crossing bridge and related improvements to Interstate 5 will have similar adverse impacts on

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sales at the Restaurant because the ongoing, long-term construction activities will cause through traffic on Interstate 5 to find alternate routes, such as by-passing the area altogether on Interstate 205. In fact, project signage will likely encourage drivers to take this alternate route in order to avoid construction-related congestion and delays. As a result, the Restaurant will lose significant pass-by traffic, which will adversely affect sales and profits.

In sum, the local street modifications associated with the CRC, which preserve the Property and the Restaurant, will nevertheless adversely affect their viability. If such adverse economic consequences to this Restaurant and the Property are to be minimized or avoided, the existing full movement access to North Jantzen, together with existing on-site parking and the drivethrough facility, must be maintained.

Please consider this letter in conjunction with the letter submitted by my attorneys, Perkins Coie LLP. Thank you for your consideration of this testimony.

Very truly yours Joseph W. Angel II , Jantzen/ Angel LLC

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Aug. 11, 2011

# Columbia River Crossing Land Use Final Order Public Hearing

(Please print)
Name (required) Mara (20055
Affiliation (if any) COULTION FOR A LIVABLE FUTURE
Address (required) 107 SE Washington St. # 239 PAX 97214
Affiliation (if any) Coalition for a Livable Future Address (required) 107 SE Washington St. # 239 PAX 97214
<b>Testimony</b> (use back or attach additional sheets if necessary)
<u>``</u>

Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.



August 11, 2011

LUFO Comments Sent via email to trans@oregonmetro.gov

Dear Council President Hughes and Metro Council:

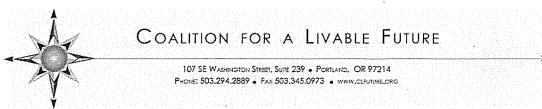
I write today on behalf of the Coalition for a Livable Future (CLF), a partnership of over 100 diverse organizations and thousands of individuals promoting healthy and sustainable communities. For over 16 years CLF has worked to protect, restore and maintain healthy, equitable and sustainable communities, both human and natural, for the benefit of present and future residents of the greater Portland-Vancouver metro area.

CLF submitted written comments to Metro Councilors on August 4 on the many problems with the Columbia River Crossing. These comments are attached. CLF would like to make the following additional points regarding the Land Use Final Order:

1. The Columbia River Crossing is primarily a highway project, not a light rail project. It is inappropriate to use the LUFO law to approve the land use for the highway and interchanges, which make up three quarters of the project cost. The project has been consistently couched in terms of the bridge which is targeted at increasing the lanes of traffic for automobiles and trucks (e.g. the Draft FEIS is for the Columbia River Crossing not for the South/North Rail Project). If this were a light rail project the bridge requirements would be much more modest. The changes to the highway interchanges would also not be required if this were a light rail project rather than a highway project.

2. The LUFO law (1996 Oregon Laws, Chapter 12) was narrowly tailored for a particular project during a certain funding cycle and should not apply to the CRC. The 1996 law that authorized LUFOs was written to prevent "a failure to obtain maximum federal funding for the South North MAX Light Rail Project in the upcoming federal transportation authorization act...." It was for that particular funding cycle. Temporary laws are generally not codified in the statute books while permanent laws are. If it had been intended to be a general authorization for future uses it would have been codified in the statute books. It was not.

3. The CRC is outside the Urban Growth Boundary (UGB) and thus cannot be approved as part of a LUFO. "Project, "project extension" and "highway improvements" are all defined terms under the LUFO statute. The "highway improvements" that can be approved through the LUFO process must be included in the "project" or the "project extension." The "project" and the "project extension" must be within the UGB. So the LUFO can only cover "highway improvements" within the UGB. METRO has included



the new CRC bridges themselves in the LUFO and the bridges are clearly outside of the UGB. See attached map.

4. Metro cannot accurately evaluate the impacts to make accurate findings of fact in Exhibit B of Metro Council Resolution No. 11-4280. First, the Oregon Department of Transportation has acknowledged the likelihood of phasing the project and Governor Kitzhaber has requested a sequencing plan. The impacts of phasing the project are unknown. Second, the traffic forecasts have been shown to be inaccurate. Metro's proposed findings about the environmental, social, and economic impacts of the project, including statements about traffic levels, neighborhood impacts, emissions and other factors, ultimately rest on the accuracy of traffic projections prepared as part of CRC planning. Yet, as reported by the Oregonian, the Oregon Department of Transportation has been relying on models that cannot predict the impacts of tolling on traffic volumes (see

http://www.oregonlive.com/environment/index.ssf/2011/07/traffic\_estimates\_on\_columb ia.html/ referencing these documents.) In addition, analysis by Impresa Consulting has found that the traffic projections are inaccurate http://www.impresaconsulting.com/node/67.

5. The LUFO relies on documents that are not publicly available. As a result, it is impossible for the public to properly participate in the public process. The draft Findings of Fact and Conclusions of Law, incorporated into Metro Council Resolution No. 11-4280 as Exhibit B, states that "Metro Council believes, adopts and incorporates by reference" a number of documents that have not been released to the public and are not on the Columbia River Crossing website. These documents include the 27 Preliminary Columbia River Crossing Technical Reports listed on pages 19-20 of the draft Findings of Fact and Conclusions of Law.

Thank you for work you do for the community and for considering these comments.

Sincerely,

Mara Gross Policy Director

COALITION FOR A LIVABLE FUTURE

107 SE WASHINGTON STREET, SUITE 239 • PORTLAND, OR 97214 PHONE: 503.294.2889 • FAX: 503.225.0333 • WWW.CLFUTURE.ORG

August 4, 2011

RE: CRC LUFO vote on August 11th – Metro's "Final Sign-Off on the CRC"

Dear President Hughes and Metro Councilors:

I'm writing today representing the Coalition for a Livable Future (CLF) which is a partnership of over 100 diverse organizations and thousands of individuals promoting healthy and sustainable communities. For over 16 years CLF has worked to protect, restore and maintain healthy, equitable and sustainable communities, both human and natural, for the benefit of present and future residents of the greater Portland-Vancouver metro area.

As Metro considers adoption of the Land Use Final Order (LUFO), we wanted to make sure you had an opportunity to review the recent news about the project.

We are particularly eager to ensure your decision is made with full information as Metro's in-house news reporter called the LUFO decision "Metro's final sign-off on the CRC."

#### Recent News: Justifications for the Project are Disproved

To sum up what newspapers have recently uncovered and reported:

- The project won't solve the traffic problem
- The project will be a huge financial risk because I-5 traffic levels have flattened
- There are a host of higher safety priorities
- We have no clear plan to pay for the project
- CRC backers have repeatedly overstated job creation, by a factor of ten
- The project has not been regularly tracking its spending to know whether it is on schedule or on budget
- The project's traffic models aren't equipped to model the effects of tolling
- The project presumes 400,000 more jobs in the region by 2030 than do independent sources

The *Willamette Week* concluded: "The major reasons backers cite for building the CRC are disproved by the project's own documents."

#### Shifting Project Plans and Scope

As you are aware, Treasurer Wheeler recently found a huge financial hole in the project, leading to a \$468 to \$598 million dollar shortfall.

In response to Treasurer Wheeler's report, Governor Kitzhaber has asked the project to create new plans that involve sequencing, or postponing parts of the project.

The Independent Review Panel had already found the project was of questionable worth without spending an additional billion dollars to the south: "Questions about the reasonableness of investment in the CRC bridge because unresolved issues remain to the south [near I-405 and the Rose Quarter] threaten the viability of the project."

It now appears the state will postpone several parts of the project. The Governor's request for sequencing is a call to figure out how we can spend billions of scarce transportation dollars for an incomplete, non-functioning design, while expecting decades of future transportation monies to be spent completing what we can't afford to build today.

The region is already projecting significant shortfalls of available transportation resources for our future demands, including our ongoing needs in maintenance. For example, the City of Portland is projecting a \$6 billion shortfall in its transportation needs through 2030. Andy Cotugno recently told JPACT the federal transportation funding outlook is "grim." And the national report *Repair Priorities* called deferred road repair "a financial time bomb" and found Oregon has been spending far less than most states on repair and maintenance.

We are skeptical the region will find an additional half-billion dollars to build out the CRC – or an additional billion dollars to make it more functional by redesigning the southern end – without having major impacts on other regional priorities.

It is hard to understand how the project will remain consistent with June's Metro Resolution 11-4264, which included the requirement the CRC not impact funding for any other regional priorities: "The funding contribution from each state is intended as a state contribution... and is not intended to be the region's share of a broader state funding package."

#### Signing Off on the Project is Premature

Given the ongoing major shifts and revelations about project design, financing, and expected costs, benefits, and impacts, it seems at best premature, and at worst reckless, to sign off on the LUFO on August 11th.

We urge you to vote against the LUFO, at least until the scope, design, impacts and cost of the most expensive project in the region's history are better known. The project has yet to respond to the Governor's request for a sequencing plan.

Before giving the most expensive public works project in the region's history its final sign-off, Metro should wait until it can adequately and independently review whatever new plan the CRC project staff bring forward.

Thank you for your consideration and your service to the region.

Respectfully,

Executive Director Coalition for a Livable Future

#### Key Excerpts from News Stories in June and July

It has been a busy summer for news about the Columbia River Crossing.

As Metro considers adoption of the Land Use Final Order (LUFO) for the area on August 11, we wanted to make sure you had an opportunity to review the recent news about the project.

What follows is the list of news about the project from June and July.

#### Project Relies on Faulty Assumptions and Claims, and Won't Fix the Traffic Problem

On June 1st, the *Willamette Week* reported the project won't solve congestion, it will be a huge financial risk because I-5 traffic levels have flat-lined, there are scads of higher safety priorities, and we have no clear plan to pay for it.

"The state's own records show [the mega-project] relies on faulty assumptions and won't fix the traffic problem...

"The agency's data show there are more than two dozen I-5 bridges in Oregon in worse shape than the Interstate Bridge, including the Marquam Bridge...

"Another claim CRC backers like to make is the number of crashes on either side of the Interstate Bridge. They often exaggerate here as well."

Full article: http://www.wweek.com/portland/article-17566-a\_bridge\_too\_false.html

#### Project Overstates Job Creation by a Factor of Ten

On June 15th, the *Willamette Week* reported project backers have been overstating the number of jobs the project would create by more than a factor of ten. Instead of 20,000 jobs, the project is projected to create 1907, or about one job for every \$2 million spent.

"Kitzhaber is exaggerating by 10 times the number of jobs potentially created by the project, known as the CRC. That's according to the project's own reports, as well as the state's methods for tallying jobs...

"It's not the first time that leaders from Oregon and Washington have made shaky claims to justify the project. The major reasons backers cite for building the CRC are disproved by the project's own documents."

Full article: http://www.wweek.com/portland/article-17621-not\_true\_times\_ten.html

#### **Project's Financial Oversight is Questionable**

On July 18, *The Columbian* reported the project has not been regularly tracking its spending to know whether it is on schedule or on budget, and there are concerns as to whether it is meeting public records requests in a timely manner.

"One problem: The CRC doesn't track all of its spending under one roof. The Washington and Oregon departments of transportation, the two lead agencies that distribute money to the project, keep separate financial accounts...

"We will start to develop a regular, reliable source of reporting that helps answer those sorts of questions: Are we managing our scope, schedule and budget?" [Project Director Nancy] Boyd said....

"[Auditor Tiffany] Couch said that four requests made by her and Madore between March 4 and July 5 have yet to be answered. In a few other cases, she only got partial responses. "They are completely ignoring us," she said."

#### Full article:

http://www.columbian.com/news/2011/jul/18/new-crossing-chief-orders-internal-audit/

The Oregonian also covered questionable financial management in a July 9th article:

"It must have been irksome for the CRC to pay for a critique that at times was scathing and only added to the air of disarray that had enveloped the project. But pay it did, handsomely. [German consultant] Hopf and two co-workers got nearly \$83,000 for the equivalent of eight weeks of work...

"The CRC also covers parking for the approximately 70 employees: \$42,000 a year for 53 monthly passes. It also reimburses street parking for other workers."

Full article: http://www.oregonlive.com/environment/index.ssf/2011/07/columbia\_river\_crossing\_has\_sp.ht ml

And *The Columbian* noted the project includes \$158 to \$176 million for three parking garages, which doesn't include the cost of property acquisition (June 21st). At around \$60,000 per space, these garages are far beyond industry standard cost.

#### Project's Traffic Models Not Equipped for Tolling – And Overproject by 400,000 Jobs

On July 19th, *The Oregonian* reported the project has been relying on models that cannot predict the impacts of tolling on traffic volumes, and therefore the expected revenue from tolls.

"ODOT documents have surfaced in which three of CRC's largest contractors question traffic forecast models used by the project. Their findings are unambiguous: The introduction of tolled roads and bridges adds a wrinkle that Oregon travel forecasting models aren't equipped to deal with.... The CRC has not taken steps to perform new traffic modeling."

Full article:

http://www.oregonlive.com/environment/index.ssf/2011/07/traffic\_estimates\_on\_columbia.html

Here's what project consultants David Evans, Stantec, and Parsons Brinkerhoff said:

"Oregon models have not been specifically designed to evaluate toll projects, so planners are not able to confidently forecast travel patterns for projects that are considering tolling/pricing. Existing models are not able to determine how travelers would change their mode, route, travel time, or destination in response to tolling/pricing."

Contrast with what staff told you at last month's hearing (Appendix to Resolution 11-4264):

"Analysis conducted for the CRC project using the regional traffic forecasting model to assess the impact of various tolls on total traffic and diversion to I-205. The Tolling Study Report had three principal conclusions about diversion: For most of the I-5 only toll scenarios, the majority of diverse would not change their travel patterns..."

The Columbian reported on more basic problems with the traffic projections on July 20th:

"Robert Bain of London-based RB Consult LTD, a former Standard & Poor's ratings analyst who has published widely on problems with the traffic and toll forecasting process, said traffic volumes have been flattening off over the past 15 to 20 years, before the recession.

"Bain said that Metro failed to look at historical trends and instead ran with ever-increasing job and traffic increases, leaving key questions unanswered."

Full article:

http://www.columbian.com/news/2011/jul/20/oregon-treasurer-questions-crc-traffic-tolls-gover/

From The Oregonian July 20th:

"CRC opponents have often accused the project of using bogus traffic numbers. Until now, the CRC has stood by its projections."

#### Project Plan Has a \$468 million to \$598 Million Dollar Financial Hole

Because of the inflated traffic projections and the need to restructure the project's proposed toll financing plan, which the Washington State Treasurer equated to "a toxic mortgage," Oregon Treasurer Ted Wheeler released a report on July 20th finding the project has a \$468 million to \$598 million dollar financial hole.

The Willamette Week covered the issue (July 20th):

"The takeaway from two consultants Wheeler hired to review the CRC's projections—the cost assumptions seem reasonable but traffic and toll revenue projections are wildly optimistic...

"First... CRC traffic projections... are simply wrong...

"A second major finding came from the consulting firm C & M Associates... Metro's population and employment growth projections, which are also underlying the tolling revenue projections, are vastly more optimistic than two independent estimates.

"The differences in employment—which drives traffic—are huge. Metro projects that the number of jobs in the region will increase from 1,032,200 in 2005 to 1,691,900 in 2030, a growth of 64 percent.

"Both Moody's and Global Insight say the growth will be less than half that amount—a difference of 400,000 jobs."

#### Full article:

http://www.wweek.com/portland/blog-27408breaking\_treasurers\_report\_blows\_major\_hole\_in\_crc\_finance\_plan.html

#### From The Oregonian (July 20th):

"The CRC is using outdated, inflated traffic projections and a tolling plan that incorporated an unacceptably risky debt service structure, according to the Oregon Treasury analysis. Insert more realistic toll revenue numbers and a more conservative bond repayment schedule, the analysis concludes, and the CRC's anticipated pot of \$3 billion-plus shrinks by between \$468 million and \$598 million."

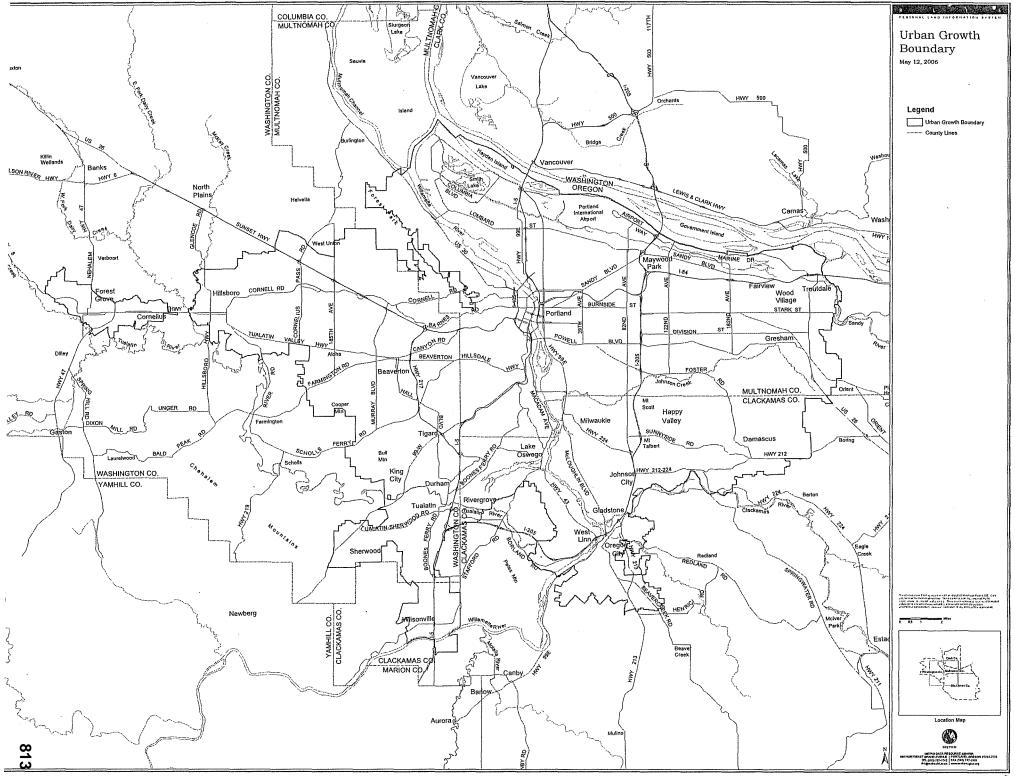
#### Full article:

http://www.oregonlive.com/environment/index.ssf/2011/07/columbia\_river\_crossing\_financ.htm

#### **Outlook for Transportation Funding "Grim"**

From The Portland Business Journal (July 14th):

"A Metro director told area transportation officials Thursday that the outlook for federal roads and transit funding is 'grim.' Andy Cotugno, Metro's planning director, made the remarks in a presentation on the Federal Transportation Funding and Authorization bill. The proposal, presented by Florida Republican Rep. John Mica, calls for a 34 percent spending cut, from \$51.5 billion during fiscal year 2011 to \$34.2 billion. Oregon's share is expected to fall from \$479 million to \$316 million."



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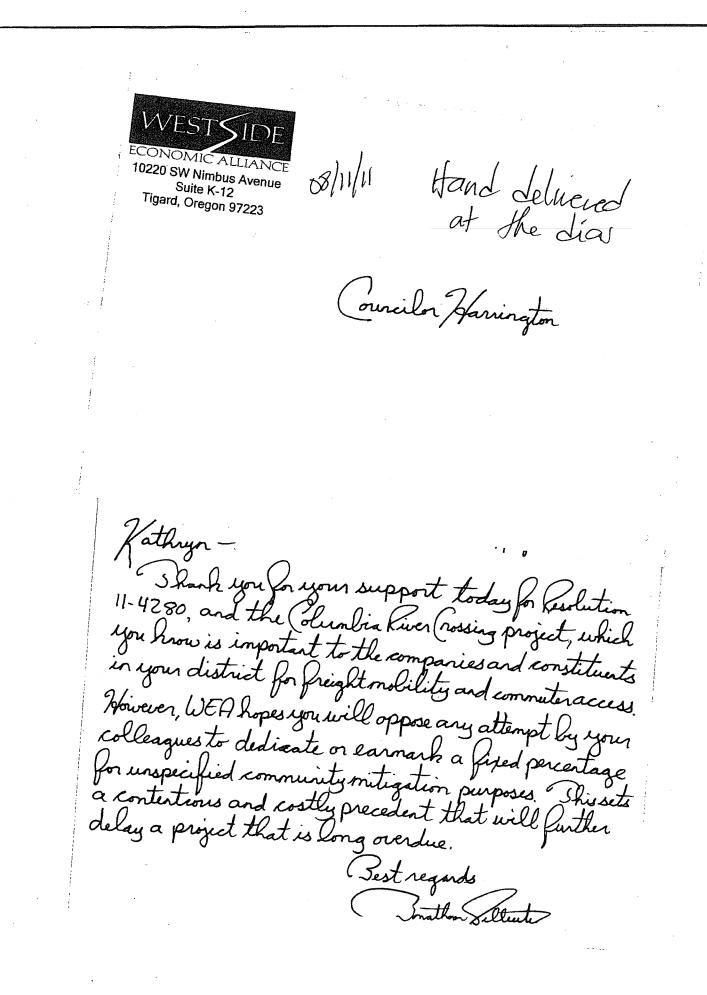
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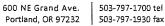
# Columbia River Crossing Land Use Final Order Public Hearing

(Please print)
Name (required) Sonathan Schlueter
Affiliation (if any) Westside Conomic Alliance
Address (required) 10220 5W Nimbus Avenue
E-mail (optional)
Send me written notification of adoption of the LUFO (requires valid mailing address).
Testimony (use back or attach additional sheets if necessary)
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Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.



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Aug. 11, 2011

# Columbia River Crossing Land Use Final Order Public Hearing

(Please print)	
Name (required)	Carky Collier
Affiliation (if any)	Columbia Covidor Assoc.
Address (required)	6015 NE FOTH Ave
E-mail (optional)	contey a columbia corridoriorg
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Attach a copy of your testimony and any supporting material to this form. Make sure your name is on all material. If you choose not to testify orally, you may testify in writing by leaving this form, along with any prepared materials, with staff or by depositing it in the comment box. Only oral testimony at the hearing and written testimony received prior to the close of the hearing will be included in the record.

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### SOUTH/NORTH LIGHT RAIL PROJECT Columbia River Crossing Segment

Opening Remarks Metro Council LUFO Hearing August 11, 2011 Resolution No. 11-4280

Updated 12 pm 8/11/11

### 1. Opening Statement – Council President Tom Hughes

This agenda item involves an application by TriMet for Council adoption of a 2011 "South/North Land Use Final Order Amendment", modifying the original South/North Land Use Final Order that the Council adopted in 1998 by Resolution No. 98-2673.

The amendments before us today involve the following:

1. Modifying portions of the Expo Center and Hayden Island segments of the South/North project from approximately the Expo Center and Victory Boulevard to the Oregon/Washington state line, including realignment of the light rail route, relocation of the Hayden Island light rail station, and highway improvements including new I-5 Columbia River bridges, modified I-5 interchanges and local access and circulation improvements.

2. Expanding and improving the Ruby Junction Maintenance Facility in Gresham within previously established boundaries to accommodate new light rail vehicles associated with the Columbia River Crossing Project.

A Land Use Final Order, or "LUFO", is an order adopted in accordance with <u>Oregon</u> land use and transportation law established in Oregon Laws 1996, Chapter 12, better known as House Bill 3478. It differs from the Locally Preferred Alternative, or "LPA", which is adopted to meet requirements of <u>federal</u> environmental law. The LPA for this Project was approved back in 2008.

House Bill 3478, which became law in 1996, requires the Metro Council to decide the <u>light rail route</u>, the <u>light rail stations</u>, the <u>park-andride lots</u>, the <u>maintenance facilities</u>, and the <u>highway improvements</u> for the South/North project, including the "boundaries" within which these facilities and improvements may be located. The Council decides these

project elements through the adoption of "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-andride lots, maintenance facilities and highway improvements comply with 10 land use criteria that the Land Conservation and Development Commission adopted specifically for this Project in 1996.

Please note that this is a land use decision. It is about *what* to build. It is not a decision on *how* to build the project. That decision is not Metro's decision. The decision how to finance the project will be made by other bodies charged to make that decision.

House Bill 3478 allows the Metro Council to take official notice at this hearing of certain matters, including the laws of the United States and the State of Oregon, and ordinances, comprehensive plans or enactments of any county or incorporated city in the State of Oregon. Accordingly, the Metro Council hereby takes official notice of the statutes, ordinances, plans and adopted resolutions on the list Metro Councilors will find at their places and members of the public will find on the table at the back.

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Unlike the Metro Council'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, in this proceeding, the Council will decide the light rail route, stations, maintenance facilities and highway improvements for the Columbia River Crossing Project. Under HB 3478, the Council may decide these light rail and highway improvements only within its boundary, so its decision will not extend into Washington State. In a few moments, staff will identify for you generally the proposed route, station, maintenance facility and highway improvements that comprise the application. You also can find this information attached as Exhibit A to this proposed Resolution No 11-4280 and on maps posted on boards and easels in 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 Council Attorney Alison Kean Campbell to identify those requirements.

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# 2. House Bill 3478 Procedural Requirements – Metro Attorney Alison Kean Campbell

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 and everyone in the audience listen carefully so that you fully understand the process and public participation rights under House Bill 3478.

As the President indicated, Metro's Land Use Final Order decisions must comply with the 10 land use criteria established by LCDC specifically for this Project. Copies of those criteria are available in the back of the room. The criteria also are included in the LUFO which is Exhibit A to proposed Resolution No. 11-4280, and in the proposed findings. <u>All public testimony needs to be directed towards the</u> application of these LCDC criteria to the proposed light rail and highway improvements included in the proposed 2011 South/North LUFO amendment.

Following the public hearing, the Council may adopt the 2011 South/North Land Use Final Order Amendment, modifying the light rail

route, stations, maintenance facilities and highway improvements, including their locations, as applied for by TriMet. Alternatively, it may choose to continue the public hearing and refer the matter back to TriMet for further review and submittal of a new application.

Should the Council adopt the 2011 Land Use Final Order Amendment, any appeal from the Council's decision must be filed with the Land Use Board of Appeals, the State Court Administrator and Metro within 14 days following the date that the 2011 South/North Land Use Final Order amendment has been completed and the Metro Resolution No. 11-4280 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, shall 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 2011 Land Use Final Order amendment will be provided only to persons who have provided oral or written testimony at this public hearing, and, who <u>also</u>

have provided, <u>in writing</u>, 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 2011 Land Use Final Order Amendment, must do so at the sign-up table in the back of the room. 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.

Mr. President.

#### 3. Overview of Hearing - Council President Tom Hughes

Thank you, Ms. Campbell.

I would like to explain the order in which we will proceed with the hearing. First, we will hear from Councilor Rex Burkholder, who will move the resolution. Councilor Burkholder 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 Metro staff, TriMet and the Oregon Department of Transportation, assisted by the staff of the Columbia River Crossing Project, will present the application. Then we will open the hearing 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 a response to the public testimony from TriMet and ODOT and their representatives and any additional comments from staff. If TriMet or ODOT presents new factual information, we will permit rebuttal by members of the public limited to the new information.

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, we will accept no further written testimony unless the Council reopens the hearing for that purpose.

At the end of the hearing, following the applicant's response, the Council will either close the public hearing and consider approval of the application as proposed, or it may continue the hearing to a date certain. Should the Council continue the hearing, it may establish a schedule for further 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 Councilor Burkholder to make opening comments on the proposed resolution. Councilor Burkholder.

## 4. Introduction to Resolution -- Councilor Burkholder

Thank you President Hughes.

I would like to move adoption of Resolution No. 11-4280. This Resolution provides for the adoption of the LUFO amendment and the adoption of land use findings of fact in support of the LUFO amendment.

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

I would like now to introduce Andy Cotugno to present the staff report.

## 5. Staff Report: Andy Cotugno

[Provide Staff Report. Give context and relationship]

to past Metro actions.]

## 6. Council Questions for Staff-President Hughes

Are there any questions of staff from the Council?

[Allow for questioning of staff]

## 7. Opening of Public Hearing – President Hughes

At this time, we will open the public hearing. I would like to ask the applicant, TriMet, or its representatives to come forward and present the application.

I should point out that under HB 3478, TriMet is directed to file the application, but the application can include highway improvements recommended by ODOT and by affected local governments that are part of the Project. As this application includes a number of highway improvements associated with Interstate 5, including new I-5 Columbia River bridges, I would like to invite ODOT to testify as part of the applicant's presentation.

## 8. Applicant's Statement – TriMet, ODOT, CRC staff

[TriMet/ODOT/ CRC staff present TriMet's application]

1. Opening Comments by TriMet Representative (Dan Blocker)

2. Opening Comments by ODOT Representative (Matt Garrett)

3. Summary of Project Elements – Steve Witter

4. LCDC Criteria, Consistency with Criteria – Mark Greenfield

# 9. Questions of the Applicant –President Hughes

Does the Council have questions for TriMet or ODOT?

[Take questions from the Council.]

#### 10. Testimony from the General Public -- President Hughes

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. [**OPTION**: Given the large number of people who have signed up to testify, I will limit testimony to 3 minutes each.]

[Call names; allow for questions from Council members; time limits can be placed on each person's public testimony]

#### 11. Close Hearing to Written Testimony – President Hughes

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, CRC staff and Metro staff will decide whether to continue forward with the applicant's response this evening, or to postpone it to a date certain, based on the quantity and nature of the submitted opponent testimony]

## **OPTION 1:** CONTINUE FORWARD

12(A) – Continue forward with TriMet's Response – President Hughes

We will now resume the public hearing. TriMet or ODOT, would you or your representatives like to present response to public testimony?

[TriMet/ODOT/CRC staff make their response]

Are there any questions of the applicant?

## 13A - Final Staff Comments - President Hughes

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]

Thank you, Mr. Cotugno. I now ask Metro Council Attorney Alison Kean Campbell if the applicant has introduced any new factual evidence that entitles participants to rebut that evidence.

Thank you, Ms. Campbell.

[If NEW EVIDENCE, go to 13B, "Rebuttal]

[If no new evidence, skip to 14A, "Close Public Hearing"]

#### 13B - Rebuttal of New Evidence from Applicant

Given that the applicant has submitted new factual evidence, I will invite persons who submitted testimony to come forward to rebut the new evidence. I ask you to direct your testimony to the new evidence that Ms. Campbell described.

That concludes rebuttal testimony.

## 14A. - Close Public Hearing - Council President Hughes

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. 11-4280, 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 as submitted by TriMet, or we can continue the public hearing and refer the proposed facilities and locations back to TriMet with directions on amendments we would like to see.

## [*Hear Council Discussion*]

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#### 15A - Council Motion and Vote - Council President Hughes

[Entertain a Motion]

It has been moved and seconded [to approve Resolution No. 11-

4280] [to refer this matter back to TriMet] [select one]. Is there any

further discussion?

[If the motion is to Approve Reso No. 11-4280 rather than to send back to Tri-Met:]

#### 15B (optional) - Motion to strike authorization to sign FEIS -

**Councilor Roberts:** President Hughes, Point of Order: before we proceed any further, I would like to ask our attorney for the proper procedural motion to separate the decisions before us as to whether to adopt the Land Use Final Order for the Columbia River Crossing bridge and associated highway improvements from the authorization of the Council President to sign the Final Environmental Impact Statement for the project.

In addition, I would like advice on the proper motion to table or delay the FEIS authorization question to a future Council meeting, as I would like to have more time for our staff to examine the FEIS. [AKC COMMENT: Councilor Roberts does not have to ask this question unless she would like me to explain publicly; she can simply move to amend the pending motion.]

Alison Kean Campbell: [Alison recommends amending the current motion to strike out the third item in the "Be It Resolved" section. If that amendment passes, the FEIS authorization would no longer be pending at this time. After that vote, the Council can either move a

separate resolution now to authorize signing the FEIS, or direct staff to return with a separate resolution at a later date.]

**Councilor Roberts:** Thank you for that opinion. President Hughes, based on that legal advice, I move to amend the pending motion to approve resolution number 11-4280 to strike out the third "Be it Resolved" regarding authorization to sign the FEIS.

**President Hughes**: That motion is in order. Is there a second?

[Carl seconds the motion]

**President Hughes**: Thank you, Councilor Hosticka. Councilor Roberts to the motion.

Councilor Roberts: Thank you, President Hughes. I make this motion today because I am committed to making this project the best it can possibly be. All of the Metro Councilors take our responsibility very seriously with regard to the checkpoints on this project where Metro is consulted and this Council must vote to advance the project to the next stage of development. Because I am relatively new to the Council, I am especially aware of this role. Metro has worked closely with our jurisdictional partners and the CRC staff to continually improve the project, making sure it serves the people of the Metro region in as safe, cost-effective, and inclusive a manner as possible. Toward that end, I believe there are some important advantages to separating the Council's ability to vote on adopting the Land Use Final Order today but delay our vote on authorizing the Council President to sign the Final EIS when it is ready. Some additional time will afford us the opportunity to further scrutinize the draft Final EIS and address some of the shortfalls in the document, most notably the absence of a community enhancement fund. In the few, short weeks between now and September 8<sup>th</sup>, we can continue to have more in-depth discussions with our partners and the CRC staff, and make progress toward some additional improvements. The people of the Metro region deserve a world class bridge project and

a few additional weeks after all the years that have gone into the planning of this project will not cause any significant delay. I encourage my colleagues to support this motion so that the Final EIS, when it is presented to President Hughes for his signature, will be as closely in line with this Council's priorities as possible.

**President Hughes:** Thank you, Councilor Roberts. Are there questions or discussion?

[Councilors ask questions, discuss the motion]

**President Hughes**: If there is nothing further, Councilor Roberts to close.

**Councilor Roberts:** Thank you, President Hughes. [Barbara responds to any discussion/suggestions/issues that have arisen during the discussion.]

Again, I encourage my colleagues to support this motion which will afford us and Metro staff the time to ensure that the Final EIS addresses as many of our priorities as possible. Thank you.

**President Hughes:** Will the clerk please call the roll for a vote on the Motion to Amend?

[vote on Motion to Amend]

**President Hughes:** The Motion to Amend the motion to pass Reso No. 11-4280 by striking the Third "Be it Resolved" to strike out the authorization to sign the FEIS is [approved] [denied].

*If Approved:* 

**President Hughes**: We will now move on to the main motion to adopt Reso No. 11-4280 in its amended form, that is, without the third section

in the "be it resolved" regarding authorization of the FEIS signing. Is there any discussion on the motion?

## [Allow discussion, if any]

**President Hughes:** Will the clerk please call the roll for a vote on the Motion to Approve Resolution No. 11-4280, as amended:

#### [vote on Motion]

**President Hughes:** The Motion to Approve Resolution No., 11-4280, as amended, is [approved] [denied]. I direct staff to bring a draft resolution for September 8 hearing on the authority to sign the Final EIS.

I would like to thank everyone here for your participation in this hearing.

[Back to p. 22 of script:]

#### **OPTION 2:** CONTINUANCE OF HEARING OPTION

## 12(B) – TriMet Request for Continuance – President Hughes

We will now resume the public hearing. TriMet or ODOT, would you or your representatives like to present response to public testimony?

## 13(B) -- TriMet Request for Continuance -- Kris Stricker??

Mr. Council President 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 the Metro Council meeting scheduled for August 18, 2011.

Because this matter is time sensitive, 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 TriMet be given until 8:30 AM on\_\_\_\_\_ to submit additional written evidence.

[Second, we ask that you provide any interested party wishing to rebut new evidence from TriMet until 8:30AM on \_\_\_\_\_\_ 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 interested parties with three full days to prepare their testimony.

# 14B -- Council Discussion/Concurrence of Continuance -- President Hughes

Are there any questions of TriMet? If not, TriMet has requested a continuation of this hearing to \_\_\_\_\_\_, 2011.

Are there any objections to TriMet's proposal? Hearing none, this hearing is continued to \_\_\_\_\_\_, 2011. 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, TriMet will be provided opportunity to offer its rebuttal testimony and make its final arguments.

We will follow the following schedule for new testimony:

TriMet will have until 8:30 AM on \_\_\_\_\_\_, 2011 to submit additional rebuttal evidence and testimony as it deems necessary.

Any interested party then will have until 8:30 AM on \_\_\_\_\_\_\_, 2011 to submit rebuttal evidence and testimony. Rebuttal evidence and testimony will be limited only to the specific issues addressed in TriMet'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 the Office of the Metro Attorney 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 TriMet's testimony available to interested persons for inspection immediately following its receipt on \_\_\_\_\_\_.

I would like to thank everyone here for your participation in to this hearing.

## Laura Dawson-Bodner

From: Sent: To: Subject: Herman Kachold [hkachold@msn.com] Thursday, August 11, 2011 6:17 AM Trans System Accounts; Pamela Ferguson; Jonathan Oster; Tom Dana; Donna Murphy LUFO Comments

8/11/2011

Metro Vote on LUFO

Thank you for the opportunity to give testimony.

I am Herman Kachold co-chair of the Hayden Island Livability Project. I have lived on Hayden Island Manufactured Home Community with my wife Carroll for 4 years and love it.

We are concerned that the CRC will not follow the Hayden Island Plan. The plan was development over more that 3 years. The input from many individuals and groups were used to produce a document that was passed by the City Council. We will keep a close eye on the CRC and Metro as the project continues and how it works with the H.I.P. vision for the future of the island.

Another concern is that the CRC does not seem to realize the we in the Hayden Island Manufactured Home Community are a Environmental Justice Community. We have a mix of low income, limited mobility, health issues and minority population that will need help to deal with the upheaval from the CRC project.

We are looking forward to the local access bridge with extension of the MAX line to the island. This part of the CRC project should be completed in the First Stage to help ease our access to and from the island during the completion of the project.

Thank you. Herman Kachold and Carroll Kachold 1501 N. Hayden Island Drive, Unit 42b Portland, OR 97217 503-286-1150 Residents of Hayden Island Herman is Co-Chair of the Hayden Island Livability Project Herman and Carroll are members of HINooN and HIMHC-HOA

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NORTHEAST COALITION OF NEIGHBORHOODS

August 11<sup>th</sup>, 2011

RE: Columbia River Crossing Land Use Final Order vote on August 11th

Dear President Hughes and Metro Councilors:

I am writing to you on behalf of the Northeast Coalition of Neighborhoods, a coalition of twelve inner North and Northeast neighborhoods in the City of Portland. Our neighborhoods are heavily impacted by Interstate 5 and would be further impacted by the proposed Columbia River Crossing project.

Our concerns with the proposed project are many. We are concerned that this project will not solve, but rather exacerbate congestion problems on I-5 as well as in our neighborhoods. In addition to traffic congestion, negative health and environmental impacts have not been adequately considered. This project will increase air pollution levels in North Portland neighborhoods, communities that already experience unacceptably high levels of asthma. We also question the financial effect of the CRC project, and the impact it will have on other infrastructure and traffic safety improvements that are sorely needed in our neighborhoods and across our region and state.

We were dismayed at the recent June 2011 Metro vote indicating that all outstanding issues surrounding the Locally Preferred Alternative had been addressed. We do not think this is the case at all. We are again dismayed that Metro is planning to use a Land Use Final Order as a "Final sign-off on the CRC." Specifically, we believe this Land Use Final Order is not appropriate for the following reasons:

- This is a highway project, not a light rail project. It has been consistently couched in terms of the bridge which is targeted at increasing the lanes of traffic for automobiles and trucks (e.g. the Draft FEIS is for the Columbia River Crossing not for the South/North Rail Project). If this were a light rail project the bridge requirements would be much more modest. The changes to the highway interchanges would also not be required if this were a light rail project rather than a highway project.
- 2. The LUFO law (1996 Oregon Laws, Chapter 12) was narrowly tailored for a particular project during a certain funding cycle and should not apply to the CRC. The 1996 law that authorized LUFOs was written to prevent "a failure to obtain maximum federal funding for the South North MAX Light Rail Project in the upcoming federal transportation authorization act. . ." It was for that particular funding cycle. Temporary laws are generally not codified in the statute books

#### www.necoalition.org

Alameda | Boise | Concordia | Ellot | Grant Park | Humboldt | Irvington | King | Sabin | Sullivan's Gulch | Vernon | Woodlawn Al King Neighborhood Facility, 4815 NE 7<sup>th</sup> Avenue, Portland, OR 97211. 503-823-4575 main, 503-823-3150 fax, info@necoalition.org while permanent laws are. If it had been intended to be a general authorization for future uses it would have been codified in the statute books, but it was not.

3. The Columbia River Crossing is located outside the Urban Growth Boundary and thus cannot be approved as part of a LUFO. "Project," "project extension," and "highway improvements" are all defined terms under the LUFO statute. "Highway improvements" that can be approved through the LUFO process must be included in the "project" or the "project extension." The "project" and the "project extension" must be within the UGB. So the LUFO can only cover "highway improvements" within the UGB. Metro has included the new Columbia River Crossing bridges themselves in the LUFO and these bridges are clearly outside the UGB. Please see the attached map, showing the Urban Growth Boundary ending at the river, not the state line.

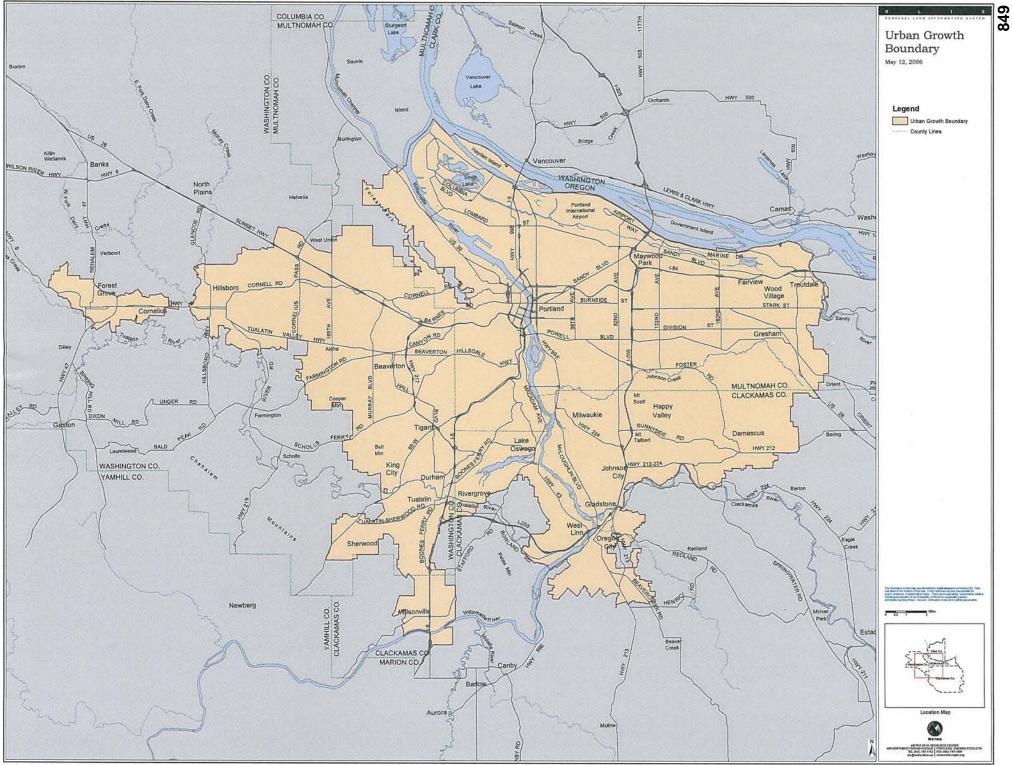
Given the ongoing shifts in the project design and the magnitude of this project, we urge you not to sign-off at this point. Please wait to thoroughly vet all issues and move forward when there is a plan that will truly benefit our North/Northeast communities, as well as the region as a whole.

We appreciate your consideration and thank you for the work you do for our communities.

Sincerely

Chris Lopez, President Northeast Coalition of Neighborhoods

NORTHEAST COALITION OF NEIGHBORHOODS 4815 NE 7<sup>TH</sup> Ave., Portland, OR 97211 | 503.823.4575 | info@necoalition.org www.necoalition.org



mennes manager (



1120 N.W. Couch Street, Tenth Floor Portland, OR 97209-4128 PHONE: 503.727.2000 FAX: 503.727.2222 www.perkinscoie.com

Mark D. Whitlow PHONE: (503) 727-2073 FAX: (503) 346-2073 EMAIL: MWhitlow@perkinscoie.com

August 11, 2011

## VIA HAND DELIVERY

METRO Council Attention: Laura Dawson Bodnar 600 NE Grand Avenue Portland, OR 97232

## Re: Proposed Columbia River Crossing LUFO

Dear President Hughes and Councilors:

This letter is written on behalf of Safeway Inc. regarding the above. Please make this letter part of Metro's record of proceedings regarding the proposed Land Use Final Order (LUFO).

Safeway has operated its grocery supermarket on Hayden Island continuously since 1958. Safeway is very much an established part of the Hayden Island community and is saddened to see that Safeway's store will be displaced by the CRC Project, as recited in the proposed findings.

Safeway has a strong commitment to the communities in which it operates. However, as also reported in the findings, it would be difficult for Safeway to relocate to another site on Hayden Island.

Thank you for the opportunity to provide comments on the proposed LUFO.

Very truly yours,

Mark D. Whitlow

cc: Safeway Inc.

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DALLAS · DENVER · LOS ANGELES · MADISON · MENLO PARK PHOENIX · PORTLAND · SAN DIEGO · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

## Laura Dawson-Bodner

From: Sent: To: Subject: jon.ostar@gmail.com on behalf of Jonathan Ostar [jon@opalpdx.org] Thursday, August 11, 2011 8:34 AM Trans System Accounts LUFO Comments

Dear Metro Council,

On behalf of OPAL Environmental Justice Oregon and the Hayden Island Livability Project, please accept the following comments on the LUFO for your consideration and review in advance of today's public hearing and vote.

The current LUFO fails to identify, analyze and address a significant environmental justice community that is right in the pathway of the bridge project. The Hayden Island Manufactured Home Community is comprised of over 1,300 residents - the largest such community in the state - mostly seniors, people with limited mobility or disabilities, and virtually all low-income families on fixed incomes. This is an environmental justice community.

As such, Metro has a duty to study the demographics and assess the degree to which this community will be adversely impacted by the project. The current LUFO still refers to the original 1998 LUFO based on 1990 demographic data. Metro cannot continue to rely on twenty-year old data. Updating the demographics would reveal the significant potential for disparate impacts as a result of this project.

Once those disparate impacts are identified, Metro has a duty to seek to avoid those impacts where possible, and develop specific mitigation plans where it is unavoidable. Metro has not done this, instead choosing to rely on good-faith assumptions that mitigation will occur down the road. This abdication of environmental justice is irresponsible.

The loss of the Safeway, the island's only source of fresh food and prescription medication, represents such a significant impact for the Manufactured Home Community that a mitigation plan must be in place in advance of any approval. The addition of the light-rail will not mitigate this impact for the majority of community residents, nor will providing special TriMet shuttle buses. The noise, air toxics and dust caused by the construction may be "temporary" under a literal reading of the word, but in now way will they be "short-term". A specific mitigation plan must be in place before approving this project to address these serious impacts to be borne by the Manufactured Home Community, who are on the fenceline of the construction staging area. And you have a legal and moral duty to ensure that there is no disruption of access for medical services or emergency vehicles. This project could literally mean life or death for many community residents should emergency vehicles be impeded or delayed. Commit to building the local bridge first so that there will be no possibility of a disruption.

Before you approve this LUFO, environmental justice dictates that you answer the following question: How will this project protect the Manufactured Home Community from serious disparate adverse impacts? Until there is a plan to address these issues, you cannot move this project forward.

Sincerely,

Jonathan Ostar, Co-Director OPAL Environmental Justice Oregon 2407 SE 49th Avenue, Portland, OR 97206 (W) 503-928-4354; (C) 503-407-9145 TriMet Bus # 4, 14, 71 (off Division) www.opalpdx.org

Subject: FW: LUFO Comments -- Columbia River Crossing Date: Thursday, August 11, 2011 12:10 PM From: Michael Lilly <mikelilly@michaeljlilly.com> To: <trans@oregonmetro.gov> Category: Untitled

Please send me notice of the decision. Please send it to the address below. My comments were sent in an earlier email.

In the alternative I join with and of Mr. Pfeiffer. adopt the comments Michael J. Lilly

Michael J. Lilly Attorney at Law 4800 SW Griffith Drive, Suite 325 Beaverton, OR 97005 Ph: 503-746-5977 Fax: 503-746-5970 cell: 503-752-2515 Skype: MichaelLillyBeaverton e-mail: mikelilly@michaeljlilly.com

----- Forwarded Message From: Michael Lilly <mikelilly@michaeljlilly.com> Date: Thu, 11 Aug 2011 11:31:46 -0700 To: <trans@oregonmetro.gov>, <metrocouncil@oregonmetro.gov> Subject: LUFO Comments -- Columbia River Crossing

The attached letter and other attached documents are submitted for the record in this matter.

\*\*\*\*\*\*\*\*\*\*

Michael J. Lilly Attorney at Law 4800 SW Griffith Drive, Suite 325 Beaverton, OR 97005 Ph: 503-746-5977 Fax: 503-746-5970 cell: 503-752-2515 Skype: MichaelLillyBeaverton e-mail: mikelilly@michaelJilly.com

----- End of Forwarded Message

# Laura Dawson-Bodner

From: Sent: To: Subject: Nick Sauvie [nick@ROSECDC.org] Thursday, August 11, 2011 3:49 PM Trans System Accounts Columbia River Crossing

Last month I went to a wonderful presentation by Ian Lockwood, who was hosted by Metro. Mr. Lockwood spoke about how cities around the country have revitalized by ripping out urban freeways to create vibrant mixed-use neighborhoods with balanced transportation networks. Many of these cities were inspired by Portland, which removed the Harbor Drive freeway for Waterfront Park and built light rail instead of the Mt. Hood Freeway.

Unbelievably, the region is considering spending \$4 billion on the Columbia River Crossing, a massive new freeway project. I urge Metro to oppose the CRC, which will waste 25% of the entire region's capital infrastructure budget for the next 20 years. For all of this expense, the CRC provides no real benefits. In fact, it makes all of the priorities that Metro lays out in its "Regional Investment Strategy" worse. Please kill the CRC.

Nick Sauvie

**Executive Director** 

503-788-8052 x16



5215 SE Duke Street

Portland, OR 97206

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# Laura Dawson-Bodner

From:	Evan Manvel [evanmanvel@gmail.com]
Sent:	Thursday, August 11, 2011 3:13 PM
То:	Trans System Accounts
Subject:	Additional LUFO comments
Attachments:	Screen Shot 2011-08-11 at 3.06.55 PM.png

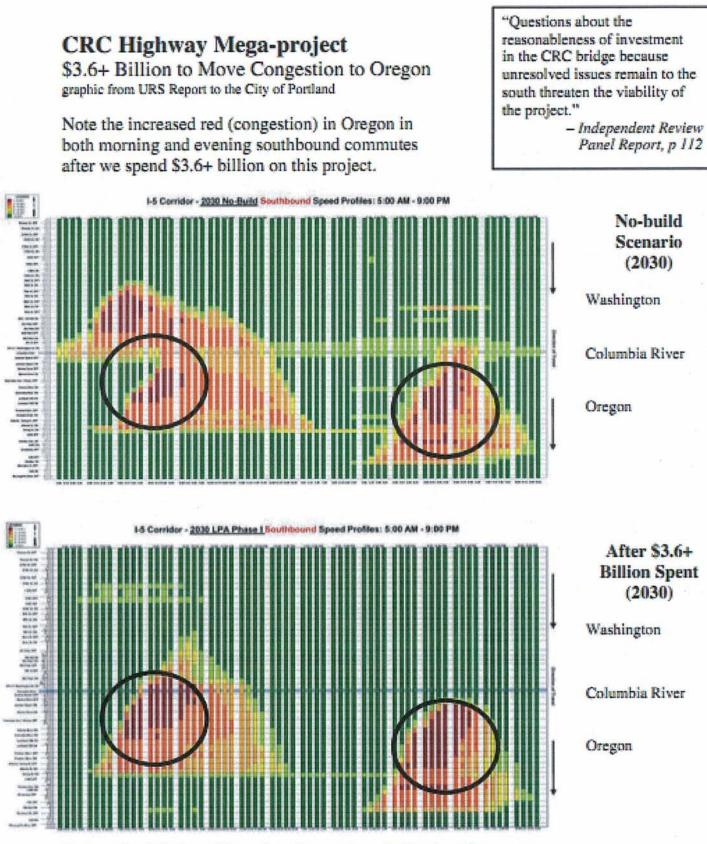
Please accept the attached into the record re: the LUFO on the CRC, resolution 11-4280.

The attached demonstrates the false statement in the staff report that "traffic analysis shows that congestion does not worsen [the I-405] bottleneck."

Thank you for your consideration.

Evan Manvel 4047 NE 14th Ave Portland, OR 97212

.



Horizontal axis is time of day – from 5 am to 9 pm, in 15-minute increments. Vertical axis is North-to-South geography. Colors are green (fast traffic) to red (congestion).

# Laura Dawson-Bodner

From: Sent: To: Subject: Attachments: Metro Council Thursday, August 11, 2011 7:43 PM Laura Dawson-Bodner FW: Please vote NO on Resolution 11-4280 adopting the LUFO for the CRC 2\_traffic\_and\_project\_area.jpg

From: Spencer Boomhower [mailto:sboomhower@gmail.com]
Sent: Thursday, August 11, 2011 2:14 PM
To: Metro Council
Subject: Please vote NO on Resolution 11-4280 adopting the LUFO for the CRC

(To the person receiving this email and submitting this testimony to the record: I ask that, because this email contains links, you please forward it to the Council. And this email contains an attached image as well, which might work best as a printout. Thanks!)

Hello,

For the record, my name is Spencer Boomhower, and I live at 1324 SE 52nd Ave Portland OR 97215.

I'd like to ask the council to vote NO on resolution 11-4280, which would adopt a Land Use Final Order (LUFO) for the apparent purpose of streamlining the construction of the CRC.

While I recognize the value of the LUFO as a means of streamlininglight rail, I think in this case the nearly two billion dollors of freeway expansion it would enable just isn't worth it.

The CRC goes against much of what I value about the Portland region. Part of what makes Portland a great place has to do with land use policies like the Urban Growth Boundary; the urban freeway aspect of the CRC seems likely to undermine the integrity of the UGB.

You can see how the existing freeways over the river have already allowed sprawl to spread in this map from the Sightline Institute:

# http://www.sightline.org/maps/maps/Sprawl-ClarkCo-CS07m

Looking at this map, I can't help but imagine the UGB as a punctured balloon, with the sprawl squirting out to the north, where land use laws seem less stringent. The CRC seems bound to turn the I-5 puncture into a gaping hole.

I'm also concerned about the impact the CRC will have on the south side of the river. This is a link to Google Maps showing typical traffic patterns during the morning rush hour:

# http://maps.google.com/?ll=45.598906.-122.641411&spn=0.098848.0.288391&t=k&z=13&layer=t&tptime=374400

It's interesting to play with the day and time slider to the left, and see how the patterns change. I can't help but notice how much of the very slow moving traffic (in red) falls outside of the CRC project area.

I have to wonder how adding a massive amount of freeway capacity to the north of the red slowdown areas that tend to cluster in North Portland will do anything but make that slowdown worse, to the great detriment to that neighborhood, and Portland as a whole (see enclosed image).

It seems likely that the CRC will, in expanding freeway capacity within its project area, only lead to more congestion in adjacent parts of the network. That will only serve to fuel more demand for more freeway capacity, all throughout the city.

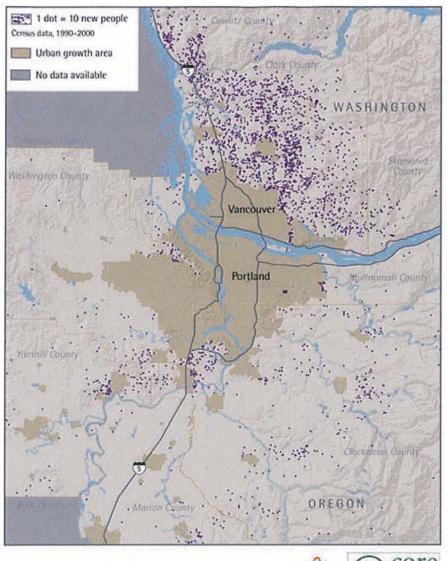
That hardly seems in keeping with Oregon's tradition of smart transportation development. (I have to wonder: what would Tom McCall have thought of the CRC?)

Metro should oppose the CRC - and not adopt the LUFO you're voting on today - even if something as valuable as a light rail line to the north can come about because of it. The damage this massive expansion of urban freeway will do to this region just isn't worth it.

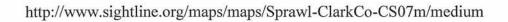
Thank you very much for your time!

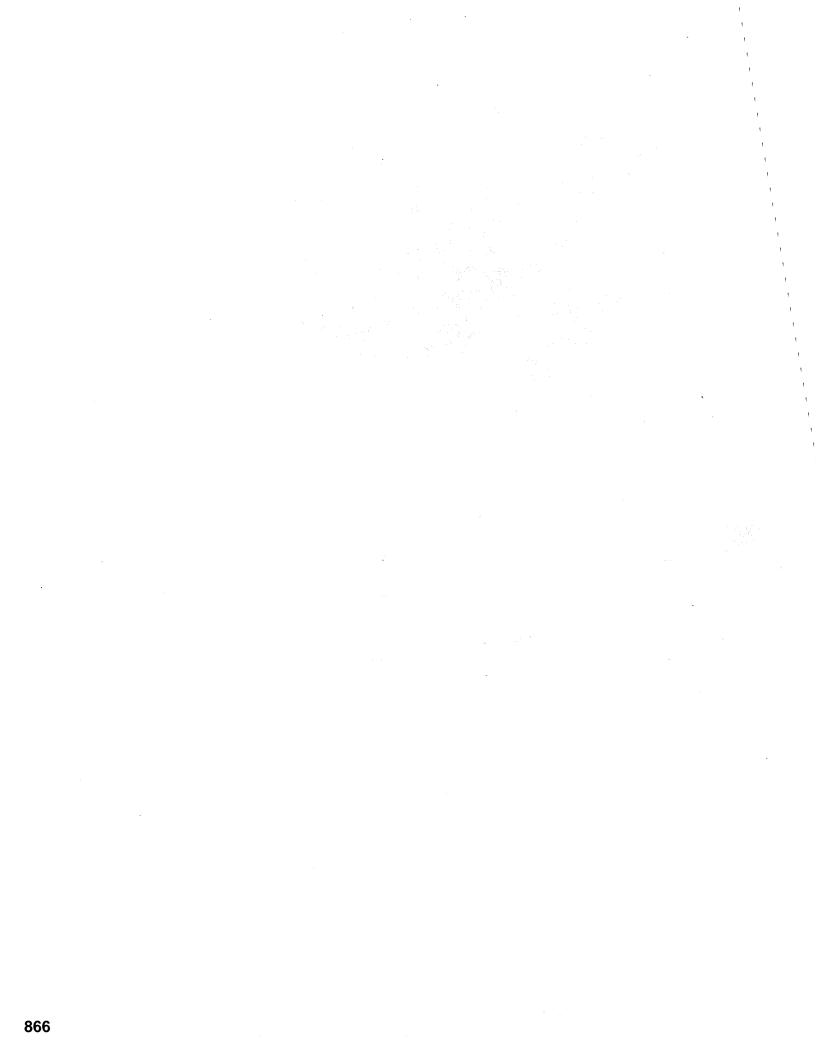
Sincerely,

Spencer Boomhower



Sightline







How will adding many lanes of freeway here...

...do anything but make things worse for North Portland, where this traffic jam typically occurs?

Wednesday 8:00am done

Traffic at day and time:

Wednesday 🔀

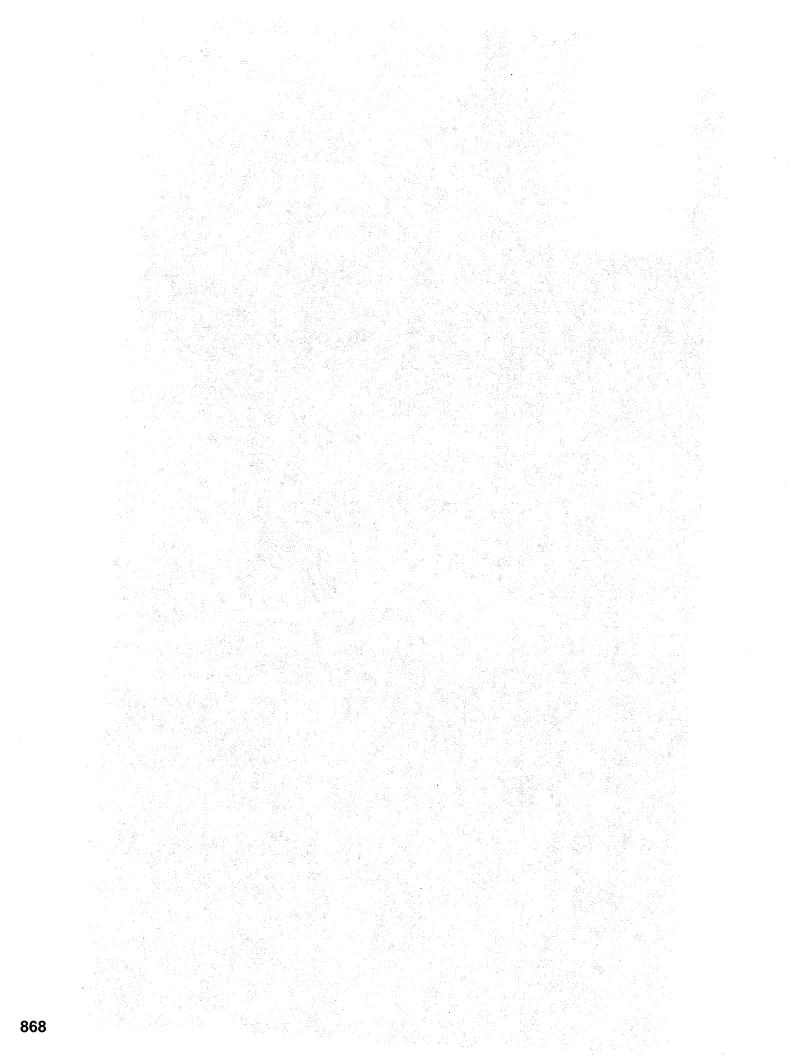
8a 12p 5p (Data is predicted based on past conditions)

O Live traffic

Day:

Time:

Will we next be asked to add many more lanes of freeway through this part of North Portland?



### Laura Dawson-Bodner

From:Richard BennerSent:Monday, August 15, 2011 3:47 PMTo:Laura Dawson-BodnerSubject:FW: CRC Letter to Metro Council President Tom HughesAttachments:Metro TH 08-09-11.pdf; Response to Metro Res 11-4264 Att B 060911.pdf

Is this what you need?

From: Alison Kean.Campbell
Sent: Wednesday, August 10, 2011 9:36 AM
To: Richard Benner
Subject: FW: CRC Letter to Metro Council President Tom Hughes

FYI

### Alison Kean Campbell Acting Metro Attorney Metro

600 NE Grand Ave. | Portland, Oregon 97232-2736 Direct: 503-797-1511 | Fax: 503-797-1792 Alison.Kean.Campbell@oregonmetro.gov



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From: Andy Shaw Sent: Wednesday, August 10, 2011 9:24 AM To: All Council-COO Subject: FW: CRC Letter to Metro Council President Tom Hughes

Councilors,

In June, President Hughes sent a letter to the CRC project expressing the Council's concerns about specific elements of the project. Attached is a letter and point-by-point responses from the CRC Project staff regarding these concerns. If you have any questions or would like more detail, please follow up with Andy Cotugno or with me.

Andy

Andy Shaw Chief of Staff Office of Council President Tom Hughes

Metro 600 NE Grand Ave Portland, OR 97232-2736 503-797-1746 (office) 503-929-6070 (cell) Metro | Making a great place

From: Webb, Marilyn [mailto:webbm@columbiarivercrossing.com] On Behalf Of Boyd, Nancy Sent: Tuesday, August 09, 2011 4:30 PM
To: Tom Hughes
Cc: Andy Shaw; Andy Cotugno
Subject: CRC Letter to Metro Council President Tom Hughes

Please note the attached copies will be sent via USPS.

Marilyn R. Webb Executive Support Columbia River Crossing Project (360) 816-4039 (503) 256-2726



700 WASHINGTON STREET SUITE 300 VANCOUVER, WA 98660 360-737-2726 1 503-256-2726

August 9, 2011

Mr. Tom Hughes Metro Council President 600 NE Grand Avenue Portland, OR 97232

Dear President Hughes:

The Columbia River Crossing (CRC) appreciates the hard work and leadership provided by you and the Metro Council as the region advances the Columbia River Crossing project. The Council has been a valuable partner in the project and your agency's insights and cooperation throughout have helped develop and improve a project that will provide significant economic contributions and improve the livability of the entire region.

Based on Metro's actions in June and recent support from our local partners, the CRC is on schedule to publish the Final Environmental Impact Statement by the end of September. This is an important and timely next step toward the federal Record of Decision and the next phase of the project. We appreciate the Council's commitment to maintaining the schedule and moving the project forward.

As you noted in your letter of June 16, 2011, adoption of Metro Resolution No. 11-4264 is an acknowledgement of a significant amount of hard work over the last three years to address more than 100 issues identified as a pre-requisite to moving forward. We have received the same acknowledgement and support from our other regional partners - the City of Vancouver, RTC, and C-Tran.

Not surprisingly, as we resolve issues and move the project ahead, new issues and challenges surface. In your June letter you identified Metro's next set of issues that will require prompt and careful attention: phasing, governance and a community enhancement fund. I want to assure you that each of these issues have already had significant attention by the CRC and will have much more. As you know, the timeline for resolution of each issue is different and involves a multitude of decisions and decision-makers. To date, depending on the issue, we have engaged Metro staff, Metro Councilors, project partners, local legislators, state departments of justice and both state treasurers and governors offices. We look forward to continuing our work with you on these important topics. Let me summarize the work to date and the immediate next steps:

**Project phasing and sequencing:** The CRC has always anticipated that construction of the entire project would require several years and would be phased to provide efficient implementation while minimizing impacts on the community and corridor users. Project engineers began months

ago reviewing engineering realities associated with keeping the facility open for users and bringing key elements such as light rail transit on line as expeditiously as possible.

While the engineering work on phasing was in progress, the project team also began an update of the financial analysis for the FEIS. That work dovetailed with the governor's request to the state treasurer to undertake an independent review of the CRC's "financial options, an assessment of strengths and weaknesses, as well as project phasing schedules with contingency plans if some of the funding does not materialize."

The state treasurer's review provides more clarity as well as updated information on the finances available for project implementation and the flow of those resources. In addition to the treasurer's work, the governor went further and signaled that he expects the CRC to start planning for a project that "adapts to available resources and fits into today's economic reality."

Capturing the work of the state treasurer and recognizing the changing economic realities, the CRC has begun an intensive work plan overlaying the engineering phasing with anticipated cash flow and funding realities. We have been asked to have this work ready for review and discussion by the interim legislative committees in both states. We anticipate that this work will have a full and complete public review and discussion.

The project is also incorporating the treasurer's recommendations to reduce financial risk and provide a more conservative finance plan. This more conservative approach will help inform the CRC's sequencing plans. The updated financial chapter in the FEIS will include a recalibrated tolling financial projection to reflect the stalled economic growth and a level debt service. In addition, further financial scrutiny and certainty will result from future investment grade analysis that will occur prior to the initial sale of bonds.

*Governance:* In 2010, the Project Sponsors Council began discussing a set of complicated policy issues dealing with the management of this multi-modal facility. To facilitate a more in-depth review of some of these "governance" issues, a 14-member work group was formed and chaired by Henry Hewitt and Steve Horenstein. The work group agenda includes developing options to implement a structure for on-going governance and project management in the periods before, during and after construction.

To help inform these discussions, WSDOT, ODOT, state DOJ's, and the CRC are currently identifying key legal issues between the states and developing corresponding terms and conditions that will ultimately form the intergovernmental agreements. This scope of work includes:

- Reviewing existing bi-state agreements, decision matrix, and supporting documents;
- Reviewing state authority for Oregon and Washington;
- Developing proposals and options for governing structure for toll setting and administration, including how it would work with the Oregon and Washington Transportation Commissions;
- Developing proposals for debt allocations, including identification of needed legislation; and
- Identifying issues that may need resolution through new state or federal legislation.

The Oregon Treasurer's July 20, 2011, report confirms the CRC focus with a finding that the CRC's governance plan must include a robust toll setting mechanism to assure that all toll-related debt service is paid in full each year through toll revenues.

The legal review and findings currently underway will serve as foundation for the governance work group as it develops options on possible governance models. At the same time, all of this work must result in a governance model that will build confidence with the bond markets.

The probability that state legislation will be required in Washington and Oregon requires substantial progress on key governance issues in the next year. The CRC is working on a timeline and work plan for identifying and resolving the legal, policy and political issues on management of the facility. The specific schedule for work will be developed in response to the timelines associated with legislative action and bonding.

*Community enhancement fund*: In the last three years the CRC project team, the Project Sponsors Council, and CRC advisory groups have focused on incorporating a wide range of community enhancements into the project. The project has looked for ways to leverage the highway and transit investments into additional improvements for project neighbors and local communities. These improvements are beyond the benefits identified as the project's purpose and need. These tangible improvements include: improved local street connections in downtown Vancouver; new local roads and improved local flow and connections for Hayden Island residents; better bike and pedestrian access to the improved facilities; new bike and pedestrian trails; and a separate bridge for local auto access from North Portland to Hayden Island.

We know there is more to be done. The CRC remains committed to aggressively maximizing and leveraging resources to bring additional benefits and improvements to our community. Two options have been identified for further exploration, both include a financial set aside of a specific amount dedicated to a specific purpose. One approach is a project-specific community enhancement fund. There is some history with such an approach - the Delta Park I-5 widening project (2006) and Metro's solid waste program (1991) are two examples. The other approach is a new concept, a regional fund established by the state to benefit the neighborhoods and communities in close proximity to I-5 and the CRC project.

We need to be clear about both of these approaches – neither will be easy. Both approaches have limitations and legal restrictions associated with anticipated funding sources. Both will require legislative support. Both will likely need enabling legislation and both will require funding. To be successful will require a clear purpose with obvious benefits and very broad support.

We appreciate the attention and focus that the Metro Council has maintained on this issue. The CRC is committed to working with Metro and project partners to: develop a clear need or problem statement; review and advance a program concept(s) that addresses the needs statement with funding sources or opportunities identified; and, submit the program concept(s) to the Oregon legislature in 2012 or 2013.

In addition to the three issues specifically identified in your June letter, you also provided a summary of various other issues with further questions. We have attached our response to those questions.

Thank you again for your participation and support on this important regional and bi-state effort. We look forward to our continued partnership as we move to the next stage of the Columbia River Crossing project.

Sincerely,

the W. St. 1

For Nancy Boyd Director

Cc: Metro Councilors Document Control

Attachment: Response to Metro Resolution No. 11-4264, Attachment B, June 9, 2011

# Response to Metro Resolution No. 11-4264, Attachment B June 9, 2011

CRC responses are in italics.

# Pre-construction Tolling: The Council continues to be interested in tolling during construction. There needs to be a clear definition of when and how this will be resolved.

The recently released analysis by the Oregon Treasurer advanced the idea of pre-completion tolling to help achieve sufficient revenues. Further discussion of tolling during the construction phase will likely be raised during the engagement process with the legislatures, and pending governance discussions will need to be resolved to implement tolling. This process has begun and will continue to evolve after the FEIS and Record of Decision.

Toll rate setting: It is understood that actual rates will be set by the two Transportation Commissions at a later date and that there will be an investment grade toll revenue analysis that helps inform that decision. But there is a need for better clarification of when this will occur and under what criteria or guiding principles rates will be set.

The current project plan is to embark on an investment grade analysis in 2013. Toll bond covenants typically require that toll revenues are first used for any of the following: debt service, reasonable return on private investment, and operation and maintenance, including reconstructing, resurfacing, restoring, and rehabilitating work, among other things.

Construction phase TDM: The PSC approved a detailed and aggressive construction phase TDM program to mitigate construction phase traffic congestion. The FEIS needs to reflect this.

The commitment to a construction-phase TDM element will be resolved with the publication of the FEIS and the Record of Decision.

Post construction TDM: The PSC reviewed an aggressive post-construction TDM strategy that needs to be reflected in the FEIS. In addition, implementation is tied to the concept of the Mobility Council and the recommendations of the Performance Measures Advisory Group (PMAG). These need to be finalized and reflected in the FEIS and a clear work program and schedule for implementing the Mobility Council and the performance measures need to be established, especially aspects relating to governance.

Members of the PSC spoke in support of an aggressive post-construction TDM program and how that was consistent with their agencies' goals and programs. TDM is clearly an important regional priority and a comprehensive, regional TDM program will help extend the useful life of the project and the entire transportation system.

Many of the post construction TDM elements will require commitments and actions by several of our local partners. Since implementation will be by several agencies over a long period of time, and since the work plan is not tied directly to an FEIS documented impact, it is not recorded in the FEIS. That said, the continued conversation and commitments identified by the PSC will be part of future discussions and are intended to be carried forward.

The eventual resolution of this topic will continue well past the completion of the FEIS and Record of Decision.

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Finance Plan: The funding strategy for the project is intentionally crafted to not pursue state and federal funding sources that jeopardize other regional priorities. The Finance Plan and FEIS finance chapter need to better reflect this.

The finance plan will make clear the project's intent to seek funding that does not jeopardize other regional priorities.

Phasing Plan: The finance plan needs to be finalized taking into account the impact on phasing. Completion of the Phasing Plan should ensure it doesn't build the bridge at the expense of local bridge, local streets and bike/ped connections.

The recently released analysis by Oregon Treasurer Wheeler has already led to increased emphasis on developing project sequencing plans that conform to revised financial realities. Engagement at a more intense level is expected to continue as the project team marries the needs of the entire CRC program with the cash flow available. This work effort is expected to continue after the Record of Decision is achieved.

Interchange Area Management Plan (IAMP): The IAMP should include recognition of Metro's Title 4 requirements regarding limitation on non-industrial uses in Regionally Significant Industrial Areas.

The IAMP is in draft form. The project team will continue to work with Metro on the Title 4 requirements as the IAMP progresses. This work element is not tied to the FEIS.

Local street, bike, pedestrian final design: Metro needs to be involved as final design details are developed for the local street network and bike/ped facilities.

The project team will continue to afford ample opportunities for all stakeholders to participate in the design of the bicycle and pedestrian facilities. Metro will be a valuable participant. The CRC project team intends to work most closely with the City of Portland and City of Vancouver in design of facilities for which they will be ultimately responsible.

The CRC project team will continue to advance the design effort to implement the concepts developed and shown in the FEIS. Work will continue through the design phase of the project, which will occur after the Record of Decision.

Aesthetic Considerations: Metro needs to be involved as final architectural details of the bridge and throughout the project are defined.

The project is committed to a process that will afford ample opportunities for stakeholders to participate in the visual performance standards of the bridge and the corridor. The CRC project team expects to add bridge architect expertise to the team for the next phase of the project to help develop aesthetic concepts to be used in advancing the project.

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Governance: There needs to be agreement on the governance that will be in place after issuance of the Record of Decision by the federal agencies. In addition, there needs to be a clear work program and schedule for concluding the governance structure for postconstruction operations by the time the ROD is issued. Several of our Metro Council and JPACT members are interested in further consideration of a Bi-State Compact.

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In 2010, the Project Sponsors Council began discussing a set of complicated policy issues dealing with the management of this multi-modal facility. To facilitate a more in-depth review of some of these "governance" issues, a 14-member work group was formed and chaired by Henry Hewitt and Steve Horenstein. The work group agenda includes developing options to implement a structure for on-going governance and project management in the periods before, during and after construction.

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- *Reviewing state authority for Oregon and Washington;*
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- Developing proposals for debt allocations, including identification of needed legislation; and
- Identifying issues that may need resolution through new state or federal legislation.

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The legal review and findings currently underway will serve as foundation for the governance work group as it develops options on possible governance models. This work must result in a governance model that will build confidence with the bond markets.

The probability that state legislation will be required in Washington and Oregon requires substantial progress on key governance issues in the next year. The CRC is working on a timeline and work plan for identifying and resolving the legal, policy and political issues on management of the facility. The specific schedule for which work when will be developed in response to the timelines associated with legislative action and bonding.

### Hayden Island Livability Project (HILP):

Recognition of the status of the Manufactured Home Community as an Environmental Justice (EJ) Community.

The project is committed to continued interaction and dialogue with the diverse Hayden Island community.

Based on Census data, Hayden Island is not identified as an Environmental Justice community. The US Census data indicate that, as a whole, the Hayden Island neighborhood has a lower proportion of minority and low income households than in the City of Portland, Multnomah County, or in the Project study area. Hayden Island does not present a significant minority and low income household composition, and therefore is not identified as an EJ community in the FEIS.

Early construction of the Hayden Island local bridge as a mitigation measure during construction

Early construction of the local bridge is a consideration that the project will continue to evaluate because it is necessary for the extension of light rail and because it may provide flexibility for access to

Hayden Island throughout the construction of the project. This evaluation will continue after the Record of Decision.

### Development of a strategy for replacement of the Safeway

The CRC cannot require relocation of Safeway to the island. Legally, the decision to relocate remains their choice. Assistance for relocation of residents and businesses will be provided in accordance with appropriate regulations (Federal Uniform Relocation Act). If Safeway or other businesses seek assistance in relocating on Hayden Island, that assistance will be provided.

### On-site air quality monitoring during construction

The project is committed to enhancing the environment wherever possible through the final footprint configuration, and the construction related activities used to get there. Although air quality monitoring is not a commitment identified in the FEIS, the project is committed to incorporating cleaner fuel requirements into the construction contracts associated with the improvements in the corridor.

It is also important to note that the Portland - Vancouver metro area is currently in compliance for all air pollutants regulated by the EPA.

### Dust control on Hayden Island during construction

The Oregon Department of Transportation (ODOT) and the Washington State Department of Transportation (WSDOT) require that construction mitigation efforts be implemented into the project. These include vehicle and equipment idling restrictions, dust control measures and burning restrictions.

### Use of low-sulfur diesel fuel in construction equipment

The Oregon Department of Transportation (ODOT) and the Washington State Department of Transportation (WSDOT) are requiring that construction mitigation efforts be implemented into the project. Ultra-low sulfur diesel fuel is also required for many of the construction related vehicles and equipment on the project, and will further reduce construction emissions.

#### **HiNoon Neighborhood Association:**

There is some merit to the request by HiNoon for a park-and-ride facility on the island in light of the lack of connecting bus service on the island and the planned termination of park-and-ride service at Expo Center.

The project has not included a park and ride facility on Hayden Island to date, and a park and ride facility is not included in the FEIS. With the construction of the local access bridge, Hayden Island residents will have closer access to the Delta Park park-and-ride facility than is typically available for other residents within the region that access park and rides today.

There is need to reconcile the east of I-5 neighborhood commercial zone in the Hayden Island Concept Plan with the CRC proposal for stormwater facilities with the prospect of a park-and-ride lot.

The CRC project is required to meet state and federal guidelines regarding stormwater needs within the project improvements. Furthermore, stormwater requirements are dictated in the Biological Opinion

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received by the project. During the development of the Hayden Island Plan, stormwater treatment was not one of the priorities identified, but must be accommodated by the project team.

Final location and sizing of stormwater facilities will continue to evolve after the FEIS and Record of Decision, but it is clear that locations on the island will be important and will have to be retained within state rights of way.

### A question has been raised about the appropriateness of the planned stormwater treatment in an urban environment.

As discussed above, stormwater treatment is mandated for the CRC project. The level of treatment has been prescribed by the National Oceanic and Atmospheric Administration's Fisheries Service, both through legal requirements, and through commitments in the Biological Opinion.

There are a limited number of Best Management Practices that are suitable. Infiltration would be the preferred option, but the project team is not confident that it can be applied for this project and in this location because of the high groundwater table and the occurrence of high water. The next best option involves constructed wetlands, which is the option currently being proposed. The project is investigating and will continue to investigate other options.

# The Hayden Island Plan calls for a significant "Gateway Park" as a post-construction re-use of the Thunderbird Hotel site. What is the status of this proposal?

Use of the former Thunderbird Hotel site as a park or other open space is still under consideration and final determination will come after the FEIS and Record of Decision.

Consideration should be given to the proposal for a multi-use path on the east side of I-5.

A multi-use path on the east side of I-5 is what is currently being advanced as a key element of the project.

The overall layout for the local street, bike and pedestrian facilities are terrific, but there is a need for continued engagement of the community in the design details as they develop.

The project team will continue to afford opportunities for all stakeholders to participate in the design of the bicycle and pedestrian facilities and local streets. The CRC project team intends to work closely with the City of Portland and City of Vancouver in design of facilities for which they will be ultimately responsible.

### Pacific Environmental Advocacy Center Issues:

This testimony included a very strong assertion that there is a need for a Supplemental DEIS to provide an opportunity for public comment on a substantial amount of new information and change to the project design. Please provide an explanation why this is not required.

The CRC submitted a NEPA Re-evaluation to the federal leads on May 19, 2011 that documented all of the design refinements that have occurred since the publication of the DEIS to determine if Supplemental NEPA documentation was necessary. In a letter dated June 2, 2011, the U.S. Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) concluded:

"In our review of this re- evaluation, we considered whether the changes and design refinements present significant environmental impacts which were not reviewed in the DEIS (23CFR77I.J29). Based upon the information you provided, FHWA and FTA agree that the design changes and refinements incorporated in the project since our approval of the DEIS do not create new environmental impacts that require a Supplemental DEIS."

Even though a Supplemental DEIS is not required, the CRC project has been providing updated information and opportunities for public comment throughout the development and refinement of the LPA. In addition, public outreach and public review will continue to be an important element of project development as we complete the NEPA process and move into final design.

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August 9, 2011

### Laura Dawson-Bodner

From: Sent: To: Cc: Subject:	Jennifer Bellman [jenniferb@gartlandnelsonlaw.com] Wednesday, August 10, 2011 5:29 PM Metro Council Meg Kieran Metro Council Adoption of Resolution No. 11-4280 Adopting an Amendment to the Land Use Final Order for the Expo Center/Hayden Island Segment of the Columbia River Crossing
Attachments:	Project / Our File No. 5339-09B Lt Oregon Metro Council Office (MEK) 8-10-11.pdf

Attached please find correspondence of today's date. The original will follow by first-class mail.

Sincerely,

Meg E. Kíeran

MEK:jb Attachment:

Gartland, Nelson, McCleery, Wade & Walloch, P.C.

Attorneys at Law 44 Club Road, Suite 200 Eugene, Oregon 97401

www.gartlandnelsonlaw.com

P **541.344.2174** F 541.344.0209

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# Gartland, Nelson, McCleery, Wade & Walloch, P.C.

Attorneys at Law 44 Club Road, Suite 200 Eugene, Oregon 97401

gartlandnelsonlaw.com

P 541.344.2174 F 541.344.0209

megk@gartlandnelsonlaw.com

# August 11, 2011

Oregon Metro Council Office 600 Northeast Grand Avenue Portland, OR 97232-2799

VIA: metrocouncil@oregonmetro.gov and FIRST-CLASS MAIL

ŘE: Metro Council Adoption of Resolution No. 11-4280 Adopting an Amendment to the Land Use Final Order for the Expo Center/Hayden Island Segment of the Columbia River Crossing Project Our File No. 5339-09B

Dear Council Members:

This office represents Weber Coastal Bells, L.P. Weber Coastal Bells, L.P. owns real property, a private right-of-way, and a Taco Bell franchise on North Jantzen Drive on Hayden Island. The purpose of this letter is to comment on the Council's proposed adoption of amendments to the Land Use Final Order for the Expo Center/Hayden Island Segment of the I-5 Columbia River Crossing Project in Resolution No. 11-4280. The purpose of the Land Use Final Order is to "establish the light rail route, stations, lots and maintenance facilities, and the highway improvements for the project or project extension, including their locations \*\*\*." (HB 3479, 1996 Or Laws). The Metro Council must either adopt the Amendments at its August 11, 2011 meeting or continue the public hearing and refer the proposed facilities and locations back to Tri-Met for further review.

The Taco Bell franchise and real property owned by Weber Coastal Bells, L.P. is located on the west corner at the "T" intersection of North Hayden Island Drive and North Jantzen Drive. The property has been identified in the Columbia River Crossing Draft Final EIS as subject to the ODOT acquisition level of "partial with displacement." Although the final impacts of this designation is not certain, impacts will likely include ODOT's acquisition of certain access right-of-way and physical or regulatory access restrictions.

In general, the recommended changes to the transportation system on Hayden Island and the acquisition of properties required by those changes rely on: The Hayden Island Plan (adopted by the City of Portland on August 19, 2009, effective September 18, 2009) ("Plan"); and the LUFO Steering Committee Recommendations dated June 23, 2011 ("Recommendations"), which include

recommendations for both light rail and highway improvements as part of the Columbia River Crossing project; the May 2008 *Draft Environmental Impact Statement* ("*DEIS*") for the Columbia River Crossing Project and its Traffic Technical Report. The recommendation for highway improvements that impacts Weber Taco Bell are the improvements to Hayden Island east of I-5 that require: "Realignment, widening and/or modification of \* \* \* N.Jantzen Avenue, N.Jantzen Drive, N. Hayden Island Drive and N. Tomahawk Island Drive[;] and "new roadway connections between \* \* \* N. Jantzen Avenue and N. Hayden Island Drive \* \* ." (*Recommendations*, p 7).

The staff "Findings of Fact and Conclusions of Law" (Exhibit B to Resolution No. 11-4280) ("Findings") describe this highway improvement as:

No. 11: "Realignments, widening and roadway modifications to North Jantzen Avenue, North Jantzen Drive and North Hayden Island Drive." (*Findings* at p. 9).

As an initial matter, this highway improvement is not related to, or required by, the siting of the light rail station on Hayden Island west of I-5. In fact, these proposed realignments are conceptually based on the option preferred by the residents of Hayden Island and the City of Portland in the July 2008 *Transportation Analysis for the Hayden Island Concept Plan*, prepared by David Evans and Associates for the City of Portland, Bureau of Planning ("*TIA*"). Residents preferred this realignment because:

"[it] would provide a cluster of neighborhood commercial around the intersection of North Jantzen Drive and North Tomahawk Island Drive. Among other attributes, this configuration would allow residents of the far easterly portion of Hayden Island to access parts of this commercial area without closing North Jantzen Drive." (*TIA* at p 17)

The preferred realignment is also found in the ODOT "*I-5 Hayden Island Interchange* Area Management Plan" (April 20, 2010) ("*IAMP*") Appendix B: Circulation Scenario Traffic Analyses, on Figure C. The *IAMP* states that:

"the traffic analysis did not expose any fatal flaws or significant differences among the [various] scenarios, even with the worst case traffic assumptions. Hence, the circulation scenarios that most closely met ODOT access standards and were the most consistent with the Hayden Island Plan were further evaluated\*\*\*. Based on this evaluation, and on coordination with the City of Portland, the preferred circulation system that meets both the ODOT mobility standards and City of Portland performance standards is one that creates a horseshoe road intersection connecting North Jantzen Drive with Hayden Island Drive and signalizing the intersections.

### The IAMP further states that:

"Prior to construction of the interchange, ODOT will purchase access control along the horseshoe road, except on North Jantzen Drive between North Hayden Island Drive and North Tomahawk Island Drive. Reservations of access and permits may be provided consistent with these provisions, allowing property owners to have private approaches to the horseshoe road."

"During redevelopment of the access management strategy (as determinations are made regarding location and type of approaches to ODOT right-of-way) and/or as properties redevelop over time, ODOT will seek to consolidate driveways on North Jantzen Drive between North Hayden Island Drive and North Tomahawk Island Drive as needed to provide for safety and operations allowing for reasonable access to accommodate business and development needs." (4-20-2010 revised Public Review draft *IAMP* at p. 21).

The Weber Taco Bells franchise, which is a drive-through food service facility, will be dramatically impacted by the proposed realignment, widening and roadway modifications to North Jantzen Avenue, North Jantzen Drive, and North Hayden Island Drive that the Metro Council intends to include in the amendments to its Land Use Final Order.

In describing the business displacements, the Staff *Findings* state "the Columbia River Crossing Project would displace an estimated 39 businesses on Hayden Island with a total of 643 employees and approximately \$62.7 million in annual sales revenues." (*Findings* at p. 28). Staff acknowledge that, regarding progress on any real redevelopment planning, "planning has been put on hold because of current economic conditions." (*Findings* at p. 28).

The *Findings* incorrectly state that "the majority of businesses displaced by the project serve mainly local clientele." (*Findings* at p. 28). This is certainly not true of the Weber Taco Bell on North Jantzen Road. A large portion, approaching 70%, of the Taco Bell's customers come from I-5 automobile traffic. The *Findings* vaguely state that "ODOT would work with affected business owners to provide relocation assistance." As with the *IAMP*, the staff *Findings* are based on a Concept Plan scenario that is the most speculative plan of the two possible future land use development scenarios analyzed by David Evans and Associates in the *TIA*: (1) the "Mature Existing" scenario; and (2) the "Concept Plan" scenario. (*TIA* at p. 7).

"The Concept Plan Scenario assumed *significant* alteration to the mix of uses on the island, with a 238% *increase* in the number of housing units, a 40% decrease

in retail square footage, and a 10% decrease in industrial square footage." (IAMP (4-20-10) at 14, emphasis added.)

The Mature Existing Scenario (which was rejected in ODOT's *IAMP*) assumes that "existing zoning designations will be retained and that future development will mostly mirror current land uses and recent development trends." (*TIA* p. 7).

Neither of the scenarios are realistic. They do not reflect any current or pending residential or economic development on the Island. Neither do they reflect the 2008 economic downturn, which has stalled planning and development on Hayden Island. This recession-driven development "brown out" is likely to continue for the near future.

The greatest difficulty with relying on the Concept Plan scenario is that the projection of a 238% increase in housing units is simply not supported by any real population figures for the area. The population estimate for the metropolitan regional area is shown to be a 14% increase from April 1, 2000 through July 1, 2008 (*see* "2008 Oregon Population Report," Population Research Center (March 2009)). During the past eight years, the City of Portland itself has seen an 8.7% growth during the 2000-2008 period. These numbers are consistent with the growth of the area in the decade from 1990 to 2000, during which Multnomah County experienced growth of approximately 13% over the 10 year period. Thus, for approximately 20 years the growth for the area has been in the neighborhood of 13-14%. Annual statewide growth is at 1.2% in 2008. Multnomah County alone experienced a 19% growth in 2008. There is no rational connection between a 238% increase in residential units and a 13-14% increase in population.

The second concern is that the measures to mitigate the displacement impacts for these businesses are ambiguous, inadequate and are not based on substantial evidence that the mitigation efforts will actually reduce the adverse impacts.

Staff *Findings* define a displacement as when "a business is no longer able to occupy the building as a result of the project." (*Findings* at p. 29). House Bill 3478 requires that Metro must "identify adverse economic, social and traffic impacts on affected residential, commercial, and industrial neighborhoods in mixed use centers and to identify measures to reduce those impacts." In recommending highway improvements, Metro must balance "(1) the need to improve the highway system with (2) the need to protect affected neighborhoods from the identified adverse impacts." (LCDC Administrative Rules). Staff appear to include monetary compensation as a mitigation measure and state that "if only a portion of a property is required, the acquisition price will also reflect any measurable loss in value to the remaining property due to the partial acquisition." (*Findings* at p. 30). This is not really a mitigation measure, but rather it is what is required by condemnation law.

Other mitigation measures identified by Staff include: "minor design modifications;" "functionally replacing the property acquired with another facility that would provide equivalent utility;" "relocation of the businesses outside the main project area." These measures fall short of making any measurable difference to either the residents of Hayden Island or the businesses that are displaced. The Staff *Findings* rely on assumptions in the *Hayden Island Plan* that include plans to redevelop portions of the island to include new commercial space that could house existing businesses and attract new ones to the island. However, as staff acknowledged, "it is not known when this redevelopment would occur, and therefore it is not known whether businesses displaced by the project could be directly relocated to the newly constructed space." (*Findings* at pp. 30-31).

In summary, the Staff *Findings* rely on the anticipated benefits of the proposed light rail station and highway improvements to reduce the adverse impacts, stating, that these benefits "would all contribute to the viability and success of the redevelopment plans for the island and mitigate for the business displacement on the island." Again, reliance on redevelopment plans at this point in time is speculative. There is simply no indication that redevelopment dollars will be available anytime in the near future. There is no substantial evidence in the record that private redevelopment money is available for Hayden Island.

Regarding loss of parking and/or access to existing businesses, Staff Findings state:

"if the project must remove an existing access, and if that access cannot be safely and adequately relocated or reconfigured, then the entire business is assumed to be displaced. Even if alternative access is available, it may not be as convenient as the existing access and could result in some loss of business." (*Findings* at p. 31).

The recommended highway improvements will require acquisition of all existing properties on North Jantzen Drive between the underpass with I-5 on North Hayden Island Drive "except for a fast food restaurant on the west and the hotel on the east side of North Jantzen Drive." (*Findings* at p. 33). The specific impacts to Weber's Taco Bell include:

"specific impacts to the Weber Taco Bell fast food restaurant, stating "the project would restrict access to both the hotel and the restaurant to right-in, right-out only movements. The hotel and restaurant along North Jantzen Drive could experience circulation impacts, because the entrances and areas adjacent to the road are currently the primary access and circulation for the businesses." (*Findings* at p. 33).

The Staff appear to consider ODOT's *IAMP* as a mitigation measure. (*See Findings* at p. 34). However, the *IAMP* does not include any clearly stated mitigation for the loss of access along North Jantzen Drive. In addition, the Staff *Findings* rely on an Interstate Access Modification Request ("*IAMR*"), an ODOT process and document that is "in preparation." (*Findings* at 34). As a mitigation measure, a non-descript process and a non-existent document are ambiguous in the extreme.

The mitigation measures described in the *Findings* do not satisfy the requirements of House Bill 3478 and the LCDC Administrative Rules. They do not identify specific measures to reduce the impacts. Rather, staff merely assert that the benefits of the light rail and of the highway improvements outweigh the adverse economic, social and traffic impacts on Hayden Island.

Metro Council has exceeded its jurisdiction, as prescribed in HB3478, in approving highway improvement no. 11.

Metro Council should delay adoption of this Resolution until more specific mitigation measures can be identified that are supported by substantial evidence that such measures will actually reduce the impacts; that is, measures that are based on evidence of improvements, not on a benefit/loss analysis.

Sincerely,

Must. 1c

MEG E. KIÉRAN

MEK:jb

cc: Weber Coastal Bells, L.P.
 Elaine Smith, AICP, ODOT, Region 1 Planning Manager
 John Gillam, City of Portland, Portland Bureau of Transportation
 Casey Liles, PE, Columbia River Crossing Project

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# Laura Dawson-Bodner

From: Sent: To: Subject: george [gbruender@comcast.net] Wednesday, August 10, 2011 9:52 PM Trans System Accounts CRC/Lufo Comments

### Metro Councilors:

You have already received a letter regarding the CRC Land Use Final Order with my signature on it in my role as co-chair of the Northeast Coalition of Neighborhoods (NECN) Land Use and Transportation Committee. We asked that 3 issues be considered before you made a decision: the transforming of what is basically a light rail project into a highway project without considering the different requirements for each; whether LUFO laws are still legally "on the books" or were just one time responses to a different situation; and whether the CRC is within the Urban Growth Boundaries. These need to be addressed and I hope that you take the time to do so.

This letter is written personally from my position as co-chair of Concordia Neighborhood Association's Land Use, Livability and Transportation committees - and from my personal observations.

In March 175 neighborhood people testified at an open forum at Concordia University (under CNA and NECN sponsorship). A number of local legislators and their reps were also in attendance, some pro-CRC; some, con-CRC. There was a wide range of opinions and concerns expressed, but the overwhelming majority felt that there had not been a serious vetting of alternatives to the current CRC proposal. They said that nearby residents have not felt part of the process at any time, that it was proceeding under its own power without serious citizen input and that they felt powerless in affecting any changes. There was a lot of discussion of the exhorbitant cost of the project and its effects on funding other future transportation projects and on the continued bottleneck at the I-5/I-84 interchange that CRC improvements could easily exacerbate. These observations were expressed at a later personal meeting of 4 of us from the forum with Gov. Kitzhaber at which we also stressed getting objective, outside (of CRC), analysis of all aspects of CRC's plans, especially the financing aspects.

My chief personal concern is the public health issue. Our northeast part of Portland (along our portion of the I-5 corridor and along Columbia Blvd) has been reported to be one of the five top most air-polluted sites in the US. We as a city are going to have to soon address that crisis. CRC projects an increase in traffic of up to 16%, certainly not all to be ameliorated by light rail. Any increase in pollution-producers and its associated health impacts on our residents seems directly contrary to improving our area's air quality.

Our neighborhoods in northeast, because we have many poor and minority populations, are used to being literally "dumped on". (There are other alternative sites that could be utilized that do not further impact residents.) We are as anxious as anyone to improve our river crossings, but this current CRC project seems once again to be at our expense. This is a matter of both economic and social justice - buzz words to many - but reality to us living in northeast Portland.

We encourage you to table your vote until Metro can thoroughly study what I consider an ill-planned venture.

Thank you, George M. Bruender 2414 Ne Hihghland, Portland 97221

RE: CRC Land Use Final Order vote

August 10, 2011

Dear President Hughes and Metro Councilors:

BIKE WALK VOTE

We wanted to introduce you to Bike Walk Vote, and to urge you to vote against the CRC Land Use Final Order tomorrow.

Bike Walk Vote works to elect local, regional and statewide candidates who best support Oregonians who walk and bike. We were formed in 2004, and worked in local elections in 2004, 2006, and 2008. During that time, our endorsed candidates won nine of eleven races. After a brief hiatus, we are relaunching the organization, as there is significant energy and interest from people eager to build the movement and be active in the years and elections to come.

As you know, roughly two-thirds of people in the Metro region own bicycles and use them at times, and all Oregonians are pedestrians. We are eager to promote transportation choice for all community members, especially for the approximately 400,000 residents of the region who are too young, old, infirm or poor to drive.

As advocates for transportation choice we oppose the CRC highway mega-project as currently conceived. While there are parts of the project we support, they are overwhelmed by the bulk of the project's investment and its focus on expanding almost five miles of highway.

Spending billions of dollars on a highway mega-project of questionable functionality has a clear opportunity cost. While the Council's resolution in June included a hope it would have no cost to the region, that is simply impossible. The project consumes limited federal political capital, Metro staff time, and federal, state, and regional resident tax dollars and tolls that could better be invested in creating transportation choices. For example, the entire Portland bike plan could be built out for about a sixth of the cost of the CRC.

Beyond the massive opportunity cost, we are particularly disappointed in the project's treatment of people on bicycles and foot. While Metro had asked the project to include world-class bicycling facilities, and the project is the most expensive public works project in the region's history, the project claims it cannot afford to do much better than minimal standards. For example, the project has access at only one side of I-5 in Vancouver, just one elevator, just one viewpoint, and a major, five-block corkscrew detour to enter downtown Vancouver. For a purported one-hundred year investment to be so shortsighted is not what we think Metro's reputation for long-term planning is built on.

Thank you for your service to the region.

Best regards,

van Manvel

Evan Manvel (503) 515-8548

to Welter

Peter Welte (503) 780-8493

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Rec. 08-10-11

# Pauline Duffy

2735 S.E. 28<sup>th</sup> Avenue Portland, OR 97202 Phone: 503/233-4652 miss-isabella@safe-mail.net

Planning Department Metro 600 NE Grand Avenue Portland, OR

To Whom It May Concern:

### **<u>Re:</u>** Columbia River Crossing

In light of the August 11<sup>th</sup> scheduled vote by Metro on land-use approval and the CRC, I wish to comment that I am vehemently opposed to your accepting the application from TriMet. Oregon has a history of, mostly, well thought out land-use planning. The light-rail bill with an exemption allowing a fast track to the siting of light-rail lines was created specifically for the purpose of light-rail only. It could never have been intended to be applied to a project of the size and scope of the CRC.

There are too many reasons against the CRC going forward in its current conception; this is merely one more. If this land-use exemption is allowed for the CRC it will eliminate or severely limit the public debate that should occur. It would make a mockery of Oregon's land-use laws. Metro Council should vote against allowing this.

Respectfully submitted by:

Pauline Duffy

# Laura Dawson-Bodner

From:	Jack [jackhallin@gmail.com]
Sent:	Wednesday, August 10, 2011 1:00 AM
To:	Trans System Accounts
Subject:	LUFO comments
Follow Up Flag:	Follow up
Flag Status:	Completed

I urge you to DENY the Land Use Final Order for the CRC highway mega-project. Expanding highway demand at this scale is archaic 1950s thinking. Portland is better than this. Why do you want to spend all of our region's transportation dollars just to satisfy Clark County's commuting needs. There are alternatives that cost a lot less and will not contribute to global warming and send the bottleneck into Portland, as this project will. I urge you to start this project over from scratch, only this time without the stacked deck the DOTs dealt.

This may be our last chance to prevent this economic and environmental disaster.

Thank you

From:	Ethan P. SELTZER [seltzere@gmail.com]
Sent:	Tuesday, August 09, 2011 1:50 PM
To:	Trans System Accounts
Cc:	Richard Benner; Andy Cotugno; Blumenauer, Earl
Subject:	LUFO Comments
Follow Up Flag:	Follow up
Flag Status:	Completed

To the Metro Council....

I have read the staff report for the LUFO and am frankly amazed that the CRC is now regarded as merely a footnote to the desire to extend LRT across the Columbia. Further, it is even more amazing that LRT seems to vanish once it crosses the state line. I am concerned for several reasons:

1) This gives LRT opponents even more reasons to oppose LRT as it now is being called on to justify the entire and unfortunate CRC project;

2) There is still no clear operating agreement for LRT after it crosses the river, making the whole project, much less this LUFO even flimsier; and

3) The ongoing and perplexing lack of candor when it comes to explaining the financing for this project continues but apparently is of little concern to you.

As a longtime supporter of LRT, please do not mistake or misuse my enthusiasm for transit development in the region as support or encouragement for anything having to do with the CRC. You are misusing my support and enthusiasm for LRT, the RFP, and the Region 2040 Growth Concept, for Metro itself, when you encourage and support the rationale for moving this project forward presented in the LUFO. I understand that this doesn't matter to you, but it saddens me and many others who believe that we can and must do better here in this region than in any other.

1

Ethan Seltzer 3082 NE Regents Drive Portland, Oregon 97212

RE: LUFO for CRC

August 9, 2011



Dear Councilor Roberts,

As your constituent and the Transportation Policy Coordinator for Upstream Public Health, I am very concerned about Metro's upcoming vote on the Land Use Final Order for the Columbia Rivêr Crossing. Upstream Public Health works to address the social and environmental factors that influence our health, helping Oregonians live, work, and play in ways that promote healthy communities and foster wellbeing.

I was disappointed by the Metro Council's decision on June 9<sup>th</sup> to trust critical concerns about the project identified by Metro had been or would be addressed. Since then, the outlook has gotten worse. Although there are solutions to the I-5 congestion and safety issues that would also protect and even improve public health, the current design instead will have significant negative impacts on public health – both directly and indirectly through impacts to air quality and safety and impacts to our region's financial resources.

The project won't solve the congestion problem and the related air quality hazards for communities that live and work along the project. Instead, increased highway capacity may even worsen air pollution levels and increase the number of communities exposed to air toxins.

Transportation funding for all projects, but particularly for active transportation projects, is expected to level off and then decline in the future. The current bridge and highway design has been shown to have huge gaps in its financing plan. Continuing on the current course will hamstring our region's ability to invest in other important transportation safety projects and critically important efforts to reduce transportation-related greenhouse gas pollution. The high costs of the current project don't begin to account for the public health costs of increased respiratory and cardiovascular disease from the project and the lost opportunities to reduce crash injuries, fatalities, obesity, and other chronic diseases by scaling back the CRC and investing in other important transportation system improvements.

Access to a stable, family-wage job is an important factor in promoting health, but the CRC jobcreation statistics have been wildly exaggerated. Upstream supports a CRC solution that addresses job creation, particularly for the communities that will be affected by the project. We cannot support the current project's high cost per job created and the lack of commitment to a community benefits agreement.

I encourage you to vote against the LUFO on August 11<sup>th</sup>. Since the June 9<sup>th</sup> Metro vote where you took a leap of faith and trusted that your concerns would be met, there has been nothing but bad news about the CRC's financing, modeling, and impacts. Now it's time for the project staff to *earn* your support and the support of the region by truly addressing the concerns that have only been growing over the last several months. That important work requires that Metro exercise its last option and vote "no" on Thursday.

Thank you for your consideration.

Hell Lum

Heidi Guenin Transportation Policy Coordinator Upstream Public Health Tom Dana 1501 N Hayden Island Dr, Unit 110 Portland, OR 97217 503-954-9217 ThomasHDana@gmail.com

August 9, 2011

Metro Council 600 NE Grand Ave Portland, OR 97232 Attn: Laura Dawson Bodner

re: Upcoming Metro Council vote (August 11, 2011) on the Land Use Final Order (LUFO) concerning the Light Rail Extension to Hayden Island, the I-5 Replacement Bridge, and related Highway Improvements.

Greetings,

As a resident of Hayden Island, Board Member of HiNooN, Board Member of the Manufactured Home Community Homeowners Association, and member of the Hayden Island Livability Project (HILP) I want to express my <u>strong support</u> for the upcoming Light Rail Extension to Hayden Island, the I-5 Replacement Bridge, and related Highway Improvements.

The traffic bottleneck at Hayden Island has become almost unbearable and will continue to worsen as the economy recovers.

In particular, I want to support the arterial bridge as an alternative to freeway access to and from the Island. This is very important to the aging population on the Island.

As an active participant in various committees relating to the CRC project (Portland Working Group, Committee on the Hayden Island Interchange) I will continue to work with the CRC and Metro to mitigate problems construction will cause and improve Island livability as we move forward.

Sincerely, on

Tom Dana

From: Sent: To: Subject: Terri Wilson [terriwilson.is@comcast.net] Tuesday, August 09, 2011 10:30 AM Trans System Accounts LUFO comments

Follow Up Flag: Flag Status: Follow up Completed

To: Metro President Hughes, Councilors Burkholder, Collette, Craddick, Harrington, Hosticka, Roberts

Please vote NO on resolution no. 11-4264 - opposed

With such a high level of opposition from respected and informed citizenry, it is clear that a show of support for the CRC resolution is premature at this time. Please show the good judgment to insist on more consideration rather than allow yourselves to be pushed into a vote to approve at this time.

Respectfully,

#### Terri Wilson

Principal Broker Prudential NW Properties 503-781-6744 www.terriwilson.com terriwilson.is@comcast.net

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From:	pixelsareforsquares@gmail.com on behalf of revphil [revphil@gmail.com]
Sent:	Tuesday, August 09, 2011 3:15 AM
To:	Trans System Accounts
Subject:	LUFO comments
Follow Up Flag:	Follow up

Completed

The Columbia River Project is unacceptable. Please accept defeat and let it die.

6

Please,

Flag Status:

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From: Sent: To: Subject: Metro Council Thursday, August 11, 2011 11:54 AM Laura Dawson-Bodner FW: Time Out for Columbia River Crossing

From: Jonathan Ater [mailto:Jaa@aterwynne.com] Sent: Monday, August 08, 2011 3:33 PM To: Metro Council; Barbara Roberts; 'cylviahayes@oregonmetro.gov'; Shirley Craddick; Kathryn Harrington Subject: Time Out for Columbia River Crossing

Folks,

Particularly given the economic collapse of the moment, it is obvious that we don't have a viable economic plan for the proposed Columbia River Crossing project.

I urge all of you to slow this project down and encourage the region to consider other options, such as:

1. Modifying the railroad bridge to change the barge channel, accomodate high speed rail, and potentially accomodate light rail.

2. Rebuild the footings of the existing highway bridge spans.

3. Create one or more alternative approaces to Hayden Island from the Oregon side.

Whatever the options, it seems foolhardy to keep spending money on what now appears to be a broken project.

Regards,

Jonathan A. Ater Partner Ater Wynne LLP 1331 NW Lovejoy Street, Suite 900 Portland, OR 97209-3280 503-226-8471 direct jaa@aterwynne.com www.aterwynne.com

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From:	Allan Rudwick [arudwick@gmail.com]
Sent:	Monday, August 08, 2011 2:42 PM
To:	Trans System Accounts
Subject:	LUFO comments
Follow Up Flag:	Follow up

Completed

Metro Councillors-

Flag Status:

It is with deep regret that we are at a point in the CRC planning process where we have already spent over \$150 Million with such a flawed project being proposed. The CRC project as currently planned would build a gigantic auto-oriented freeway widening project and a competing light-rail line connecting the Portland Expo Center with Vancouver, WA. These two services will naturally compete with each other, and as such, we are effectively subsidizing 2 competing modes at the same time. As metro has taken ambitious goals on GHG reductions, you should know that building a large piece of auto-infrastructure will significantly reduce the livability of the neighborhoods in north and northeast Portland due to increased cut-through traffic.

As a someone under 30, which all of you once were, I don't think that this decision should be taken lightly. I fully expect to be paying off the debt from this project for the rest of my career in Portland, frustrated that other transportation improvement projects can't go forward because of the debt service on this one. There are so many economic reasons not to build this project, not to mention the health impact and the sprawl-inducing impact of the project. Please let me and my colleagues fix the problems created by 1950's era freeway projects instead of enabling more car travel through the heart of North Portland. Inevitably, this will cause freeway-widening demands in the Rose Quarter, and prevent what could be a crowning achievement of density on the east side of the Willamette.

Please kill this project so a smaller, more intelligent 21st century project can go forward and enable the transportation options of the future without chaining us in the shackles of past mistakes.

Sincerely Allan Rudwick

Eliot Neighborhood Board Member Active Right Of Way Member

Allan Rudwick (503) 703-3910

From:	Dylan Rivera
Sent:	Monday, August 08, 2011 6:47 PM
То:	Dylan Rivera
Subject:	CRC at Metro: Update, Thursday hearing

This is a notice about an upcoming decision and a public hearing on the Columbia River Crossing project.

#### Dear colleague,

Metro has updated its web site with more information on a proposed Land Use Final Order for the Columbia River Crossing project. Specifically, an index of comments and reports submitted as part of the order has been updated with comments received as of Thursday, Aug. 4.

Public comments are being accepted on the proposal in writing through the end of a public hearing this Thursday, Aug. 11. To comment on the LUFO by email, send a message to <u>trans@oregonmetro.gov</u> with "LUFO comments" in the subject line. We expect the public hearing to start shortly after the beginning of the council meeting at 2 pm.

Since the order is the last action the crossing project needs from Metro before publishing a Final Environmental Impact Statement, the resolution on Thursday's council agenda also authorizes Council President Hughes to sign the statement on behalf of the agency.

The Land Use Final Order is the second of two actions on the crossing project the council is considering this summer. First, on June 9, the council approved a resolution saying the concerns it raised in the past had either been met or would be met during the next phase of planning. Those concerns are part of the council's endorsement of the locally preferred alternative, selected as part of developing a federally required Environmental Impact Statement. Some of those concerns have been addressed, while others the council feels confident project and Metro staff will address -- some in coming weeks and others in subsequent phases of planning.

Secondly, on Thursday, the council will consider adopting a Land Use Final Order, which is a process in Oregon law that consolidates local land use decision making. Interested in commenting in person or in written form on the Land Use Final Order? Comments must be received no later than the close of the public hearing on Aug. 11 at the Metro Council Chambers. Interested in receiving notice of the land use decision and information on how to appeal to the state land use officials? See the legal notice here:

#### http://library.oregonmetro.gov/files//crc-lufonotice.pdf

For more information on the Columbia River Crossing at Metro, and the Land Use Final Order and related upcoming meetings, see:

#### www.oregonmetro.gov/columbiarivercrossing

Thank you for your attention.

Dylan

Dylan Rivera Public Affairs Specialist, Transportation Planning Metro 600 NE Grand Ave. Portland, OR 97232-2736 503-797-1551 <u>www.oregonmetro.gov</u> Metro | Making a great place

You are receiving this because you have expressed interest in receiving updates on transportation planning at Metro or updates related to the Columbia River Crossing project.

2



August 4, 2011

Metro 600 NE Grand Ave. Portland, OR 97323 Attn.: Laura Dawson Bodner

Re: Columbia River Crossing (CRC) Project

To Metro:

Following is written testimony from Jubitz Corporation ("Jubitz") with respect to the replacement of the I-5 Columbia River Bridge project ("Project") scheduled for Land Use Final Order public hearing August 11, 2011. Note that our comments refer specifically to proposed associated highway improvements in North Portland, to wit: the proposed Martin Luther King Blvd. ("MLK") off-ramp connection to N.E. Union Court/Union Court.

#### Background.

Since 1958, Jubitz Corporation has operated a truck stop at the Jubitz Travel Center located at 10210 N. Vancouver Way. Our present facility covers 24 acres, generally serving 1000(+) trucks per day. The bulk of our over-the-road highway traffic comes from the I-5 freeway, with additional material daily truck traffic from the Port of Portland loading areas West of I-5. Other trucking companies in our immediate vicinity which also produce large I-5 truck traffic counts are Market Transport (110 N. Marine Drive), Haney Truck Line (10505 NE 2<sup>nd</sup> Avenue) and USF Reddaway (10510 N. Vancouver Way).

Apart from concerns over future traffic coordination with Project contractors to insure adequate continuing truck access, Jubitz is generally in support of the CRC bridge replacement as presently designed. The bridge replacement should help alleviate the current congestion in the I-5 bridge vicinity, and will facilitate commercial trucks accessing I-5 from our general area.

Jubitz objects, however, to the current proposed configuration for commercial trucks accessing our facility or other proximate trucking locales <u>from</u> I-5 via Martin Luther King Blvd. ("MLK"). Specifically, the current proposal utilizes an extended loop off-ramp from MLK to connect with N. Hayden Meadows Drive and NE Union Court before passing underneath MLK to connect with N. Vancouver Way. This differs from the earlier MLK off-ramp configuration described by **Option 12 Modified** (see "Marine

CRC Testimony—Jubitz Corporation August 4, 2011 Page 2 of 4

Drive Interchange Alignment Recommendation Process—Final Summary Report and Stakeholder Recommendation" published October 2009, File ID 771). Option 12 Modified utilizes a substantially shorter and simplified MLK off-ramp to connect with Union Court and the N. Vancouver Way area.

Our objections to the current proposal v. Option 12 Modified include the following:

- The current proposed configuration unnecessarily adds 2400 feet (.45 mile) of additional truck driving distance, resulting in increased fuel consumption and costs for each truck exiting I-5 to access Jubitz and other area trucking centers.
- The current proposed configuration unnecessarily results in the emission of additional greenhouse gases due to additional drive distance.
- The current proposed configuration creates a potential safety hazard due to a required 90(+)-degree turn at the NE Union Court intersection for trucks accessing trucking facilities located North of MLK.
- The current proposed configuration aligns the proposed off-ramp immediately adjacent to and paralleling the on-street network bike/pedestrian pathway connecting to a planned bike/pedestrian Multi-Use Path.

#### **Discussion**.

## THE PROPOSED CONFIGURATION UNNECESSARILY ADDS 2400 FEET (.45 MILE) OF ADDITIONAL TRUCK DRIVING DISTANCE RESULTING IN INCREASED FUEL CONSUMPTION AND ASSOCIATED COSTS.

Contrary to the Option 12 Modified plan, the proposed MLK off-ramp results on excess fuel consumption due to extended off-ramp distance with resulting costs to commercial trucking. In addition to distance alone, the current configuration adds a third intersection (See "Potential Safety Hazard," below). Compared to Option 12 Modified, it is estimated that the combination of distance plus additional fuel consumption due to required truck acceleration due to the added intersection may result in up to an additional .17 gallons of fuel burned by each truck utilizing the off-ramp. Positing an average figure of 1000 trucks per day accessing Jubitz plus a conservative estimate of an additional 500 trucks generally accessing other local trucking destinations from I-5, this results in an additional daily consumption of 255 gallons of diesel fuel, or over 93,000 gallons per year. Applying current and anticipated diesel fuel pricing of approximately \$4.00/gallon, the proposed configuration results in additional costs of over \$370,000 per year to access local truck locations.

# THE PROPOSED CONFIGURATION RESULTS IN THE UNNECESSARILY EMISSION OF ADDITIONAL GREENHOUSE GASES DUE TO ADDITIONAL DRIVE DISTANCE.

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CRC Testimony—Jubitz Corporation August 4, 2011 Page 3 of 4

As described above, utilizing an average figure of 1500 trucks per day, the proposed MLK off-ramp configuration will burn 93,000(+) additional gallons of diesel fuel per year to cover the additional 675 miles (.45 miles x 1500) of off-ramp distance. This results in unnecessary emissions of greenhouse gases otherwise avoided by Option 12 Modified.

### THE PROPOSED CONFIGURATION CREATES A POTENTIAL SAFETY HAZARD AT THE NE UNION COURT INTERSECTION.

The proposed MLK off-ramp includes a 90(+)-degree turn at its initial N.E. Union Court intersection. While Project engineering has undoubtedly calculated *adequate* turning space for commercial trucks exiting MLK, there is a substantial distinction in the commercial trucking business between a theoretically adequate turning area and *actual* turning space used by commercial truck drivers. The latter is often governed by practical considerations such as training and experience, driver competency, driver familiarity with a particular truck, as well as time urgency (i.e., speed). Any combination of the foregoing factors can lead to trucks exceeding the planned turning radius and create a traffic hazard ranging from obstruction and delay to actual collisions with oncoming traffic.

The described safety hazard does not exist in Option 12 Modified as the off-ramp intersection is considerably larger in size allowing for additional turning space without undue interference with oncoming traffic lanes.

THE PROPOSED CONFIGURATION ALIGNS THE MLK OFF-RAMP ADJACENT TO AND PARALLELING THE EXISTING ON-STREET NETWORK BIKE/ PEDESTRIAN PATHWAY.

CRC Project eUpdate of June 2011 describes a "refined multi-use path route" connecting with the existing MLK on-street network to better provide service for bicycle and pedestrian traffic between North Portland and Vancouver. The proposed off-ramp configuration unnecessarily parallels the existing MLK on-street network as opposed to the Option 12 Modified which promptly separates from the bicycle/pedestrian on-street network route.

#### October 2009 Marine Drive Interchange Alignment Recommendation.

A review of the October 2009 Recommendation of **Option 12 Modified** includes multiple findings as well as analyses supporting the recommended design. These findings have not been changed, and remain compelling reasons to adopt the Option 12 Modified proposal

#### Summary.

CRC Testimony—Jubitz Corporation August 4, 2011 Page 4 of 4

In discussions with CRC Committee representatives, considerations for the current proposed MLK off-ramp configuration included potential interference with a deeded dog park area, visual proximity of the Option 12 Modified N.E. Union Court intersection to Delta Park softball fields, potential close juxtaposition of the Option 12 Modified N.E. Union Court intersection with the (new) N. Vancouver Way intersection,<sup>1</sup> and maximizing the space between the I-5 intersection and a connection with N.E. Union Court. Particularly with respect to the final point, Jubitz believes its above-described objections renders the current proposed off-ramp configuration inferior to the **Option 12 Modified** MLK off-ramp design.

Sincerely Victor D. Stibolt

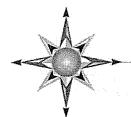
Vice President Administration & General Counsel

cc: Aaron Myton, P.E., Columbia River Crossing Committee
 Gary Wilson, Market Transport
 Pat Roetker, Asst. Terminal Manager USF Reddaway
 Haney Truck Lines
 Corky Collier, Executive Director Columbia Corridor Association

<sup>&</sup>lt;sup>1</sup> This objection by CRC Committee presumes both intersections will be governed by traffic lights. While a traffic signal will be reasonably required for N. Vancouver Way, the Union Court intersection under Option 12 Modified may well be better served through use of simple stop signs which have adequately served all truck traffic currently accessing N. Vancouver Way from I-5.

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COALITION FOR A LIVABLE FUTURE

107 SE WASHINGTON STREET, SUITE 239 • PORTLAND, OR 97214 PHONE: 503.294.2889 • FAX: 503.225.0333 • WWW.CLFUTURE.ORG

August 4, 2011

RE: CRC LUFO vote on August 11th - Metro's "Final Sign-Off on the CRC"

Dear President Hughes and Metro Councilors:

I'm writing today representing the Coalition for a Livable Future (CLF) which is a partnership of over 100 diverse organizations and thousands of individuals promoting healthy and sustainable communities. For over 16 years CLF has worked to protect, restore and maintain healthy, equitable and sustainable communities, both human and natural, for the benefit of present and future residents of the greater Portland-Vancouver metro area.

As Metro considers adoption of the Land Use Final Order (LUFO), we wanted to make sure you had an opportunity to review the recent news about the project.

We are particularly eager to ensure your decision is made with full information as Metro's in-house news reporter called the LUFO decision "Metro's final sign-off on the CRC."

#### Recent News: Justifications for the Project are Disproved

To sum up what newspapers have recently uncovered and reported:

- The project won't solve the traffic problem
- The project will be a huge financial risk because I-5 traffic levels have flattened
- There are a host of higher safety priorities
- We have no clear plan to pay for the project
- CRC backers have repeatedly overstated job creation, by a factor of ten
- The project has not been regularly tracking its spending to know whether it is on schedule or on budget
- The project's traffic models aren't equipped to model the effects of tolling
- The project presumes 400,000 more jobs in the region by 2030 than do independent sources

The *Willamette Week* concluded: "The major reasons backers cite for building the CRC are disproved by the project's own documents."

#### Shifting Project Plans and Scope

As you are aware, Treasurer Wheeler recently found a huge financial hole in the project, leading to a \$468 to \$598 million dollar shortfall.

In response to Treasurer Wheeler's report, Governor Kitzhaber has asked the project to create new plans that involve sequencing, or postponing parts of the project.

The Independent Review Panel had already found the project was of questionable worth without spending an additional billion dollars to the south: "Questions about the reasonableness of investment in the CRC bridge because unresolved issues remain to the south [near I-405 and the Rose Quarter] threaten the viability of the project."

It now appears the state will postpone several parts of the project. The Governor's request for sequencing is a call to figure out how we can spend billions of scarce transportation dollars for an incomplete, non-functioning design, while expecting decades of future transportation monies to be spent completing what we can't afford to build today.

The region is already projecting significant shortfalls of available transportation resources for our future demands, including our ongoing needs in maintenance. For example, the City of Portland is projecting a \$6 billion shortfall in its transportation needs through 2030. Andy Cotugno recently told JPACT the federal transportation funding outlook is "grim." And the national report *Repair Priorities* called deferred road repair "a financial time bomb" and found Oregon has been spending far less than most states on repair and maintenance.

We are skeptical the region will find an additional half-billion dollars to build out the CRC – or an additional billion dollars to make it more functional by redesigning the southern end – without having major impacts on other regional priorities.

It is hard to understand how the project will remain consistent with June's Metro Resolution 11-4264, which included the requirement the CRC not impact funding for any other regional priorities: "The funding contribution from each state is intended as a state contribution... and is not intended to be the region's share of a broader state funding package."

#### Signing Off on the Project is Premature

Given the ongoing major shifts and revelations about project design, financing, and expected costs, benefits, and impacts, it seems at best premature, and at worst reckless, to sign off on the LUFO on August 11th.

We urge you to vote against the LUFO, at least until the scope, design, impacts and cost of the most expensive project in the region's history are better known. The project has yet to respond to the Governor's request for a sequencing plan.

Before giving the most expensive public works project in the region's history its final sign-off, Metro should wait until it can adequately and independently review whatever new plan the CRC project staff bring forward.

Thank you for your consideration and your service to the region.

Respectfully,

Executive Director Coalition for a Livable Future

#### Key Excerpts from News Stories in June and July

It has been a busy summer for news about the Columbia River Crossing.

As Metro considers adoption of the Land Use Final Order (LUFO) for the area on August 11, we wanted to make sure you had an opportunity to review the recent news about the project.

What follows is the list of news about the project from June and July.

#### Project Relies on Faulty Assumptions and Claims, and Won't Fix the Traffic Problem

On June 1st, the *Willamette Week* reported the project won't solve congestion, it will be a huge financial risk because I-5 traffic levels have flat-lined, there are scads of higher safety priorities, and we have no clear plan to pay for it.

"The state's own records show [the mega-project] relies on faulty assumptions and won't fix the traffic problem...

"The agency's data show there are more than two dozen I-5 bridges in Oregon in worse shape than the Interstate Bridge, including the Marquam Bridge...

"Another claim CRC backers like to make is the number of crashes on either side of the Interstate Bridge. They often exaggerate here as well."

Full article: http://www.wweek.com/portland/article-17566-a bridge too false.html

#### Project Overstates Job Creation by a Factor of Ten

On June 15th, the *Willamette Week* reported project backers have been overstating the number of jobs the project would create by more than a factor of ten. Instead of 20,000 jobs, the project is projected to create 1907, or about one job for every \$2 million spent.

"Kitzhaber is exaggerating by 10 times the number of jobs potentially created by the project, known as the CRC. That's according to the project's own reports, as well as the state's methods for tallying jobs...

"It's not the first time that leaders from Oregon and Washington have made shaky claims to justify the project. The major reasons backers cite for building the CRC are disproved by the project's own documents."

Full article: http://www.wweek.com/portland/article-17621-not\_true\_times\_ten.html

#### **Project's Financial Oversight is Questionable**

On July 18, *The Columbian* reported the project has not been regularly tracking its spending to know whether it is on schedule or on budget, and there are concerns as to whether it is meeting public records requests in a timely manner.

"One problem: The CRC doesn't track all of its spending under one roof. The Washington and Oregon departments of transportation, the two lead agencies that distribute money to the project, keep separate financial accounts...

"We will start to develop a regular, reliable source of reporting that helps answer those sorts of questions: Are we managing our scope, schedule and budget?" [Project Director Nancy] Boyd said....

"[Auditor Tiffany] Couch said that four requests made by her and Madore between March 4 and July 5 have yet to be answered. In a few other cases, she only got partial responses. "They are completely ignoring us," she said."

Full article:

http://www.columbian.com/news/2011/jul/18/new-crossing-chief-orders-internal-audit/

The Oregonian also covered questionable financial management in a July 9th article:

"It must have been irksome for the CRC to pay for a critique that at times was scathing and only added to the air of disarray that had enveloped the project. But pay it did, handsomely. [German consultant] Hopf and two co-workers got nearly \$83,000 for the equivalent of eight weeks of work...

"The CRC also covers parking for the approximately 70 employees: \$42,000 a year for 53 monthly passes. It also reimburses street parking for other workers."

Full article: http://www.oregonlive.com/environment/index.ssf/2011/07/columbia\_river\_crossing\_has\_sp.ht ml

And *The Columbian* noted the project includes \$158 to \$176 million for three parking garages, which doesn't include the cost of property acquisition (June 21st). At around \$60,000 per space, these garages are far beyond industry standard cost.

#### Project's Traffic Models Not Equipped for Tolling – And Overproject by 400,000 Jobs

On July 19th, *The Oregonian* reported the project has been relying on models that cannot predict the impacts of tolling on traffic volumes, and therefore the expected revenue from tolls.

"ODOT documents have surfaced in which three of CRC's largest contractors question traffic forecast models used by the project. Their findings are unambiguous: The introduction of tolled roads and bridges adds a wrinkle that Oregon travel forecasting models aren't equipped to deal with.... The CRC has not taken steps to perform new traffic modeling."

Full article:

http://www.oregonlive.com/environment/index.ssf/2011/07/traffic\_estimates\_on\_columbia.html

Here's what project consultants David Evans, Stantec, and Parsons Brinkerhoff said:

"Oregon models have not been specifically designed to evaluate toll projects, so planners are not able to confidently forecast travel patterns for projects that are considering tolling/pricing. Existing models are not able to determine how travelers would change their mode, route, travel time, or destination in response to tolling/pricing."

Contrast with what staff told you at last month's hearing (Appendix to Resolution 11-4264):

"Analysis conducted for the CRC project using the regional traffic forecasting model to assess the impact of various tolls on total traffic and diversion to I-205. The Tolling Study Report had three principal conclusions about diversion: For most of the I-5 only toll scenarios, the majority of diverse would not change their travel patterns..."

The Columbian reported on more basic problems with the traffic projections on July 20th:

"Robert Bain of London-based RB Consult LTD, a former Standard & Poor's ratings analyst who has published widely on problems with the traffic and toll forecasting process, said traffic volumes have been flattening off over the past 15 to 20 years, before the recession.

"Bain said that Metro failed to look at historical trends and instead ran with ever-increasing job and traffic increases, leaving key questions unanswered."

Full article:

http://www.columbian.com/news/2011/jul/20/oregon-treasurer-questions-crc-traffic-tolls-gover/

From The Oregonian July 20th:

"CRC opponents have often accused the project of using bogus traffic numbers. Until now, the CRC has stood by its projections."

Project Plan Has a \$468 million to \$598 Million Dollar Financial Hole

Because of the inflated traffic projections and the need to restructure the project's proposed toll financing plan, which the Washington State Treasurer equated to "a toxic mortgage," Oregon Treasurer Ted Wheeler released a report on July 20th finding the project has a \$468 million to \$598 million dollar financial hole.

The Willamette Week covered the issue (July 20th):

"The takeaway from two consultants Wheeler hired to review the CRC's projections—the cost assumptions seem reasonable but traffic and toll revenue projections are wildly optimistic...

"First... CRC traffic projections... are simply wrong...

"A second major finding came from the consulting firm C & M Associates... Metro's population and employment growth projections, which are also underlying the tolling revenue projections, are vastly more optimistic than two independent estimates. "The differences in employment—which drives traffic—are huge. Metro projects that the number of jobs in the region will increase from 1,032,200 in 2005 to 1,691,900 in 2030, a growth of 64 percent.

"Both Moody's and Global Insight say the growth will be less than half that amount—a difference of 400,000 jobs."

Full article:

http://www.wweek.com/portland/blog-27408breaking\_treasurers\_report\_blows\_major\_hole\_in\_crc\_finance\_plan.html

From The Oregonian (July 20th):

"The CRC is using outdated, inflated traffic projections and a tolling plan that incorporated an unacceptably risky debt service structure, according to the Oregon Treasury analysis. Insert more realistic toll revenue numbers and a more conservative bond repayment schedule, the analysis concludes, and the CRC's anticipated pot of \$3 billion-plus shrinks by between \$468 million and \$598 million."

Full article:

http://www.oregonlive.com/environment/index.ssf/2011/07/columbia\_river\_crossing\_financ.htm

#### **Outlook for Transportation Funding "Grim"**

From The Portland Business Journal (July 14th):

"A Metro director told area transportation officials Thursday that the outlook for federal roads and transit funding is 'grim.' Andy Cotugno, Metro's planning director, made the remarks in a presentation on the Federal Transportation Funding and Authorization bill. The proposal, presented by Florida Republican Rep. John Mica, calls for a 34 percent spending cut, from \$51.5 billion during fiscal year 2011 to \$34.2 billion. Oregon's share is expected to fall from \$479 million to \$316 million."

From: Sent: To: Subject: Richard Benner Tuesday, August 02, 2011 9:36 AM Laura Dawson-Bodner FW: Materials in Record

Laura, Please put this email into the LUFO record.

Dick

From: Richard Benner Sent: Tuesday, August 02, 2011 9:35 AM To: mike lilly (<u>mikelilly@michaeljlilly.com</u>) Subject: Materials in Record

8/2/11

Mike,

You seem to be the only one paying close attention, so I want to alert you to a posting to our website on the LUFO project. It is the index of all the materials in our record received so far (through August 1). If you see something in the index that you want to examine, we can make it available to you. Call me or call Laura Dawson-Bodner (*spelling corrected*!) (503.813-7577).

1

We will update the index on the website as new materials are submitted. Dick

From:	Richard Benner
Sent:	Tuesday, August 02, 2011 8:35 AM
Τo:	Andy Cotugno; Carlotta Collette; All Council-COO
Cc:	Alison Kean Campbell; Laura Dawson-Bodner
Subject:	RE: History of Metro actions on CRC

Categories:

Yellow Category

HB 3478 and its predecessor SB 573 were written to allow inclusion of street and highway improvements, using broad language. At the July 26 work session, Mark Greenfield recounted previous LUFO projects that included highway improvements aimed to address the same transportation problems for which the particular stretch of light rail was intended to address. In other words, the LUFO statute is broad enough to include, and there are precedents in earlier LUFOs for, the improvements included in the Columbia River Crossing LUFO.

-----Original Message-----From: Andy Cotugno Sent: Tuesday, August 02, 2011 8:25 AM To: Carlotta Collette; All Council-COO Cc: Alison Kean.Campbell; Richard Benner; Laura Dawson-Bodner Subject: RE: History of Metro actions on CRC

The LUFO was designed to provide an integrated approval process for the light rail and associated highway projects. The CRC highway and light rail elements are inextricably linked. The original South/North LUFO was for a stand-alone light rail project but it failed in Clark Co. because it didn't sufficiently meet their needs. The agreement around a project that comprehensively meets the needs came out of the I-5 Trade and Transportation Partnership and clearly concluded that a comprehensive multi-modal approach is the only project the meets the needs of both sides of the river. The Oregon side needed an emphasis on LRT, bike/ped and demand management (including tolls) to limit the amount of traffic that needed to be accommodated downstream. Clark Co. needed some degree of highway expansion because they have a pand use pattern that cannot be as effectively served by LRT as the Oregon land use pattern.

As a result of the project development through the NEPA process, it also became clear that the most cost-effective and least impactive approach to delivering a comprehensive multimodal project is with two rather than three bridges with LRT and pedestrian/bike on the lower level. So, the project is not only functionally integrated to meet the need but physically integrated such that one can't be built without the other. Integrating the approval into a single LUFO action acknowledges it is a single integrated project and one part can't be built without the other.

Also, the S/N LUFO legislation came after the experience of the Westside that was also an integrated highway/LRT project. A major expansion of the Sunset Highway, Highway 217 and its interchanges was approved for the Westside both through the LUFO and the FEIS/ROD. While the LRT was in a tunnel through the West Hills, the LUFO approved the accompanying highway project on the surface. A project that isn't as physically integrated as CRC but was functionally needed as a package to meet the needs in the corridor.

Dick Benner - can you comment on any legal aspects of the LUFO legislation?

Andy C.

-----Original Message-----From: Carlotta Collette Sent: Monday, August 01, 2011 3:02 PM To: Andy Cotugno; All Council-COO Cc: Alison Kean.Campbell; Richard Benner; Laura Dawson-Bodner Subject: RE: History of Metro actions on CRC

My understanding of the original purpose of the LUFO approach was to streamline a process for approving light rail projects by wrapping in related highway elements as part of the approval. The intent, I thought, was that these highway elements would be minor in the context of the larger light rail project and so should not be constraining the light rail project. What we have with the CRC LUFO is a light rail project that is dwarfed by the related highway elements. Isn't this beyond the scope of the LUFO process? Carlotta Collette, Councilor Metro District 2 Metro 503-797-1887 carlotta.collette@oregonmetro.gov

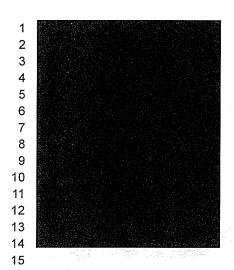
www.oregonmetro.gov
Metro | People places. Open spaces.

From: Andy Cotugno
Sent: Monday, August 01, 2011 1:59 PM
To: All Council-CO0
Cc: Alison Kean.Campbell; Richard Benner; Laura Dawson-Bodner
Subject: History of Metro actions on CRC

At the Council work session Tuesday July 26, I shared with the Council a series of past actions of the Metro Council regarding the project in order to better understand how the upcoming LUFO action fits in. Attached is a memo providing more details. Copies of the actual adoption resolutions are available if you you like to see them.

Andy Cotugno

Andrew Cotugno Senior Policy Advisor Metro 600 NE Grand Avenue Portland, OR 97214 work: 503-797-1763 cell: 503-334-5286 andy.cotugno@oregonmetro.gov



### <sup>17</sup> <sup>18</sup> Summary

20 The following summarizes information from the I-5 Columbia River 21 Crossing Final Environmental Impact Statement (FEIS), including 22 23 project background, the problems the project is seeking to fix, the 24 alternatives for addressing these problems, the locally preferred 25 alternative (LPA), and the key impacts. It concludes with a brief 26 discussion of the next steps and methods by which the public can 27 continue to be involved in the project. 28

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## What is the I-5 Columbia River Crossing project?

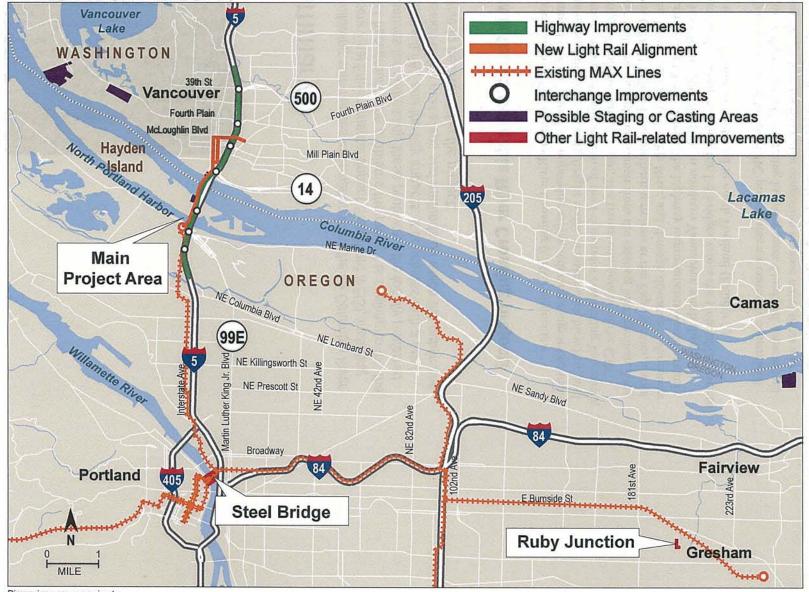
The Interstate 5 (I-5) Columbia River Crossing (CRC) project is a 33 multimodal project focused on improving safety, reducing congestion, and 34 35 increasing mobility of motorists, freight traffic, transit riders, bicyclists, and pedestrians along a 5-mile section of the I-5 corridor connecting Vancouver, 36 37 Washington, and Portland, Oregon. The transit component of the CRC 38 project would extend light rail transit from the existing Metropolitan Area 39 Express (MAX) Yellow Line northern terminus at the Expo Center, across 40 Hayden Island and the Columbia River, and through downtown Vancouver to a terminus at Clark College. The highway improvements would extend 41 from State Route 500 (SR 500) in northern Vancouver, south through 42 downtown Vancouver, and over the I-5 bridges across the Columbia River to 43 44 just north of Columbia Boulevard in north Portland (Exhibit 1). 45 46 Transit connections within the CRC project area are currently constrained 47 by many of the same problems facing highway users. Outdated, substandard 48 highway design features and traffic congestion increase travel times and the

49 frequency of accidents, and reduce reliability for bus travel between Clark
50 County and Portland. Additionally, transit users coming from or going to
51 Hayden Island or Vancouver have to transfer to buses, commute to nearby park

52 and rides, walk, or bike in order to access light rail.

SUMMARY • S-1

**Columbia River Crossing Project Area Map** 



Dimensions are approximate.

COLUMBIA RIVER CROSSING

I-5 is the only continuous north-south interstate highway on the West Coast, 1 linking the United States, Canada, and Mexico. In the Vancouver-Portland 2 3 metropolitan region, I-5 is one of two major north-south highways that provide interstate connectivity and mobility. I-5 directly connects the central 4 5 cities of Vancouver and Portland. Traffic conditions on the I-5 crossing over 6 the Columbia River are influenced by the 5-mile section of I-5 between SR 7 500 in Vancouver and Columbia Boulevard in Portland. This section includes seven interchanges that connect three state highways and several major arterial 8 roadways. These interchanges serve a variety of land uses and provide access 9 to downtown Vancouver, two international marine ports, industrial centers, 10 11 residential neighborhoods, retail centers, and recreational areas.

12

# <sup>13</sup><sub>14</sub> Who is leading the CRC <sup>15</sup> project?

16

The Federal Highway Administration 17 (FHWA) and Federal Transit 18 19 Administration (FTA) are the lead federal agencies for this study. Both 20 21 agencies must ensure that the National 22 Environmental Policy Act (NEPA) process is properly conducted and 23 completed, including the publication 24 25 of this Final Environmental Impact 26 Statement (FEIS), before they provide 27 funding or approval to construct the 28 project. After the NEPA process is complete, FTA and FHWA will sign 29 30 a Record of Decision (ROD) that will identify the selected preferred alternative. 31 Additionally, the ROD will describe all 32 33 measures needed to mitigate unavoidable environmental effects, as well as a 34 monitoring and enforcement program to 35 ensure that these measures are carried out 36 effectively. By signing the ROD, the FTA 37 38 and FHWA are affirming that federal regulations have been met, thereby 39 40 allowing the project to proceed with 41 property acquisitions and final design of the selected alternative. 42 43 44 State transportation agencies and local governments in the Vancouver-Portland 45 metropolitan region have joined together 46 to develop a strategy for addressing 47 highway, freight, transit, bicycle, and 48 pedestrian needs within the CRC project 49 area. The co-lead agencies for this project, 50 51 in addition to the aforementioned federal lead agencies, are the Washington 52

### Agencies and Indian Tribes working with this project

- City of Vancouver
- City of Portland
- Clark County Community Development Department
- Chinook Tribe (non-federally recognized)
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Grand Ronde, Oregon
- Confederated Tribes of Siletz Indians, Oregon
- Confederated Tribes of the Umatilla Indian Reservation, Oregon
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Confederated Tribes and Bands of the Yakama Nation, Washington
- Cowlitz Indian Tribe, Washington
- Federal Aviation Administration
- National Marine Fisheries Service
- National Park Service
- Nez Perce Tribe of Idaho
- Nisqually Indian Tribe
- Oregon Department of Environmental Quality

- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development
- Oregon Department of State Lands
- Oregon State Historic Preservation Office
- Spokane Tribe of Indians, Washington
- U.S. Army Corps of Engineers
- U.S. Coast Guard
- U.S. Environmental Protection Agency
- U.S. General Services Administration
- U.S. Fish and Wildlife Service
- Vancouver Housing Authority
- Washington State Department of Natural Resources
- Washington State Department of Archaeology and Historic Preservation
- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife

See Appendix A for more information on how this project has coordinated with local, state, and federal agencies and tribes.

State Department of Transportation (WSDOT), the Oregon Department of Transportation (ODOT), the Tri-County Metropolitan Transportation District (TriMet), the Southwest Washington Regional Transportation Council (RTC), Metro, and the Clark County Public Transportation Benefit Area (C-TRAN). These co-lead agencies, together with the Cities of Vancouver and Portland, comprise the local agencies that are sponsoring this project. Each of these sponsoring agencies will be responsible for approving all or part of the project that will be built.

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WSDOT and ODOT are leading the preliminary highway design and project management. TriMet and C-TRAN are leading the preliminary transit design and would operate the transit elements of the project. Metro and RTC are the Metropolitan Planning Organizations (MPOs) for the region, and maintain the regional and metropolitan transportation plans that include the LPA for the CRC project. The Cities of Portland and Vancouver have specific permitting authority over some elements of the project. In addition, each of these agencies' elected or appointed leadership (including the Metro Council, Regional Transportation Council, TriMet Board, C-TRAN Board, Vancouver City Council and Portland City Council) endorsed the CRC project's LPA. Other state and federal agencies and stakeholders are also participating in technical, regulatory, or advisory roles.

The agencies leading the CRC project have worked with many other local, state, and federal agencies (see list) and with many private and public stakeholder groups during the planning and development of this project. Appendix A describes the agencies this project is working with and the coordination processes within this diverse group.

#### Exhibit 2 Preceding Studies



S-4 • SUMMARY

#### What studies preceded the CRC project?

Major transportation improvements in the CRC project area have been studied for over a decade. In 2001, the Washington and Oregon governors appointed a bi-state task force of 28 community members, business representatives, and elected officials to address concerns about congestion on I-5 between Portland and Vancouver. This task force, called the I-5 Trade and Transportation Partnership, developed a plan to improve transportation in the I-5 corridor between the I-405 interchange in Portland and the I-205 interchange north of Vancouver (Exhibit 2), and adopted the Final Strategic Plan on June 18, 2002. Their recommendations include:

- Expand I-5 to include three through-lanes in each direction, including the area through Delta Park.
- Introduce a phased light rail loop in Clark County in the vicinity of the I-5, SR 500/Fourth Plain, and I-205 corridors.
- Provide an additional bridge or a replacement crossing for the I-5 crossing of the Columbia River, with up to two additional lanes each direction for merging traffic and two light rail tracks.
- Improve interchanges and add merging lanes between SR 500 in Vancouver and Columbia Boulevard in Portland, including a full interchange at Columbia Boulevard.
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1 • Improve capacity for freight rail.

• Encourage bi-state coordination of land use and transportation issues to reduce highway demand and protect corridor investments.

• Involve communities along the corridor to ensure that final project outcomes are equitable.

8 The I-5 CRC project was developed to further study and develop solutions
9 to several of these recommendations. See Section 2.7 of the FEIS for more
10 information on the early development of the CRC project.

12 High-capacity transit in the I-5 corridor through North Portland and Vancouver has been proposed and studied periodically since the early 1990s. 13 In 1993, local agencies began studying high-capacity transit in the "South/ 14 North Corridor," which extended from Clackamas and Milwaukie, Oregon 15 16 to Vancouver, Washington (Exhibit 2). FTA and Metro published the South/ 17 North Corridor Project Draft Environmental Impact Statement in 1998. This identified a variety of alignments and length options for a light rail corridor 18 connecting Milwaukie, downtown Portland, North Portland, and downtown .19 20 Vancouver. Subsequent funding challenges delayed construction of the full corridor but did allow construction of one light rail segment, known as the 21 22 Yellow Line or Interstate MAX. The Yellow Line extends from the Rose 23 Quarter near downtown Portland to the Expo Center in north Portland. 24 25 In 2009, TriMet opened another new light rail line that includes a new north-south axis in downtown Portland that could accommodate a future 26 extension to Milwaukie, also part of the original South/North Corridor. In 27 October 2010, FTA, Metro and TriMet published an FEIS for proposed 28

29 extension of this line to Milwaukie.

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The transit component of the CRC project would extend light rail transit from
the existing MAX Yellow Line northern terminus at the Expo Center, across
Hayden Island and the Columbia River, and through downtown Vancouver,
ending at Clark College. Each of these projects is part of the vision outlined in
the original planning studies of the 1990s.

36 37 38

#### What problems does this project seek to fix?

39 The CRC project seeks to address six problems, as described below:40

41 Growing travel demand and congestion: Heavy congestion on I-5 in the 1. project area is the result of growth in regional population, employment, 42 and interstate commerce (Exhibit 3). The existing I-5 crossing provides 43 44 three lanes for northbound and southbound travel, each, which can 45 accommodate approximately 5,500 vehicles per hour in each direction. 46 However, there are more people who want to use the crossing during peak 47 periods than the bridges can accommodate, which results in stop-and-go 48 traffic in the mornings and afternoons. Cars entering I-5 have little room 49 to accelerate and merge with highway traffic (short merging lanes), and 50 cars on I-5 have no room to pull off the highway (narrow or no shoulders) when an accident occurs or when vehicles break down. These conditions 51 52 make congestion worse and decrease safety. Traffic can also become

#### **TERMS & DEFINITIONS** Traffic Terms

Congestion - For highways, congestion is defined as when the average speed falls below

30 mph.

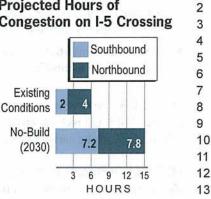
Peak Period - More generally described as "rush hour," this is the time when travel patterns generate the most traffic, especially in a certain direction. For this FEIS, "peak period" refers to a 4-hour period in the morning and a 4-hour period in the afternoon/evening when traffic volumes are highest.

congested when the bridges' lift spans are raised to allow large river vessels to navigate underneath the bridges.

Exhibit 3 **Projected Hours of Congestion on I-5 Crossing** 

2. Impaired freight movement:

Congestion on I-5 reduces freight mobility between regional markets in Portland and Vancouver, as well as national and international (Mexico or Canada) destinations along the I-5 corridor. Freight trucks most often travel in the middle of the day to avoid congestion, but can be delayed by bridge lifts, as illustrated in Exhibit



4. As hours of congestion continue to increase over time, travel times for freight trucks will continue to increase-even when traveling during the off-peak hours. This increases delivery times and raises shipping costs. It also negatively affects this region's economy. Truck-hauled freight in the Portland-Vancouver metropolitan region is expected to grow more rapidly than other forms of freight movement (such as marine-hauled freight). Truck-hauled freight is forecast to grow from 67 percent of total freight movement in 2000 to 75 percent in 2035 (Metro 2006).

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#### Exhibit 4 A Bus and Truck Wait During a Bridge Lift



3. Limited public transportation operation, connectivity, and reliability: Congestion on I-5 reduces bus travel speeds and reliability. Local bus services currently travel between downtown Vancouver and downtown Portland. Express bus routes serve commuters by providing service directly from Clark County park and rides to downtown Portland. Both of these services travel over the I-5 bridges. Bus travel times from downtown Vancouver to Hayden Island increased 50 percent between 1998 and 2005.

S-6 • SUMMARY

On average, local bus travel times are from 10 to 60 percent longer during peak periods than during off-peak periods.

Safety and vulnerability to incidents: Over 300 vehicle crashes are 4. reported annually on I-5 in the project area, making this one of the most accident-intensive sections of I-5 (Exhibit 5 illustrates one such accident). This high accident rate is a result of multiple highway design features that do not meet current standards, including:

Close interchange spacing - Within the CRC project area, I-5 has six interchanges spaced approximately one-half mile apart. The recommended minimum distance between interchanges is 1 mile so that cars entering and exiting the highway

have enough distance to fully merge with traffic or diverge to the off-ramp before the next interchange.

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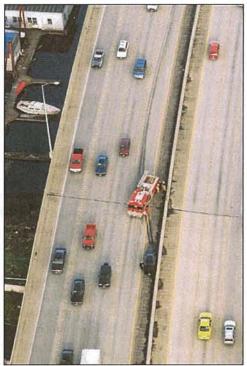
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- 16 Short on- and off-ramps - Several on-ramps 17 are not long enough for vehicles to reach 18 highway speed before merging with highway 19 traffic. Off-ramps are too short for safely 20 slowing down, and during heavy traffic, these 21 short ramps may cause exiting vehicles to back 22 up onto I-5. This generates traffic congestion 23 and can cause accidents because maneuvering 24 is difficult, especially for large trucks. 25
- 26 Vertical grade changes - A "hump" in the I-5 27 bridges that accommodates the Columbia 28 River shipping channel blocks the view of 29 roadway conditions ahead. This blocked view 30 reduces speeds and creates potential hazards to 31 motorists.
- 32 Narrow lanes and shoulders - Several portions 33 of I-5 in the project area have narrow inside 34 and outside shoulders, while the I-5 bridges 35 essentially have no shoulders, with less than 1 36 foot between the outside lanes and the bridges' 37 side barriers. The northbound I-5 bridge also 38 has lanes 1 foot narrower than the minimum 39 standard for a highway, and no shoulders. 40

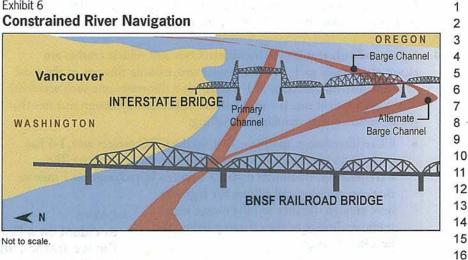
Exhibit 5 Accident on a Narrow Shoulder **Closes Traffic Lane** 



These conditions place vehicles very close to physical barriers and other vehicles, causing motorists to slow down, and do not provide space for disabled or emergency vehicles.

43 Hazardous river navigation - The U.S. Coast Guard (USCG) allows 44 ODOT to not raise the I-5 bridges' lift spans during peak traffic 45 periods because of the substantial impacts this would have on bridge 46 traffic. This requires boats heading downstream (west) to navigate using the fixed "barge channel" near the middle of the river, and then 48 quickly turn to line up with the narrow opening on the north end of 49 the Burlington Northern Santa Fe (BNSF) railroad bridge, located 50 about 1 mile downstream (Exhibit 6). This movement is especially difficult during high river levels. 52

#### Exhibit 6



5. Substandard bicycle and pedestrian facilities: The bicycle and pedestrian paths on the I-5 bridges are very narrow (4 feet wide in most places, decreasing to less than 4 feet at some locations) and extremely close to traffic and to the steel trusses (Exhibit 7). Also, the connections to these

paths at both ends of the bridges are difficult to follow, especially around the Marine Drive and Hayden Island interchanges, which at times require riders to cross active roadways. Many existing non-motorized facilities cannot be used by persons with disabilities, and thus do not comply with the Americans with Disabilities Act (ADA) accessibility standards.

Seismic vulnerability: The I-5 6. crossing of the Columbia River mainstem consists of two bridges, one built in 1917 (the northbound Exhibit 7 **Bicycle and Pedestrian Path**  17

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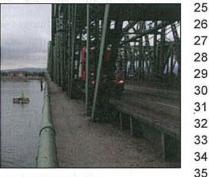
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structure) and the other built in 1958 (the southbound structure). The foundations of both bridges rest in soils that could liquefy during a major earthquake. Neither bridge was built to current earthquake safety standards and could be damaged or collapse during a major earthquake.

#### How has the public been involved in project development?

Since its inception in 2005, the Columbia River Crossing project has implemented a comprehensive public outreach program to ensure the community's values are integrated into project development. The outreach program is multi-faceted because of the variety of interested stakeholders that live in the two states within neighborhoods close to the project and bridge users that live outside the I-5 corridor.

CRC staff use many different communication methods to reach affected and
 interested parties in ways that are useful to the receiver of the information.
 Since October 2005, project staff has had more than 27,000 public outreach
 contacts at about 900 events. These interactions and project outreach efforts
 have been targeted to reach neighborhoods; low-income, minority and limited
 English proficiency populations; and special interest groups.

8 CRC presents regularly at neighborhood association, community organization and business meetings and participates in community fairs and festivals. The 9 project has convened nine community advisory groups over the last 5 years. 10 11 These groups have gathered interested parties in the following topic areas: 12 freight, bicycle and pedestrian, community and environmental justice, Marine Drive interchange, transit alignment and design in Washington, transit design 13 14 in Oregon, urban design and overall project development. The project has 15 sponsored more than 25 open houses, design workshops and question and 16 answer sessions to help inform the public and gather opinions at major decision 17 points, including defining the purpose and need, screening initial components, analyzing preliminary alternatives, selecting the Draft EIS (DEIS) alternatives 18 and choosing a locally preferred alternative (LPA). Since the selection of the 19 20 LPA, these events have focused on design details like the number of lanes, 21 interchange designs, and transit alignments and station locations. 22

23 Comments received at events and by phone, email or mail are recorded and considered by project staff. Summaries or copies of these comments were 24 25 provided to advisory leadership groups like the Task Force, through June 2008, and the Project Sponsors Council, since June 2008, for their reference in 26 27 making project recommendations. Major themes of comments received from 2005 through 2009 primarily included preferences for taking action to solve 28 29 the problems in a short time frame, specific river crossing options (including alternate highways), and transit modes. Other comment themes included 30 31 the location of I-5 improvements for this project; the number of lanes and size of the highway facilities; the need for improved bicycle and pedestrian 32 33 facilities, including the size or length of the facilities; project aesthetics; project 34 cost; tolling; impacts to low-income and minority communities; concerns about environmental effects, including changes in air quality; the project's 35 36 contribution to land use changes and climate change; community impacts 37 during construction of the project, and others.

39 More information regarding the project's public involvement efforts can be40 found in Appendix B of the FEIS.

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# How was the locally preferred alternative identified for the CRC project?

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The locally preferred alternative (LPA) represents the alternative preferred
by the local and regional agencies sponsoring the CRC project. Long before
the local agencies identified their LPA, the project sponsors began evaluating
a wide range of potential solutions for addressing the identified problems in
the CRC corridor. Extensive public input and analysis conducted from 2005
through 2007 helped to identify a long list of ideas and to screen that list
down to the most promising alternatives and options. This range of alternatives

The Governors of Oregon and Washington formed the Project Sponsors Council (PSC) to advise the departments of transportation on project development. PSC is comprised of executive or elected officials (plus two citizen co-chairs) from the following local and state agencies involved in the planning and decision making for the CRC project:

- Oregon Department of Transportation
- Washington Department
   of Transportation
- · City of Portland
- · City of Vancouver
- Metro
- SW Washington Regional Transportation Council
- TriMet
- C-TRAN

and options was evaluated in greater detail in the DEIS. Please refer to the section in this summary titled "What other choices have been considered for addressing the problems in the CRC corridor?" for a description of these options and alternatives.

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Following the publication of the DEIS on May 2, 2008, the project actively solicited public and stakeholder feedback on the DEIS during a 60-day comment period. During this time, the project received over 1,600 public comments.<sup>1</sup>

During and following the public comment period, the elected and appointed boards and councils of the local agencies sponsoring the CRC project held hearings and workshops to gather further public input on and discuss the DEIS alternatives as part of their efforts to determine and adopt an LPA. Local agency-elected boards and councils determined their preference based on the results of the evaluation in the DEIS and on public and agency input.

In the summer of 2008, the local agencies sponsoring the CRC project defined the LPA as follows:

- A replacement bridge as the preferred river crossing.
- Light rail as the preferred high-capacity transit mode.
- Clark College as the preferred northern terminus for the light rail extension.

The preferences for a replacement crossing and for light rail transit were 24 identified by all six local agencies in resolutions with specific conditions. 25 These resolutions are included in Appendix E of this FEIS. Only the agencies 26 in Vancouver-C-TRAN, the City of Vancouver, and RTC-specified a 27 preferred location for the light rail terminus. The adoption of the LPA by 28 the local agencies does not represent a formal decision or federal funding 29 commitment by the federal agencies-FHWA and FTA-that are leading this 30 project. A formal decision by FHWA and FTA about whether and how this 31 project should be constructed will follow the FEIS and will be documented in 32 the ROD as described above. 33

#### What is the LPA?

The LPA includes a variety of transportation improvements throughout the 5-mile project corridor, including:

- A new river crossing over the Columbia River and I-5 highway improvements. Includes improvements to seven interchanges, north and south of the river, as well as related enhancements to the local street network.
   41 42
- A variety of bicycle and pedestrian improvements throughout the project corridor.
- Extension of light rail from the Expo Center in Portland to Clark College in Vancouver, along with associated transit improvements, including transit stations, park and rides, bus route changes, and expansion of a light rail transit maintenance facility.

S-10 • SUMMARY

 <sup>1</sup> Some comments submitted were signed by multiple individuals. In these cases, each signature was counted as a separate comment submittal (e.g., if one letter was signed by three individuals, the comments included in the letter were treated as though they had been submitted three times). Approximately 1,350 unique 51,000 separate comments.
 50

A new toll on motorists using the river crossing as a demand management
 and financing tool.

Transportation demand and system management measures to be implemented with the project.

6 The LPA includes two design options and a construction phasing option. The 7 two design options, referred to as LPA Option A and LPA Option B, are the result of substantial public input and additional analysis and design work around 8 the Hayden Island and Marine Drive interchanges. The preferred option, which 9 is described in this FEIS as LPA Option A, includes local vehicular access 10 11 between Marine Drive and Hayden Island on a local multimodal bridge. LPA 12 Option B does not have vehicle traffic lanes on the light rail bridge, but instead 13 provides direct access between Marine Drive and the island with collectordistributor (CD) lanes that would be built adjacent to I-5. 14 15

16 In addition to the two design options, this FEIS also evaluates the

17 potential for phasing highway construction; that is, building part of the

- 18 highway improvements in an initial phase and constructing the remaining
- 19 improvements at a later date.

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Following the adoption of the LPA in July 2008, the project team continued
to evaluate and solicit input from the public, other stakeholders, and project
sponsors on other elements of the project that would help further refine and
develop the LPA. This included input on the following:

 Marine Drive interchange design: A diverse stakeholder group analyzed the traffic operations, property impacts, and potential environmental effects for a range of interchange designs and ultimately identified a design that balanced many competing interests, including freight mobility, property impacts to the Expo Center and other nearby properties, financial considerations, and environmental effects.

 Hayden Island interchange design: The CRC Project Sponsors Council (PSC) met several times to discuss the Hayden Island interchange design. The PSC recommended an option that includes local traffic between Marine Drive and Hayden Island on a local multimodal bridge separate from the I-5 mainline (referred to in this FEIS as Option A).

Number of add/drop lanes on the river crossing and in other highway
 sections: The PSC ultimately voted unanimously to recommend that the
 replacement bridges be constructed with five lanes in each direction with
 full shoulders on both sides of both bridges, to provide for safe operations
 between interchanges and efficient movement of people and goods.

42 Number of separate bridge structures over the Columbia River: The 43 DEIS evaluated both two-bridge and three-bridge options. Several 44 advantages of the two-bridge design were identified in the DEIS, 45 including fewer piers with less in-water structure, smaller surface area 46 generating less stormwater runoff, and a more compact crossing with less 47 imposing visual obstruction of the river. After the publication of the DEIS, 48 the agencies sponsoring the project worked with FTA and FHWA and 49 determined that the less common two-bridge design, with light rail transit 50 and a multi-use pathway running beneath the highway deck, is feasible to 51 construct across the Columbia River at this location. 52

- Light rail alignment over Hayden Island: After the publication of the 1 DEIS, the City of Portland completed a separate planning and outreach 2 process that yielded a Hayden Island Plan, which included a preference for 3 the light rail transit alignment adjacent to, instead of offset from, the I-5 4 interchange and called for the station to be focused on Tomahawk Island 5 Drive, a new east-west street under I-5.
   Light rail alignment in downtown Vancouver Project staff, working 7
- Light rail alignment in downtown Vancouver: Project staff, working with the Vancouver Working Group, identified several advantages of the Washington-Broadway couplet, including better support of development potential in downtown and the ability to accommodate more uses on these streets than could be afforded with a two-way transit guideway on Washington Street.
- Light rail alignment east-west to Clark Park and Ride: Following a close vote by the Vancouver Working Group on a McLoughlin Boulevard or 17th Street transit alignment to Clark College, the City of Vancouver Council and C-TRAN requested additional research and public outreach be conducted by CRC staff; with this additional information, they ultimately selected the 17th Street light rail transit alignment option.
- Station and park and ride locations: Due to design constraints, the location of the light rail stations and park and rides were refined after the publication of the DEIS. Three park and rides—Clark, Mill and Columbia—were recommended by project staff based on impacts to parking, cost-effectiveness, transit operations and traffic modeling.
- Cost reduction measures: The project team, working with stakeholder groups, identified several elements of the project design that could be modified or postponed to reduce construction costs, including retaining the existing North Portland Harbor Bridge, lowering the Hayden Island interchange onto fill and retaining walls, and eliminating a northbound add/drop lane on I-5 between SR 14 and SR 500. Potential deferred elements include the I-5 braided on- and off-ramps at Victory Boulevard, the Marine Drive to northbound I-5 flyover ramp, and the northern half of the SR 500 interchange.

For a detailed discussion of these refinements, see Chapter 2 (Section 2.7.9).

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# What other choices have been considered for addressing the problems in the CRC corridor?

Before beginning the DEIS, the project sponsors evaluated a wide range of potential solutions for addressing the identified problems in the CRC corridor. Elements of the CRC project have been proposed and studied since the early 1990s. In 2002, the I-5 Transportation and Trade Partnership produced an evaluation of multiple highway, transit, and river crossing improvements in this corridor and other parts of I-5. This process gathered public and stakeholder input on issues and potential solutions for transportation problems in the I-5 corridor. Starting in October 2005, CRC project staff began working closely with the public, stakeholders, and local jurisdictions to develop the CRC project's Purpose and Need (Chapter 1).

Following the adoption of the CRC Purpose and Need, the project team 1 2 developed an Evaluation Framework that set forth the criteria by which project 3 components would be evaluated and screened for further consideration. The 4 project team began soliciting ideas for and identifying possible transportation 5 components (for example, various transit technologies and river crossing types 6 and locations); over 70 such components were identified. With public and 7 agency input, project staff performed two rounds of evaluation and screening, 8 as well as conducting additional evaluation and research, to narrow these 9 options and assemble these components into the 12 most promising alternative packages (see Chapter 2, Section 2.7, for more detail on this process). Project 10 11 staff then analyzed how well each alternative would address the criteria from 12 the Evaluation Framework. In January 2007, the project team launched an 13 intensive public involvement effort to present the results of this evaluation and 14 invite comments on which alternatives should move forward into the DEIS. 15 16 Following the public process to develop and screen potential solutions,

17 the DEIS presented the project team's detailed assessment of the most 18 promising alternatives. All build alternatives assessed in the DEIS included 19 transit, highway, bicycle, and pedestrian improvements. Some of these 20 were physical improvements, such as adding highway capacity or building 21 transit facilities. Others were operational improvements to help the system 22 function more efficiently, such as adding meters to a highway ramp to 23 manage how quickly vehicles enter the highway or tolling the river crossing 24 to reduce automobile traffic.

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Four build alternatives were assessed in the DEIS, in addition to a No-Build Alternative. The No-Build Alternative is required by NEPA as a means to compare the effects of constructing the various project alternatives with the likely effects if the project is not constructed. Each alternative was composed of several components that, when combined, created a particular multimodal alternative that comprehensively addresses the problems this project seeks to fx. These components include:

Multimodal river crossing and highway improvements

• Bridges over the Columbia River carrying transit, highway, bicycle, and pedestrian traffic

- Bicycle and pedestrian improvements between north Portland and downtown Vancouver
- Highway and interchange improvements between Marine Drive in north Portland and SR 500 in Vancouver
- 42 High-capacity transit modes
- 43 Transit terminus and alignment options
  - Transit terminus (endpoint) options
- 46 Transit alignment options
- Transit operations (frequency of train or bus rapid transit service)
- 48 49 Bridge tolls
- Transportation system management (TSM) and transportation demand
   management (TDM) measures
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Exhibit 8

Exhibit 8 summarizes the components included in each alternative. Exhibit 9 identifies the key features of each alternative. Exhibit 10 illustrates the LPA and the build alternatives analyzed in the DEIS. This exhibit is followed by a detailed description of the LPA.

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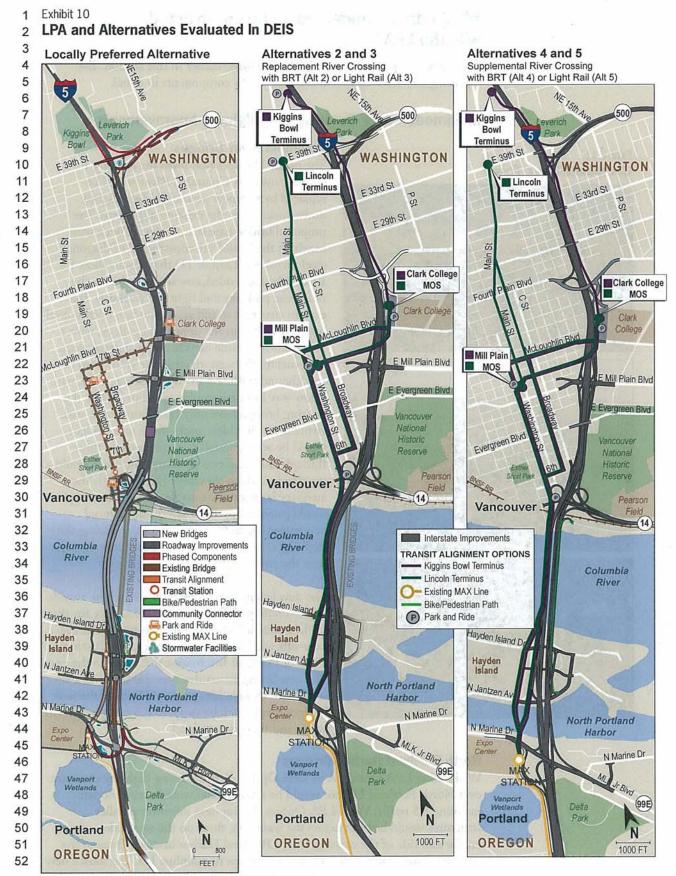
Components	Alternative 1 (No-Build)	LPA	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Multimodal River Crossing and Highway	Existing	Replacement	Replacement	Replacement	Supplemental	Supplemental
Transit Mode <sup>a</sup>	None	Light Rail	Bus Rapid Transit	Light Rail	Bus Rapid Transit	Light Rail
Fransit Terminus	N/A	Clark College	Kiggins Bowl, Lincoln, Clark College MOS, <sup>b</sup> or Mill Plain MOS	Kiggins Bowl, Lincoln, Clark College MOS, or Mill Plain MOS	Kiggins Bowl, Lincoln, Clark College MOS, or Mill Plain MOS	Kiggins Bowl, Lincoln, Clark College MOS, or Mill Plain MOS
TDM/TSM measures <sup>e</sup>	Current Programs	Similar to DEIS		Expanded TDM	I/TSM programs	
I-5 Bridge Toll <sup>e,f</sup>	None	Standard rate	Standard rate	Standard rate <sup>d</sup>	Higher rate	Higher rate
Transit Operations	Existing	Efficient (refined)	Efficient	Efficient	Increased	Increased
Standard rate is bas travel times (2006 d	ed on toll rates that, f ollars). on toll rates that, for	a toll to help quantify th or passenger cars with passenger cars with tra	transponders, would	I range from \$1.00 du		\$2.00 during peak
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Alternative	Transit Features	Highway Features
1. No-Build Alternative	<ul> <li>Modest increases to C-TRAN service hours for bus routes throughout Vancouver and Clark County to keep pace with anticipated changes in congestion.</li> </ul>	<ul> <li>I-5 widening and improvements around Delta Park.</li> </ul>
	<ul> <li>Modest increases to TriMet's services hours for bus routes throughout north and northeast Portland to keep pace with anticipated changes in congestion.</li> </ul>	
	<ul> <li>Completion of the first phase of the South Corridor light rail project on the Portland Transit Mall and I-205.</li> </ul>	
2. Locally Preferred	Extension of the light roll quideway from the	A new replacement crossing over the
Alternative	<ul> <li>Extension of the light rail guideway from the Expo Center over Hayden Island and across the Columbia River to a terminus at Clark College in Vancouver. The light rail guideway would extend 2.9 miles north from the Expo Center, and would include seven transit stations and three structured park and rides with 2,900 spaces.</li> </ul>	Columbia River, with a "stacked transit/ highway bridge" design that would include transit beneath the western highway bridge deck and a bicycle and pedestrian path beneath the eastern highway deck. Each bridge would have 5 traffic lanes and full
	<ul> <li>Expansion of TriMet's Ruby Junction light rail maintenance facility in Gresham.</li> <li>19 light rail vehicles (LRVs) would be included in</li> </ul>	<ul> <li>design shoulders.</li> <li>Improvements to the following I-5 interchanges: Victory Boulevard, Marine Drive Lloyder Island SD 14 Mill Drive Fourth</li> </ul>
	this alternative. Changes to C-TRAN local bus routes to connect with the new light rail stations and park and rides.	Drive, Hayden Island, SR 14, Mill Plain, Fourth Plain, and SR 500. With highway phasing, certain portions of the improvements at the Victory Boulevard, Marine Drive, and SR 500 interchanges would be deferred.
		Auxiliary lanes for traffic entering and/or exitin     I-5 between Victory Boulevard and SR 500.
		A toll would be charged on the I-5 crossing, with higher rates during peak travel periods.
3. Replacement crossing with	<ul> <li>Changes to C-TRAN local bus routes to connect with the new BRT stations and park and rides.</li> </ul>	A new replacement crossing over the Columbia River, with either three separate
bus rapid transit	<ul> <li>Expansion of TriMet's Ruby Junction light rail maintenance facility in Gresham.</li> </ul>	bridges (two for interstate traffic and a third for buses, bicycles, and pedestrians) or a
	<ul> <li>Changes to C-TRAN local bus routes to connect with the new bus guideway and park and rides.</li> </ul>	"stacked highway/transit bridge" design that would include transit beneath the western highway bridge deck and a bicycle and
	<ul> <li>27 bus rapid transit vehicles (60' articulated buses) and 12 standard buses would be included</li> </ul>	pedestrian path beneath the eastern highway deck.
	in this alternative.	<ul> <li>Improvements to the following I-5 interchanges: Marine Drive, Hayden Island, SR 14, Mill Plain, Fourth Plain, and SR 500.</li> </ul>
		<ul> <li>Additional auxiliary lanes for traffic entering and/or exiting I-5 between Marine Drive and SR 500.</li> </ul>
		<ul> <li>A toll would be charged on the I-5 crossing, with higher rates during peak travel periods.</li> </ul>

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Alternative	Transit Features	Highway Features
4. Replacement crossing with light rail	<ul> <li>Extension of the light rail guideway from the Expo Center over Hayden Island and across the Columbia River to a terminus in Vancouver. Depending on transit terminus, the light rail guideway would extend between 2.07 and 4.22 miles north from the Expo Center, and would include five to seven transit stations and three to five structured or surface park and rides with up to 2,410 spaces.</li> <li>Changes to C-TRAN local bus routes to connect</li> </ul>	<ul> <li>Same highway features as Alternative 2.</li> <li>This alternative was also modeled without a toll to determine the potential effects of tolling on traffic patterns.</li> </ul>
	with the new light rail stations and park and rides.  • Expansion of TriMet's Ruby Junction light rail	
	<ul><li>maintenance facility in Gresham.</li><li>14 LRVs and 27 standard buses would be</li></ul>	
	included in this alternative.	
5. Supplemental crossing with	Same transit features as Alternative 2, but higher frequency operations of bus rapid transit and	<ul> <li>A new, supplemental crossing for southbound interstate traffic and exclusive lanes for buses.</li> </ul>
bus rapid transit	<ul> <li>local bus routes.</li> <li>This alternative would include 38 bus rapid transit vehicles and 143 standard buses.</li> </ul>	<ul> <li>Both existing I-5 bridges would be re-striped for two lanes each to carry northbound I-5 traffic.</li> </ul>
	and the second strend the second	<ul> <li>Seismic retrofits to the existing bridges.</li> </ul>
		<ul> <li>Improvements to the following I-5 interchanges: Marine Drive, Hayden Island, SR 14, Mill Plain, Fourth Plain, and SR 500.</li> </ul>
		<ul> <li>Additional auxiliary lanes (generally one less additional lane than Alternatives 2 and 3) for traffic entering and/or exiting I-5 between Marine Drive and SR 500.</li> </ul>
		<ul> <li>A toll would be charged on the I-5 crossing, with higher rates during peak travel periods. During these peak travel periods, the toll would be higher than with Alternatives 2 or 3.</li> </ul>
. Supplemental crossing with light rail	<ul> <li>Same transit features as Alternative 3, but higher frequency operations for light rail and for local bus routes.</li> </ul>	Same highway features as Alternative 4.
	This alternative would include 18 LRVs and 147 standard buses.	

S-16 • SUMMARY



Map dimensions are approximate. MOS=minimum operable segment

SUMMARY • S-17

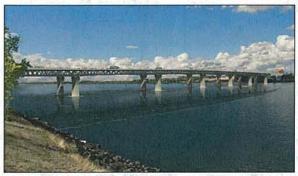
#### What improvements would be constructed with the LPA?

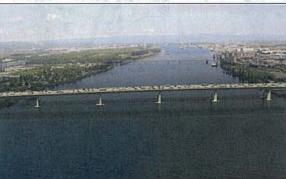
The major components of the LPA were listed earlier in this section. The following describes each of these major LPA components in detail.

#### **Multimodal River Crossing and Highway Improvements**

#### **Columbia River Bridges**

Exhibit 11 **Composite Deck Truss** 







The parallel bridges that form the existing I-5 crossing over the Columbia River would be replaced by two new parallel bridges slightly downstream from the existing alignment. The proposed bridge type is a composite deck truss in which the "walls" are constructed of diagonal steel members (Exhibit 11) that would allow for a partially open-sided, covered passage for the multi-use pathway and light rail trackway. The eastern structure would accommodate northbound 19 highway traffic on the upper bridge deck, with a 20 16- to 20-foot-wide bicycle and pedestrian path 21 underneath; the western structure would carry 22 southbound traffic on the upper bridge deck, with 23 a two-way light rail guideway below. While the 24 existing bridges have only three lanes each, with 25 virtually no shoulders, each of the new bridges 26 would be wide enough to accommodate three 27 through lanes and two auxiliary lanes, and would 28 29 provide full width shoulders (Exhibit 12). The auxiliary lanes on the outsides of each structure 30 would provide improved safety and reduced 31 congestion for traffic entering and/or exiting the 32 highway at one of the closely spaced interchanges 33 near the river. 34

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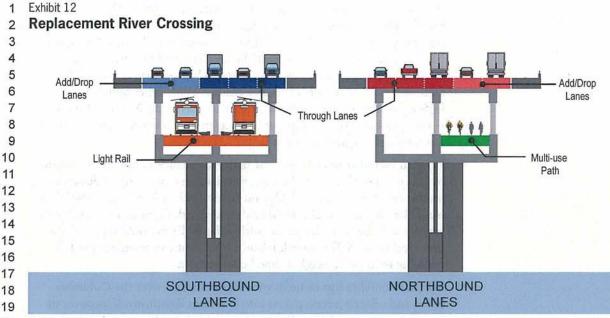
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The new bridges would be high enough to provide 36 approximately 95 feet of vertical clearance for river 37 38 traffic beneath, but not so high as to impede the take-offs and landings by aircraft using Pearson 39 Field or Portland International Airport to the east. 40 The new bridge structures over the Columbia River 41 would not include lift spans, and both of the new 42 bridges would each be supported by six piers in the 43 water and two piers on land. 44

#### North Portland Harbor Bridges

With either LPA Option A or LPA Option B, the existing highway structure 47 over North Portland Harbor would be retained and would accommodate 48 mainline I-5 traffic. With LPA Option A, four new, narrower parallel 49 structures would be built across the waterway, three on the west side and one 50 on the east side of the existing North Portland Harbor bridges. Three of the 51 new structures would carry on- and off-ramps to mainline I-5. The fourth new 52



#### 20 Not to scale.

structure would be built slightly farther west and would include a two-lane
local multimodal bridge for local traffic to and from Hayden Island, light rail
transit, and bicycle lanes and sidewalks.

24

25 LPA Option B would build the same number of structures over North

26 Portland Harbor as Option A, although the locations of certain functions on

27 those bridges would differ. The existing bridge over North Portland Harbor

28 would be widened and would receive seismic upgrades.

29

LPA Option B would not have vehicle traffic lanes on the light rail bridge
but would include the multi-use path on that bridge. Direct access between
Marine Drive and Hayden Island would be provided with collector-distributor
lanes. The two structures adjacent to the highway bridge would carry traffic
merging onto or exiting off of mainline I-5 between the Marine Drive and
Hayden Island interchanges.

36

#### 37 Highway, Interchange, and Local Street Improvements

The LPA includes improvements to seven interchanges along a 5-mile segment
of I-5 between Victory Boulevard in Portland and SR 500 in Vancouver.

40 These improvements include some reconfiguration of adjacent local streets to
41 complement the new interchange designs, as well as new facilities for bicyclists
42 and pedestrians. The bicycle and pedestrian improvements are described in the
43 next section.

Victory Boulevard: Improve the northbound on-ramp and southbound off-ramp to lengthen merging distances. If the highway component of the project were phased, these improvements would be deferred.

47 Marine Drive Interchange: Reconfigure to allow the highest volume 49 movements to move freely without being impeded by stop signs or traffic 50 lights. With LPA Option A, local traffic between Martin Luther King 51 Jr. Boulevard/Marine Drive and Hayden Island would travel via a local 52 multimodal bridge over North Portland Harbor connecting to the local

	street system under the Marine Drive interchange. With LPA Option B, there would be no vehicle traffic lanes on the light rail transit/multi-use path bridge over North Portland Harbor. Instead, vehicles traveling between Martin Luther King Jr. Boulevard/Marine Drive and Hayden Island would travel in collector-distributor lanes on bridges that would parallel each side of I-5 over North Portland Harbor. With either option, if the highway component were phased, improvements to the Marine Drive to I-5 southbound flyover ramp would be deferred and would require traffic to travel though a signalized interchange.	1 2 3 4 5 6 7 8 9
	• Hayden Island Interchange: Restructure to include ramps parallel to the highway rather than looped ramps, thus lengthening merging distances. As mentioned above, with LPA Option A, local vehicular access to the island would be via a local multimodal bridge, and with Option B local vehicular access would be via collector-distributor lanes. Either option provides a new local road (N Tomahawk Island Drive) that crosses under the I-5 mainline to improve neighborhood connectivity.	10 11 12 13 14 15 16 17
	• SR 14: Rebuild ramps to tie in with higher bridges over the Columbia River, and relocate access points into and from downtown Vancouver to improve traffic circulation. Raising I-5 at this interchange allows for an extension of Main Street beneath the BNSF railroad crossing, providing greater access to Vancouver's waterfront.	17 18 19 20 21 22
	• Mill Plain Boulevard: Reconfigure to improve the capacity of the interchange by reducing delay for traffic entering or exiting the freeway.	23 24
	• Fourth Plain Boulevard: Improve ramps to better accommodate freight traffic and construct new access to the proposed park and ride at Clark College.	25 26 27 28
	• SR 500 Interchange: Construct new highway-to-highway connections to improve travel times and reduce traffic on local streets accessing I-5. If the highway component were phased, the ramps connecting SR 500 and I-5 to and from the north would be deferred.	29 30 31 32
add/ ?	In addition to interchange improvements, the LPA would develop a local circulation system adjacent to and connecting under the Marine Drive	33 34 35
xiliary)	interchange. This system would include connections to the local multimodal	36
wo or more	bridge (with Option A), a new road on the east side of the Expo Center (adjacent to the light rail transit station) a public street on the couth side of	37 38
anges.	(adjacent to the light rail transit station), a public street on the south side of the Expo Center, construction of a new connection under I-5, realignment	39
prove safety gestion by	of Marine Drive east of I-5 to connect to Martin Luther King Jr. Boulevard	40
for cars and	away from the I-5 interchange, and reconfiguration of the Vancouver Way and	41
the highway	Union Court connections to Martin Luther King Jr. Boulevard.	42
ore merging		43
o slow down out of traffic.	Highway safety and mobility would be improved with a series of auxiliary	44
y important	(add/drop) lanes that would be sequentially added and then dropped at	45
ne river	strategic locations through the corridor. The add/drop lanes would allow	46
three large arine Drive,	vehicles to travel between given points without merging into mainline	47
and SR 14)	interstate traffic, and would allow vehicles exiting or entering to minimize	48
ntering and	conflicts with through traffic. See Chapter 2 for detailed descriptions of the	49
a 1.5-mile	locations of these add/drop lanes.	50
		51
		52

#### Why build add/ drop lanes?

Add/drop (or auxiliary) lanes connect two or more highway interchanges. These lanes improve safety and reduce congestion by providing space for cars and trucks entering the highway to speed up before merging into traffic and to slow down after diverging out of traffic. This is especially important at and around the river crossing, where three large interchanges (Marine Drive, Hayden Island, and SR 14) all have traffic entering and exiting I-5 within a 1.5-mile segment.

#### 1 High-capacity Transit Improvements

2 3

The primary transit element of the LPA is a 2.9-mile extension of the current

4 MAX Yellow Line light rail from the Expo Center in North Portland, where

5 it currently ends, to Clark College in Vancouver. To accommodate and

6 complement this major addition to the region's transit system, a variety of

7 additional improvements are also included in the LPA:

<sup>8</sup> • Park and ride facilities in Vancouver near three of the new light rail stations.

9
 Expansion of TriMet's Ruby Junction light rail maintenance base in

11 Gresham, Oregon.

12 • Changes to C-TRAN local bus routes.

Upgrades to the existing Yellow Line light rail crossing over the Willamette River via the Steel Bridge.

15 16

#### 17 Operating Characteristics

Nineteen new light rail vehicles (LRVs) would be purchased as part of the
CRC project to operate this extension of the MAX Yellow Line. These vehicles
would be similar to those currently used by TriMet's MAX system. With the
LPA, LRVs in the new guideway and in the existing Yellow Line alignment
are planned to operate with 7.5-minute headways during peak periods and
15-minute headways during off-peak periods.

24

#### 25 Light Rail Alignment and Stations

26 Exhibit 13 illustrates the alignments and station locations described below.27

28 OREGON LIGHT RAIL ALIGNMENT AND STATION

29 A two-way light rail alignment for northbound and southbound trains would

30 be constructed to extend from the existing Expo Center MAX station over

31 North Portland Harbor to Hayden Island. Immediately north of the Expo

32 Center, the alignment would curve eastward toward I-5, pass beneath Marine

33 Drive, and then rise over a flood wall onto a bridge to cross North Portland

34 Harbor. The two-way guideway over Hayden Island would be elevated at

35 approximately the height of the rebuilt mainline of I-5, as would a new transit

36 station immediately west of I-5. The alignment would extend northward on

37 Hayden Island along the western edge of I-5, until it transitions into the

38 hollow support structure of the new western bridge over the Columbia River.

39

#### 40 DOWNTOWN VANCOUVER LIGHT RAIL ALIGNMENT AND STATIONS

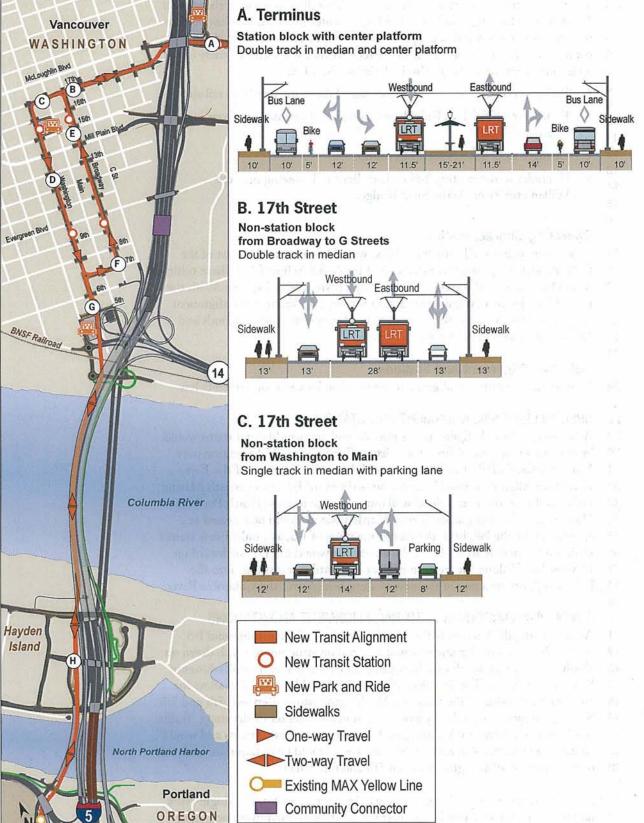
41 After crossing the Columbia River under the deck of the southbound I-5 42 bridge, the light rail alignment would descend on structure to touch down on 43 Washington Street, south of 5th Street, then continue north on Washington Street to 7th Street. The elevation of 5th Street would be raised to allow for 44 an at-grade crossing of the tracks on Washington Street. Between 5th and 7th 45 46 Streets, the two-way guideway would run down the center of the street. Traffic would not be allowed on Washington between 5th and 6th Streets and would 47 be two-way between 6th and 7th Streets. There would be a station on each side 48 49 of the street on Washington between 5th and 6th Streets. 50

At 7th Street, the light rail alignment would form a couplet. The single-tracknorthbound guideway would turn east for two blocks, then turn north onto

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#### Exhibit 13

Transit Alignments and Street Cross-Sections (1 of 2)



Not to scale. Conceptual designs.

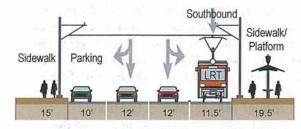
Dimensions are approximate. S-22 • SUMMARY

#### Exhibit 13 Transit Alignments and Street Cross-Sections (2 of 2)

#### **D. Washington Street**

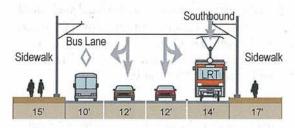
#### Station block with side platform

Inside single track with one-way traffic and bus or parking lane (depending on block)



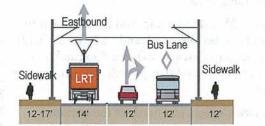
#### Non-station block

Inside single track with one-way traffic and bus or parking lane (depending on block)

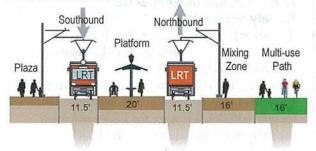


#### F. 7th Street

Between Washington and Main Streets Single track with one-way traffic and bus lane

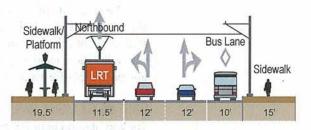


H. Hayden Island At Tomahawk Island Drive Elevated station at plaza



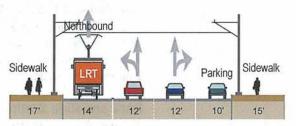
#### E. Broadway Street

#### Station block with side platform Inside single track with one-way traffic with bus or parking lane (depending on block)



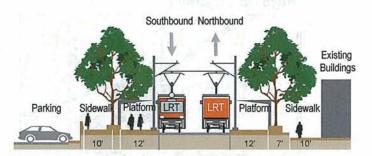
#### Non-station block

Inside single track with one-way traffic and bus or parking lane (depending on block)



#### G. Washington Street

Station block between 5th and 6th Double track with no traffic



Broadway Street, while the single-track southbound guideway would continue1on Washington Street. Seventh Street would be converted to one-way traffic2eastbound between Washington and Broadway, with light rail operating on the3north side of 7th Street. This couplet would extend north to 17th Street, where4the two guideways would join and turn east.5

The light rail guideway would run on the east side of Washington Street and the west side of Broadway Street, with one-way traffic southbound on Washington Street and one-way traffic northbound on Broadway Street. On station blocks, the station platform would be on the side of the street at the sidewalk. There would be two stations on the Washington-Broadway couplet, one pair of platforms near Evergreen Street, and one pair near 15th Street.

#### EAST-WEST LIGHT RAIL ALIGNMENT AND TERMINUS STATION

The southbound light rail transit guideway (on Washington Street) and the 15 northbound light rail transit guideway (on Broadway) would make a 90 degree 16 turn onto 17th Street. Here the two one-way guideways would join into a two-17 way guideway running east-west down the center of 17th Street for approximately 18 nine blocks. At G Street, the light rail transit guideway on 17th would angle north 19 one block to McLoughlin Boulevard, then cross under I-5 to run down the center 20 of McLoughlin to the western boundary of Clark College. The guideway would 21 end at a station and park and ride structure east of I-5, across from the Marshall 22 Community Center, Luepke Senior Center, and Marshall Park. 23

#### Park and Ride Stations

Three park and ride stations would be built in Vancouver along the light rail alignment at the following locations:

Exhibit 14 Ruby Junction Maintenance Facility Proposed Expansion



Dimensions are approximate.

S-24 • SUMMARY

Bounded by Washington, Columbia, and 5th Streets, and half the block between 3rd and 4th Streets, with space for active uses on the first floor and five floors above ground that provide 570 parking stalls.
Bounded by Washington, Columbia, and 5th 29 30 30 31 32 33

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- Between Washington and Main Streets next to the stations between 15th and 16th Streets, with space for active uses on the first floor, and four floors above ground that provide 420 parking stalls.
   34 35 36 37 38
- At Clark College, just north of the terminus station, with space for retail or C-TRAN services on the first floor, and five floors above ground that provide 1,910 parking stalls.

#### Ruby Junction Maintenance Facility Expansion

The Ruby Junction Maintenance Facility in46Gresham, Oregon, would need to be expanded47to accommodate the additional LRVs associated48with the CRC project and the Portland Milwaukie49Light Rail project (Exhibit 14). Improvements50include additional storage for LRVs and other51maintenance material, expansion of LRV52

1 maintenance bays, and expanded parking for additional personnel. A new

2 operations command center would also be required and would be located at

3 the TriMet Center Street location in Southeast Portland.

4

#### 5 Local Bus Route Changes

6 As part of the CRC project, several C-TRAN bus routes would be changed in

- 7 order to better complement the new light rail system. Most of these changes
- 8 would re-route bus lines to downtown Vancouver, where riders could transfer
- 9 to light rail. Express routes, other than those listed below, are expected to
- 10 continue service between Clark County and downtown Portland. Exhibit 15
- 11 shows anticipated future changes to C-TRAN bus routes.
- 12
- 13 Exhibit 15

#### 14 Proposed C-TRAN Bus Routes Comparison

C-TRAN Bus Route	Route Changes
#4 - Fourth Plain	Route truncated in downtown Vancouver
#41 - Camas / Washougal Limited	Route truncated in downtown Vancouver
#44 - Fourth Plain Limited	Route truncated in downtown Vancouver
#47 - Battle Ground Limited	Route truncated in downtown Vancouver
#105 - I-5 Express	Route truncated in downtown Vancouver
#105S - I-5 Express Shortline	Route eliminated in LPA (The No-Build Alternative runs articulated buses between downtown Portland and downtown Vancouver on this route)

#### 26

#### 27 Steel Bridge Improvements

Currently, all light rail lines within the regional TriMet MAX system, 28 including the Yellow Line, cross over the Willamette River via the Steel 29 Bridge. By 2030, the number of LRVs that cross the Steel Bridge during the 30 31 4-hour PM peak period would increase from 152 to 176, including the trains 32 that would be added with the CRC project. To accommodate these additional 33 trains, the CRC project would perform minor retrofits to the existing rails and 34 signal and electric power system on the Steel Bridge in order to increase the 35 allowed light rail speed over the bridge from 10 to 15 mph.

36

37 Since the publication of the DEIS, a Documented Categorical Exclusion

38 (DCE) from the NEPA process was requested for the work on Steel Bridge.

39 The DCE evaluation determined that there would be minimal environmental

40 impacts from improvements to the bridge trackway and controls. A

41 determination that the work would be excluded from the NEPA process was

42 made by FTA in February 2011. The Steel Bridge improvements were included

- 43 in the CRC 2008 Federal New Starts application.
- 44

### <sup>45</sup> Bicycle and Pedestrian Improvements

47 Many bicycle and pedestrian improvements are included in the CRC

48 project. These include new facilities such as the multi-use pathway across the

49 Columbia River and North Portland Harbor, street improvements around the

- 50 rebuilt interchanges, and new facilities for bicyclists and pedestrians around
- 51 the new light rail stations and park and rides. The proposed improvements are
- 52 described below from the south end of the project to the north end.

SUMMARY . S-25

ø	North Portland: Reconfigure the Marine Drive interchange to provide multi-use paths below the interchange, and construct paths to connect to existing routes on either side of the interchange and to the Expo Center light rail station. Construct sidewalks along the southern side of the new local road extension, with crosswalks provided at the intersection of Vancouver Way, Anchor Way, and Expo Road. The pathway from the Expo Center to Hayden Island would be 16 feet wide and would be under the easternmost new bridge over North Portland Harbor (Option A), or on	1 2 3 4 5 6 7 8
• دو.	the light rail/multi-use path bridge (Option B). <b>Hayden Island:</b> From North Portland Harbor, the new multi-use path would continue on the east side of I-5 (Option A), or on the same structure as the new light rail transit alignment located parallel to and west of I-5 (Option B). This elevated path would connect the North Portland Harbor Bridge and the Columbia River Bridge and could be accessed from North Jantzen Drive, North Hayden Island Drive, and the light rail station.	9 10 11 12 13 14 15 16
	To improve east-west connections on Hayden Island, an 8-foot-wide sidewalk would be provided along the water sides of North Jantzen Drive and North Hayden Island Drive, and a 6-foot minimum width sidewalk along the interior sides of North Jantzen Drive, North Hayden Island Drive, and along both sides of North Tomahawk Island Drive.	17 18 19 20 21
	<b>River Crossing:</b> The new northbound bridge over the Columbia River would also accommodate a 16- to 20-foot-wide multi-use pathway under the highway deck. Current designs for the bridge superstructure would be a composite deck truss using a series of discrete diagonal members instead of solid walls on each side. Ramps would connect the multi-use path to Columbia Way and Columbia Street in Vancouver and to North Hayden Island Drive on Hayden Island.	22 23 24 25 26 27 28
e	<b>Downtown Vancouver:</b> From the Columbia River Bridge, the multi-use path would provide access to downtown Vancouver via a ramp and to the Vancouver waterfront via stairs and/or an elevator. This multi-use path would provide connections to Old Apple Tree Park, the Land Bridge, and regional pedestrian and bikeway facilities that exist throughout Vancouver.	29 30 31 32 33 34
	There would be 12- to 17-foot-wide sidewalks along both sides of Washington and Broadway Streets along the new light rail alignments, with ADA-compliant crosswalks at all intersections.	35 36 37
. •	<b>Evergreen Boulevard and Community Connector:</b> Rebuild the I-5 overpass and include bike lanes and sidewalks with clear delineation and signing. Construct a new community connector/overpass with landscaping, pathways and other public space to the south of Evergreen Boulevard.	38 39 40 41
۰	Mill Plain Boulevard: Improve bicycle and pedestrian safety by providing bike lanes; 12-foot sidewalks; clear delineation and signage; short perpendicular, signalized crossings at the ramp terminals; ramp orientations to encourage high pedestrian visibility; and new connections to F Street and to Marshall Park.	42 43 44 45 46 47
e	<b>17th Street:</b> Construct 12-foot sidewalks and crosswalks, all meeting ADA accessibility standards. Bicyclists would continue to use McLoughlin Boulevard.	48 49 50 51 52

Fourth Plain Boulevard: Increase bicycle and pedestrian safety by adding
 east and westbound bike lanes, with a 6-foot sidewalk on the south side.
 Increase access to adjacent neighborhoods and the Clark Park and Ride
 by constructing a 14-foot multi-use path on the east side of I-5 between
 Fourth Plain Boulevard and McLoughlin Boulevard.

• 29th and 33rd Street Overpasses: Build new I-5 overpasses for 29th Street and 33rd Street, with bike lanes, 6-foot minimum width sidewalks, and clear delineation and signing.

• SR 500 Interchange: 39th Street would have 6-foot sidewalks and 6-foot bicycle lanes on both the north and south sides from H Street to 15th Avenue.

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### 14 Bridge Toll15

Tolling cars and trucks that use the I-5 river crossing is proposed as 16 17 a method to help fund the CRC project and to encourage the use of 18 alternative modes of transportation and times of day. The authority to toll 19 the I-5 crossing is set by federal and state laws. Federal statutes permit a toll-free bridge on an interstate highway to be converted to a tolled facility 20 21 following the reconstruction or replacement of the bridge. Prior to imposing tolls on I-5, WSDOT and ODOT would have to enter into a toll agreement 22 with the federal DOT). In 2008, the Washington legislature passed enabling 23 24 language for tolling of I-5, provided that each facility is later authorized under specific legislation. Once tolling has been authorized by the legislature, 25 26 the Washington Transportation Commission (WTC) has the authority to 27 set the toll rates. In Oregon, the Oregon Transportation Commission (OTC) has the authority to toll a facility and to set the toll rate. It is anticipated that 28 29 prior to tolling I-5, ODOT and WSDOT would enter into a bi-state tolling 30 agreement to establish a cooperative process for setting toll rates and to 31 guide the use of toll revenues.

32

Tolls would be collected using an electronic toll collection system; toll
collection booths would not be required. Instead, motorists could obtain a
transponder that would register each time the vehicle crossed the bridge. The
electronic tolling system would automatically bill the vehicle's owner. Cars
without transponders would be tolled by a license-plate recognition system
that would bill the address of the owner registered to that license plate, with
an additional processing fee.

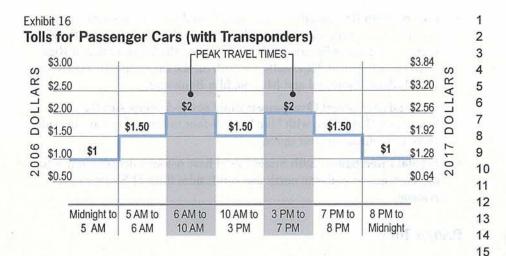
40

41 The LPA proposes to apply a variable toll to vehicles using the I-5 crossing. 42 Tolls would vary by time of day, with higher rates during peak travel 43 periods and lower rates during off-peak periods. Medium and heavy trucks 44 would be charged a higher toll than passenger vehicles. The traffic-related impact analysis in this FEIS is based on toll rates for passenger cars with 45 46 transponders that would range from \$1.00 during the off-peak to \$2.00 during the peak travel times (in 2006 dollars) (Exhibit 16). Actual toll rates 47 will be set by the WTC and OTC. 48

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SUMMARY • S-27

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#### Transportation System and Demand Management Measures

#### TERMS & DEFINITIONS TDM & TSM

Transportation demand management (TDM) measures seek to reduce the number of vehicles using the road system, especially single-occupant vehicles, while providing alternative options to auto travel.

Transportation system management (TSM) measures attempt to improve the efficiency of existing roadways, including a variety of techniques focused on keeping drivers informed and moving as safely, efficiently, and reliably as possible. Many well-coordinated transportation demand management (TDM) and transportation system management (TSM) programs are already in place in the Portland-Vancouver metropolitan region and are supported by agencies and adopted plans. In some cases, the impetus for the programs is from statemandated programs: Oregon's Employee Commute Options (ECO) rule and Washington's Commute Trip Reduction (CTR) law.

The physical and operational elements of the CRC project provide the greatest TDM opportunities by promoting other modes to fulfill more of the travel needs in the project corridor. These include:

- A new light rail line in exclusive right-of-way, with connections to express bus and feeder routes operated by C-TRAN and TriMet.
- Modern bicycle and pedestrian facilities that accommodate more bicyclists and pedestrians and improve connectivity, safety, and travel time.
   31 32 33
- Park and ride facilities.
- A variable toll on the highway crossing.

In addition to these fundamental elements of the project, facilities and equipment would be implemented that could help existing or expanded TSM programs maximize the capacity and efficiency of the system. These may include:

- Replacement or expanded variable message signs or other traveler information systems in the CRC project area.
- Continued incident response capabilities.
- Queue jumps or bypass lanes for transit vehicles where multi-lane approaches are provided at ramp signals for entrance ramps and where they would fit within the existing right-of-way.
- Expanded traveler information systems with additional traffic monitoring equipment and cameras.
   47 48 49
- Active traffic management.

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For more information, please see the TDM/TSM Technical Report included 1

2 as an electronic appendix to this document.

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#### How will the LPA be constructed?

6 The CRC project encompasses the reconstruction of 5 miles of interstate

highway, including seven interchanges, construction of bridges over North 7

8 Portland Harbor and the main channel of the Columbia River, construction

of new pedestrian and bicycle pathways, and extension of light rail from the 9

Expo Center to Clark College. The construction of the river crossing sets the 10

- 11 sequencing for other project components.
- 12

13 The precise character of construction impacts depends on design details and methods that are not finalized. It is likely that design details and methods will 14

not be finalized until final design, construction contracting, or construction 15

itself. However, it is possible to identify key aspects of construction that allow 16

17 this EIS to evaluate potential impacts and identify appropriate mitigation.

18 Chapter 2 explains the anticipated sequencing and duration of construction

19 and the types of activities involved in building the major elements of this

20 project. Exhibit 17 shows the expected duration of the various project

construction activities. 21

22

51 52

#### 23 Exhibit 17

#### **Construction Sequence and Duration** 25 YEAR 1 YEAR 2 YEAR 3 YEAR 4 YEAR 5 YEAR 6 YEAR 7 YEAR 8 YEAR 9 26 27 28 44 months 29 Main River Crossing Construction 30 16 months 31 Demolish I-5 **Existing Bridges** 32 33 25 months 3 month 34 Marine Drive Interchange/ Marine Drive Interchange/ North Portland Harbor Crossing 35 North Portland Harbor Crossing 36 37 65 months 38 Hayden Island Interchange 39 40 44 months SR 14 Interchange 41 42 6 months 38 months Mill Plain Interchange/ SR 14 Interchange 43 McLoughlin Boulevard 44 45 25 months Fourth Plain 46 Interchange 47 30 months 48 SR 500 Interchange 49 50 62 months

**Light Rail Construction** 

#### 24

SUMMARY . S-29

Constructing the project would entail many different activities, some of which	1
would disrupt traffic. Typical construction methods would require shifting	2
I-5 traffic onto temporary alignments, narrowing lanes and shoulders to	3
accommodate equipment and workers, shortening merge and exit distances,	4
reducing posted speed limits, and closing or detouring some traffic movements.	5
For I-5, it is anticipated that three southbound and three northbound lanes	6
would be maintained during all weekdays, except when the final changeover	7
occurs between the old bridges and the new bridges. When temporary	8
lane closures are needed to accommodate construction and ensure safety,	9
they would typically occur at night and on weekends. It is expected that all	10
of the current movements at each interchange would remain open during	11
construction, with the exception of some movements at the I-5/SR 14	12
interchange, as described in Chapter 2. TDM and TSM measures would be	13
implemented during construction, as described in Chapter 2 (Section 2.2.5).	14
	15

Construction of the light rail guideway in Vancouver streets would need to be sensitive to the area's active urban environment. Maintaining access for motorists, delivery and service vehicles, cyclists, and pedestrians during business hours is a key component of construction plans. Streets would be open to traffic and pedestrians when possible, but would need to close during some construction activities (pedestrian access would always be maintained except for brief disruptions). Rather than partially closing lanes through the entire segment for long periods of time, it is currently assumed there would instead be full traffic closures of short segments to allow construction to be completed in a much shorter time frame in any given block. Crews typically work within a three- to five-block area before moving to the next construction zone. Light rail transit construction on existing streets would be staged and managed so as not to disrupt any single area for an extended period of time.

## What are the effects of the LPA and how do they compare to the DEIS Alternatives?

This section highlights how the LPA and other alternatives compare in terms of transportation performance and community and environmental effects. Exhibit 18 and Exhibit 19 summarize the key performance and impact differences. Chapter 3 of the FEIS provides more detail on performance and impacts.

S-30 • SUMMARY

-	Locally Preferred Alternative <sup>a</sup>		an inte				
Alternative 1: No-Build	LPA Option A	LPA Option B	Alternative 2	Alternative 3	Alternative 4	Alternative 5	
Hours of congestion/da	ay		A TOP IN		e a se		
15 hours	3.5-5.5 hours (3.5-5.5 hours)	Same as Option A	3.5-5.5 hours	3.5-5.5 hours	10.75 hours	10.75 hours	
Persons served over th	ne l-5 crossina du	ring PM peak <sup>b</sup>					
28,700 total	41,400 (41,300) total		39,750 total	40,750 total	30,850 total	32,150 total	
Via autos							
26,500	35,300 (35,200)	Same as Option A	34,400	34,400	25,700	25,700	
Via transit							
2,200	6,100		5,350	6,350	5,150	6,450	
					W. Sur		
Vehicle trips over the I-	and a state	C	170 500	170 500	100 500	100 500	
184,000	178,500 (178,500)	Same as Option A	179,500	179,500	166,500	166,500	
Pedestrian and bicycle	connections		Contraction of the	1995 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 - 1996 -			
No improvement to connections.	Provide continuous grade- separated multi-use path between Marine Drive and downtown Vancouver.	Same as Option A	Provide continuous grade- separated multi-use path between Marine Drive and downtown Vancouver.	Provide continuous grade- separated multi-use path between Marine Drive and downtown Vancouver.	Improvements over the river but has at-grade crossings on Hayden Island.	Improvement but has at-grade crossings on Hayden Island.	
Transit mode split in Pl	M peak for all I-5 c	crossing trips <sup>d</sup>		1997 - 1987 - 1	102 10 1	12 10 12	
8%	15%	Same as Option A	13%	16%	17%	20%	
Transit travel time from	Mill Plain station	to Expo Center	via transit				
13 min	6 min	Same as Option A	8 min	7 min	14 min	8 min	
					•		

SUMMARY • S-31

No-Build Traffic safety	.PA Option A	LPA Option				
Sec. 2		в	Alternative 2	Alternative 3	Alternative 4	Alternative 5
No improvement. R		e ng	sabit ni di	2 - Alu	1.0	- 1911 - offi
c a h d re	Reduced ongestion nd improved ighway esign would educe rashes.	Same as Option A	Reduced congestion and improved highway design would reduce crashes.	Reduced congestion and improved highway design would reduce crashes.	Improvement to highway design for safety, but some compromises on the existing I-5 bridges.	Improvement to highway design for safety, but some compromises on the existing I-5 bridges.
Transit safety and security						
s p a le vi li li o b S S W w a a s i r m in	ight rail tations rovide higher evel of isibility and ghting than n-street us stops. tations rould have dditional afety neasures for design.	Same as Option A	Additional buses could increase crashes but dedicated guideway improve separation of modes. Potential security issues would need to be addressed at less visible stations.	Light rail stations provide a higher level of visibility and lighting than on-street bus stops. Stations would have additional safety measures incorporated into design.	High frequency of buses could increase crashes but dedicated guideway improve separation of modes. Potential security issues would need to be addressed at less visible stations.	Light rail stations provide a higher level of visibility and lighting than on-street bus stops. Stations would have additional safety measures incorporated into design.
Effect on river navigation						
, S m a n	liminates -curve naneuver nd reduces umber of iers.	Same as Option A	Eliminates S-curve maneuver and reduces number of piers.	Eliminates S-curve maneuver and reduces number of piers.	S-curve maneuver worsened with more piers and narrower channel.	S-curve maneuver worsened with more piers and narrower channel.
Capital cost <sup>®</sup>						San Sha
\$0	\$3,396- \$3,764 (\$3,157- \$3,508)	Same as Option A	\$3,318 - \$3,499	\$3,427 - \$3,609	\$3,192 - \$3,348	\$3,283 - \$3,486

	Locally Preferred Alternative <sup>a</sup>					
Alternative 1: No Build	LPA Option A	LPA Option B	Alternative 2 <sup>b</sup>	Alternative 3 <sup>b</sup>	Alternative 4 <sup>b</sup>	Alternative 5 <sup>b</sup>
Residential displa	cements	Sent Salar	a series of the	25	and a second	
0	57	Same as Option A	45°	52°	46°	53°
Commercial displ	acements					
0	69	70	52°	59°	53°	60°
Number of advers	e impacts to histori	c resources			1250 A 12	I Datable Distant
0	3	Same as Option A	5-8	5-8	5-8	5-8
Air Quality <sup>d</sup>						
Carbon monoxide						
25% reduction	26% reduction	Same as Option A	30% reduction	30% reduction	30% reduction	30% reduction
Nitrogen oxides						
74% reduction	74% reduction	Same as Option A	73% reduction	73% reduction	73% reduction	73% reduction
Volatile organic co	ompounds				Statistics (	
55% reduction	56% reduction	Same as Option A	54% reduction	54% reduction	54% reduction	54% reduction
Particulate matter						
92% reduction	92% reduction	Same as Option A	91% reduction	91% reduction	91% reduction	91% reduction
Traffic noise impa	cts on sensitive rec	eptors before m	nitigation®	$-\eta^{2}=N(-h^{2}),$	1.1.1	1022 (1927) (1937)
275	329 (316)	Same as Option A	334	334	329	329
Transit noise impa	acts on sensitive re	ceptors before r	nitigation			State of the state
0	23	33	57	23	72	26
Impacts to fish	THE STATE OF THE STATE			and service of		
adverse effects from untreated stormwater. Existing piers would continue to provide cover for predatory fish.	beneficial effects from improvements to stormwater conveyance and treatment. Fewer, larger piers would continue to provide cover for predatory fish. Pile driving during construction would result in small amount of fish mortality. (The highway phasing option has additional stormwater				effect.	improvements as LPA. Design would keep existing piers and add new ones, resulting in an adverse effect.

SUMMARY • S-33

	Locally Pi Alterna		219			
Alternative 1: No Build	LPA Option A	LPA Option B	Alternative 2 <sup>b</sup>	Alternative 3 <sup>b</sup>	Alternative 4 <sup>b</sup>	Alternative 5 <sup>b</sup>
Wetland impacts		all and a second se	STREET STREET	and the set of the	all of States	S. S
No new impacts	0 acres direct impacts to wetlands 0.41 acre of direct impacts to wetland buffers.	0 acres direct impacts to wetlands 0.45 acre of direct impacts to wetland buffers.	0.09 acre of direct impacts to wetlands 1.11 acres of direct impacts to wetland buffers.	0.04 acre of direct impacts to wetlands 0.56 acre of direct impacts to wetland buffers.	0.13 acre of direct impacts to wetlands 1.31 acres of direct impacts to wetland buffers.	0.08 acre of direct impacts to wetlands 0.76 acre of direct impacts to wetland buffers.
Total Suspended	Solids entering wat	erways (Ibs/year	)	1940100497.971	entra a Machura	
168,103	14,062 (13,578)	14,124 (13,640)	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>
Dissolved copper	entering waterways	s (Ibs/year)				
9	5	Same as Option A	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>
Dissolved zinc en	tering waterways <sup>h</sup> (l	lbs/year)	2.1.1.1	15.02.0	1000	
68	22	Same as Option A	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>	Similar to LPA <sup>h</sup>
CO,e emissions (1	tons/day)	The state of the	A STATE	PERSONAL SPACE	No. Contraction	a she was
389	368	Same as Option A	Similar to	Similar to LPA	Similar to LPA	Similar to LPA
Report 2008, Information in paren Effects presented fo	bise and Vibration Techn 2010; CRC Water Qualit theses indicates impacts r Alternatives 2, 3, 4, and	y Technical Report : if the LPA Option A	2008, 2010; CRC E	nergy Technical Rep with highway phasi	oort 2008, 2010. ng.	
displaced businesse	le design. dential and commercial s and residences, displa struction methods in Noi	cements caused by	the bus rapid trans			
Reductions in region and therefore are co 2, 3, 4, and 5 are pri	al emissions are largely mmon amongst all 2030	due to expected im alternatives. Differe ges in traffic level as	provements in vehic ence in air quality es ssumptions that occ	timates between the urred after the DEIS	e LPA, No-Build Alte S was published. If A	esult of the CRC project mative and Alternatives Iternatives 2, 3, 4, and 5
Noise impacts are ex	xpressed as the total nu	mber of impacts on	sensitive receptors	as defined by FHWA	A guidelines. This me	
impacts listed for the	complex that is impacted LPA are higher than the	ey would be otherwis	se because they as	sume the removal, v	with no replacement,	of the existing noise
noise walls was assu	ncouver. In the DEIS and umed in the future traffic	noise model analys	is. The number of h	ighway noise impac	ts listed for the LPA	and LPA with highway
	han they would be othen walls were assumed for ild.					
The number of transit noise impacts reported for Alternative 2 through Alternative 5 are taken from the DEIS, assuming the Clark College MOS transit terminus option and McLoughlin Boulevard alignment. The LPA assumes a 17th Street alignment that was not evaluated in the DEIS.						
		ing in the first first				
transit terminus option Acres of wetlands di	rectly impacted for Altern latory agencies.	natives 2, 3, 4, and s	5 Wele 1641364 10101			
transit terminus optic Acres of wetlands di discussion with regu The pollutant loading	latory agencies. g estimates for Alternativ	es 2 through 5, as r	eported in Section 3	한 것 집 때 안에서 가격을 다 가지 않는 것이 같아요. 가지 않는		ne FEIS. The conceptual
transit terminus optic Acres of wetlands di discussion with regu The pollutant loading stormwater treatmen publication of the DE	latory agencies. g estimates for Alternativ it design used in the DE	es 2 through 5, as r IS to analyze Alterna standings of the proj	eported in Section 3 atives 2, 3, 4, and 5 ect footprint and sto	was updated for the rmwater basins hav	e LPA analysis for thi	
transit terminus optic Acres of wetlands di discussion with regu The pollutant loading stormwater treatmen publication of the DE 5 were reanalyzed, a Changes in the FEIS	latory agencies. g estimates for Alternativ it design used in the DE IS, more precise unders all the build alternatives, s methodology between	es 2 through 5, as r IS to analyze Alterna standings of the proj including the LPA, v the DEIS and FEIS	eported in Section 3 atives 2, 3, 4, and 5 ect footprint and sto vould perform simila affect the carbon did	was updated for the rmwater basins hav rly. oxide equivalent em	E LPA analysis for thi re been developed. I issions. A compariso	is FEIS. Since f Alternatives 2, 3, 4 and on of the DEIS and FEIS
transit terminus optic Acres of wetlands di discussion with regu The pollutant loading stormwater treatmen publication of the DE 5 were reanalyzed, a Changes in the FEIS methodologies indica	latory agencies. g estimates for Alternativ t design used in the DE IS, more precise unders all the build alternatives,	es 2 through 5, as r IS to analyze Alterna standings of the proj including the LPA, v the DEIS and FEIS if applied to the DE	eported in Section 3 atives 2, 3, 4, and 5 ect footprint and sto vould perform simila affect the carbon dia IS alternatives, wou	was updated for the rmwater basins hav rly. oxide equivalent em ild not change their	E LPA analysis for thi re been developed. I issions. A compariso overall ranking in ter	is FEIS. Since f Alternatives 2, 3, 4 and on of the DEIS and FEIS rms of carbon dioxide
transit terminus optic Acres of wetlands di discussion with regu The pollutant loading stormwater treatmen publication of the DE 5 were reanalyzed, a Changes in the FEIS methodologies indic equivalent emissions	latory agencies. g estimates for Alternativ t design used in the DE EIS, more precise unders all the build alternatives, methodology between ates that these changes,	es 2 through 5, as r IS to analyze Alterna standings of the proj including the LPA, v the DEIS and FEIS if applied to the DE vould replace the ex	eported in Section 3 atives 2, 3, 4, and 5 ect footprint and sto vould perform simila affect the carbon dia IS alternatives, woo isting Columbia Riv	was updated for the rmwater basins hav rly. bxide equivalent em Id not change their er bridges (Alternati	e LPA analysis for the rebeen developed. I issions. A compariso overall ranking in ter ves 2 and 3) would r	is FEIS. Since f Alternatives 2, 3, 4 and on of the DEIS and FEIS rms of carbon dioxide result in lower carbon

# What mitigation is proposed for unavoidable adverse impacts?

4 This section summarizes the mitigation measures proposed for the

5 community and environmental effects that would occur as a result of the

6 LPA. Exhibit 20 highlights the mitigation measures proposed for the

7 long-term effects described in Exhibit 19. Chapter 3 and Appendix M of the

8 FEIS provide more detail on proposed mitigation measures.

9

10 Exhibit 20 11 Summa

	The state of	Locally Prefer	rred Alternative <sup>a</sup>		
	Alternative 1: No Build	LPA Option A	LPA Option B	- Mitigation	
Residential displacen	nents	····			
	0	57	Same as Option A	Purchase property at fair market value and provide relocation assistance per the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (Uniform Act).	
Commercial displace	ments				
	0	69	70	Purchase property at fair market value and provide relocation assistance per the Uniform Act.	
Number of adverse in	npacts to historic reso	ources	1 1 5	1	
	0	3	Same as Option A	Promote the relocation of displaced historic resources, perform suitable architectural documentation, and provide related enhancements. Consult with official with jurisdiction immediately adjacent to historic resources regarding the project design.	
Air Quality		A LOUGH HILL	Straws at 18	territoria al des aller to service that in the	
Carbon monoxide	25% reduction	26% reduction	Same as Option A	No mitigation proposed. There would be	
Nitrogen oxides	74% reduction	74% reduction		no violations of air quality standards and emissions would be reduced compared	
Volatile organic compounds	55% reduction	56% reduction		to No-Build.	
Particulate matter	92% reduction	92% reduction			
Traffic noise impacts	on sensitive receptor	s before mitigation	n		
	275	329 (316)	Same as Option A	Use sound walls along I-5 where they meet the feasibility and cost- effectiveness criteria. Some impacts not mitigated.	
Traffic noise impacts	on sensitive receptor	s after mitigation	and the second	initigated.	
inanio noice inipaete	275	111	Same as Option A		
Transit noise impacts	in the second state of the second state of the		and the second second second		
And a second sec	0	23	33	Use sound barriers, track lubricators, special trackwork, and residential sound insulation to mitigate noise at all receptors.	
Transit noise impacts	on sensitive receptor	rs after mitigation			
	0	0	Same as Option A		

	Alternative 1: No Build	Locally Preferred Alternative <sup>a</sup>		
		LPA Option A	LPA Option B	Mitigation
mpacts to fish		19 4 V	and the second	1. 1. K
	Continued	Greatest	Same as Option A	Minimize pile driving, but where
	adverse effects	beneficial	ound de option??	unavoidable (1) minimize impacts by
	from untreated	effects from		employing a bubble curtain or other
	stormwater.	improvements		hydroacoustic attenuation and (2) time
	Existing piers	to stormwater		noise producing activities to minimize
	would continue	conveyance		impacts. Implement best management
	to provide cover for predatory	and treatment. Fewer, but		practices (BMPs) to minimize the potential for impacts to aquatic habitat
	fish.	larger, piers		during construction. Provide aquatic
		would continue		habitat conservation efforts. Pier
		the fight from an end of the second se	unt ope	diameter reduction may be possible for
		for predatory		final design of I-5 bridge.
		fish. Pile driving during		
		construction		
		would result in		
		small amount		
		of fish mortality.		
		(The highway		
		phasing option has additional		
		stormwater		and a state as the first the
		benefits relative		
		to the full build).		
SANTA STATE	and Stations	Contractor and	Combine and Comment	and the second se
Vetland impacts			Section Ministered	
a manufillant maint	No new impacts	0.41 acre of direct impacts	0.45 acre of direct impacts to	Replace wetland buffers with a suitable mitigation site that would result in no net
		to wetland	wetland buffers.	loss of functions or values.
		buffers.	0 acres direct	
		0 acres direct	impacts to	
		impacts to	wetlands.	
		wetlands.		
otal Suspended Solids er	ntering waterway	s (lbs/year)	Lechar	a starting
	168,103	14,062 (13,578)	14,124 (13,640)	Project's storm water treatment would
			inter a state	improve water quality significantly
an rear way				over No-Build. No additional mitigation proposed.
	and the states			proposed.
issolved copper entering	waterways (lbs/	vear)		
active copper entering	9	5	Same as Option A	and a started and a starting of
			Same as Option A	the set of the set of a marking data of each party
issolved zinc entering w	1	ar)		
CALCOLOUR DALS	68	22	Same as Option A	
O <sub>2</sub> e emissions (tons/day				
	389	368	Same as Option A	No mitigation proposed, as CO <sub>2</sub> e
				emissions are reduced compared to No-Build.
				the participant
Uner ODO Asculation 7	ical Depart 2000 00		Technical Day of	2008 2010: Air Quelity Technical Denot 2000
				2008, 2010; Air Quality Technical Report 2008, Report 2008, 2010; CRC Wetlands Technical
			0; CRC Energy Technic	
			and a stand with black and	nhaoing
Information in parentheses ind	icates impacts if the	LPA Option A or B is co	onstructed with highway	priasing.
Information in parentheses ind	icates impacts if the	LPA Option A or B is c	onstructed with highway	phasing.
Information in parentheses ind	icates impacts if the	LPA Option A or B is c	onstructed with highway	

51 52

Exhibit 20 summarizes the mitigation for long-term effects. The project will 1 2 also include a variety of mitigation measures for temporary construction-

related effects, including: 3

4 6 Providing clearly signed and safe detour routes to keep automobile, bicycle, pedestrian, and truck traffic moving throughout the project area.

6 Developing an outreach program to inform members of the community 7 and businesses of construction activities and closures. 8

9 ø Minimizing impacts to businesses by maintaining access during business 10 hours or providing clear detours when access closures are necessary, 11 providing temporary advertising signage, and identifying local businesses 12 to provide project services.

13 Implementing TDM strategies such as increased express bus and vanpool 14 service, and encouraging carpooling, to minimize traffic congestion. 15

As appropriate, developing and implementing functional and reasonable 16 alternative construction techniques to minimize impacts to community 17 livability and mobility through the project area. 18

19

5

20 Additionally, the project will comply with all environmental laws and obtain 21 necessary permits that will outline protections for local air quality, water quality, fish and wildlife, and community livability (e.g., noise levels, light and 22 23 glare, dust, etc.) during construction. Proposed mitigation for impacted Section 24 4(f) resources—historic, archaeological, and park and recreation resources— 25 can be found in the Final Section 4(f) Evaluation, included as Chapter 5 of the FEIS. 26

#### 28 How will the project address sustainability in design 29 and construction? 30

31

27

In their joint letter to the Columbia River Crossing Task Force on 32 33 June 19, 2008, the governors of Washington and Oregon asserted that: 34

- 35 We firmly believe this can and should be one of the most sustainable 36 transportation projects in the country; one that incorporates high 37 capacity transit, strategies that reduce vehicle miles traveled, tolling, 38 electronic safety technologies, and world class bike and pedestrian 39 facilities. We also believe that we must use construction materials and 40 methods that would minimize environmental impacts.
- 41

42 As described previously, the CRC project includes many of the above elements 43 of a sustainable transportation project, including the provision of light rail, 44 new and improved bicycle and pedestrian facilities, a toll on the river crossing, 45 and improvements to mobility and safety throughout the project area. 46 These transportation improvements would likely promote transit-oriented 47 development around new light rail stations, and additional density of jobs 48 and housing near the I-5 corridor, supporting the region-wide desire for 49 sustainable land-use patterns, and compared to No-Build conditions, would 50 support environmental sustainability by improving water quality and reducing greenhouse gas emissions. In addition to promoting sustainability though 51 52 its design and function, the project would also be constructed by employing

SUMMARY • S-37

a variety of innovative techniques, including the use of environmentally friendly construction materials, to minimize the long-term impact of project construction on the natural environment and adjacent communities. For more information, please see the CRC Sustainability Strategy, included as an appendix to the FEIS. 

#### How were comments on the Draft EIS addressed?

Following the publication of the DEIS on May 2, 2008, the project actively solicited public and stakeholder feedback on the DEIS during a 60-day comment period. Public comment was submitted via several methods, including email, postal mail, and public meetings that included two open houses. During this time, the project received over 1,600 written public comments. A variety of actions were taken in response to agency and public comments, including refinements to alternatives, additional analysis, and corrections that are included in the FEIS.

Refinements to the LPA are described in Chapter 2 of the FEIS and reflect the selection of two bridges, instead of three, over the Columbia River; modifications to the design of interchanges, local streets, and bicycle and pedestrian facilities; the selection of the light rail alignment over Hayden Island and through downtown Vancouver to the Clark College terminus; and the adoption of cost-cutting measures and inclusion of additional costcutting options. Changes in analysis, including updated modeling and inputs, are described in each section of Chapter 3. The project team prepared written responses to all comments received during the DEIS comment period; these are summarized in Chapter 6 and included as an electronic appendix.

The analysis and conclusions in this FEIS are based on in-depth technical reports prepared as part of the CRC project. These technical reports, along with other supporting materials, are provided as appendices to the FEIS, and are included on the CD attached to each hard copy of the FEIS and in the electronic file structure posted on the CRC project Web site.

#### What are the next steps?

Following publication of this FEIS, FTA and FHWA will document the preferred alternative in the Record of Decision (ROD). The ROD will include the project commitments for mitigating adverse impacts and incorporating these measures into the project design. The ROD is anticipated to be issued by FTA and FHWA in 2011.

If a build alternative is selected in the ROD, the project would move into Final Design and could begin acquiring property. Depending on when the ROD is completed, project construction could begin as soon as 2012.

## How can the public learn more about and be involved in the project?

There is no formal public hearing process for the FEIS. However, you are 51 invited to review the FEIS and submit comments between September 23, 2011 52

```
    and October 23, 2011. Comments received during this time will be reviewed
    and considered. Questions and comments can be submitted by several
    methods.
```

5 Internet: The project Web site (<u>www.columbiarivercrossing.org</u>) provides more

6 information, including project background and the process that has led to the

7 development of the FEIS. The Web site also has information on upcoming

```
8 public events, project milestones, and instructions on how to obtain a full copy9 of the FEIS.
```

11 Email: Email comments and questions about the project in general, or about
12 this FEIS specifically, to <u>feedback@columbiarivercrossing.org</u>

```
12
13
    Postal mail:
                  Columbia River Crossing
14
                  c/o Heather Wills
15
                  700 Washington Street, Suite 300
16
17
                  Vancouver, WA 98660
18
   Fax: 360-737-0294
19
20
    Attend a public open house: Public open houses will be held in Portland and
21
    Vancouver. Please refer to the dates and locations listed below.
22
23
24
   DATE
25
26
   TIME
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28
    LOCATION
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36
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INTERSTATE 5 COLUMBIA RIVER CROSSING PROJECT

Vancouver, Washington and Portland, Oregon

# **Final Environmental Impact Statement**

#### Submitted Pursuant to:

The National Environmental Policy Act (42 U.S.C. 4322(2)(c)) and the Washington State Environmental Policy Act (Ch. 43.21 C RCW)

### Submitted by:

Federal Highway Administration Federal Transit Administration

and

Washington State Department of Transportation Oregon State Department of Transportation Southwest Washington Regional Transportation Council Metro Clark County Public Transportation Benefit Area

Tri-County Metropolitan Transportation District

In cooperation with U.S. Army Corps of Engineers U.S. Coast Guard Federal Aviation Administration National Park Service Washington State Department of Archaeology and Historic Preservation U.S. General Services Administration

Daniel M. Mathis FHWA Washington Division Administrator Phillip Ditzler FHWA Oregon Division Administrator **R.F. Krochalis** FTA Regional Administrator, Region 10

Date of Approval

#### Date of Approval

Date of Approval

WSDOT EIS No: FHWA-WA-EIS-08-01-F

.

Megan White	Jason Tell	
Washington State Department of Transportation, Director, Environmental Service	Oregon Department of Transportation, Region 1 Manaper	
Date of Approval	Date of Approval	
	Late of Approval	
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Dean Lookingbill Southwest Washington Regional Transportation	Tom Hughes Metro, Council President	
Council, Executive Director		
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Date of Approval	Date of Approval	
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	Neil McFarlane TriMet General Manager	
Des of Accessed	Date of Approval	
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litle VI	(WSDOT) and Oregon State Department of	
Transportation (ODOT) ensure full compliance with prohibiting discrimination against any person on the h provision of benefits and services resulting from its feo regarding WSDOT's Title VI Program, you may cont (360) 705-7098. For questions regarding ODOT's Tit Civil Rights Office at (503) 986-4350.	Title VI of the Civil Rights Act of 1964 by pasis of race, color, national origin or sex in the lerally assisted programs and activities. For questions act the Department's Title VI Coordinator at	
Transportation (ODOT) ensure full compliance with prohibiting discrimination against any person on the h provision of benefits and services resulting from its feo regarding WSDOT's Title VI Program, you may cont (360) 705-7098. For questions regarding ODOT's Tit Civil Rights Office at (503) 986-4350.	Title VI of the Civil Rights Act of 1964 by pasis of race, color, national origin or sex in the lerally assisted programs and activities. For questions act the Department's Title VI Coordinator at le VI Program, you may contact the Department's	
Transportation (ODOT) ensure full compliance with prohibiting discrimination against any person on the h provision of benefits and services resulting from its feo regarding WSDOT's Title VI Program, you may cont (360) 705-7098. For questions regarding ODOT's Tit Civil Rights Office at (503) 986-4350. Americans with Disabilities Act (ADA) Infor	Title VI of the Civil Rights Act of 1964 by pasis of race, color, national origin or sex in the lerally assisted programs and activities. For questions act the Department's Title VI Coordinator at the VI Program, you may contact the Department's mation	
Transportation (ODOT) ensure full compliance with prohibiting discrimination against any person on the h provision of benefits and services resulting from its feo regarding WSDOT's Title VI Program, you may cont (360) 705-7098. For questions regarding ODOT's Tit	Title VI of the Civil Rights Act of 1964 by pasis of race, color, national origin or sex in the lerally assisted programs and activities. For questions act the Department's Title VI Coordinator at the VI Program, you may contact the Department's <b>mation</b> ative format, please call the CRC project office at leaf or hard of hearing may contact the CRC project	

. . FRONT MATTER

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COLUMBIA RIVER CROSSING

includes an arterial bridge for vehicle traffic (referred to in this document as Option A), and an option with collector-distributor access to the island (Option B). 1

2

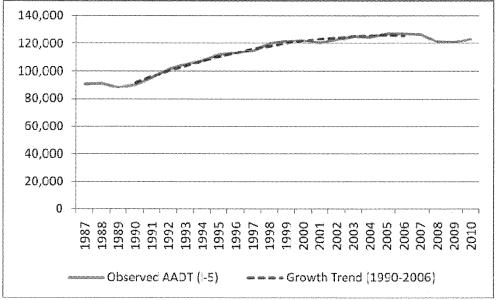
3 4 5

6

The following persons can be contacted for additional information regarding this document:

unis document.			7
Columbia River Crossing Heather Wills, CRC	Federal Highway Administration John McAvoy, PE,	Federal Transit Administration Linda Gehrke, Deputy	8 9 10
Environmental Manager	Major Projects Manager FHWA Western	Regional Administrator, Region 10	11 12
700 Washington Street,	Federal Lands Building	915 Second Avenue,	13
Suite 300	610 E 5th Street	Suite 3142	14
Vancouver, WA 98660	Vancouver, WA 98661	Seattle, WA 98174	15
(360) 737-2726 or	(360) 619-7591	(206) 220-4463	16
(503) 256-2726		<b>****</b>	17
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- The traffic modelling activities described in the reports are confusing and much of the work now appears to be dated. Although a number of the technical approaches described appear to be reasonable, many of the modelling-related activities seem to 'look backwards'; justifying model inputs and outputs produced some years ago. There is a clear need for a new, updated, forward-looking, comprehensive, 'investment grade' traffic and revenue study.
- No mention is made in the reports of historical traffic patterns in the area or volumes using the bridges. This is a strange omission. Traffic forecasts need to be placed in the context of what has happened in the past. If there is a disconnect (between the past and the future) as appears to be the case here a commentary should be provided which takes the reader from the past, through any transition period, to the future. No such commentary is provided in the material reviewed to date.
- Traffic volumes using the I-5 Bridge have flattened-off over the last 15-20 years; well before the current recessionary period. This is highlighted by the red dotted trend line in the chart below which was estimated up to and including the year 2006 (ie. it omits the recent 2007 2010 period characterised by fuel price hikes and economic recession). The clear inference is that the flattening-off is a long-term traffic trend; not simply a manifestation of recent circumstances. The CAGR for the period 1999 2006 reduces to 0.6%.



AADT = Average Annual Daily Traffic

• The key question is this. Is the flattening-off on I-5 symptomatic of the demand for travel across the River moderating (a general trend that could continue into the future); or is it simply that the Bridge is operating for much of the day at or near capacity (in which case capacity enhancements could result in an uplift of future demand)? As the T&R reports omit any discussion of historical trends, this key question is left unanswered. This issue should be addressed going forward.

To: Metro Council

From: Andrew Cotugno

Re.: Columbia River Crossing Metro Council Approval Actions

Date: August 1, 2011

At your work session on July 26, 2011, I discussed the history of the South/North Light Rail Project and mentioned official actions and other events that bring us to your consideration of the proposed Columbia River Crossing LUFO. Here are more specific references to the items I mentioned.

- 1. On July 23, 1998 the Metro Council adopted Resolution No. 98-2673 approving the Land Use Final Order (LUFO) for the South/North Light Rail project. This was intended as a single corridor from the Clackamas Regional Center, through downtown Milwaukie and downtown Portland to Vancouver, Washington into north Clark Co. In the Columbia River crossing area, it was proposed as a new stand-alone bridge adjacent to the existing I-5 Interstate Bridge. Due to a failing vote in Clark County for local matching funds, the project into Clark County was rejected and in subsequent years, the segments in Oregon along the Interstate Avenue corridor to Expo, the I-205 Corridor to the Clackamas Regional Center and along the McLoughlin corridor to Milwaukie were built or under construction.
- 2. Failure of the ballot measure in Clark County resulted in initiation of the I-5 Trade and Transportation Partnership to develop a comprehensive solution. In 2001, Governors Locke and Kitzhaber appointed a 28 member Bi-State Task Force to comprehensively examine needs in the I-5 Corridor from the Fremont Bridge to the Clark County Fairgrounds. After an intensive 18month process, the Findings and Recommendations of the Governor's Task Force were adopted in a Final Strategic Plan calling for a multi-modal improvement strategy for the corridor. The Metro Council endorsed the recommendations by Resolution No. 02-3237A. This was the first step in shifting from a stand-alone LRT project across the Columbia River to a multi-modal project including added lanes on I-5, High Capacity Transit, improved pedestrian and bike facilities and demand management in the corridor.
- 3. In 2005, following adoption of the Final Strategic Plan, Washington DOT and Oregon DOT jointly initiated, with the assistance of a 39 member Task Force, the evaluation process to implement the National Environmental Policy Act (NEPA). For major projects such as the CRC, NEPA requires publication of a Draft Environmental Impact Statement (DEIS) providing an evaluation of all reasonable alternatives that meet the Purpose and Need established for the corridor. This entails consideration of a wide range of alternatives to screen down to those that are considered reasonable and identification of possible measures to mitigate potential impacts. The DEIS was published on May 2, 2008 providing the basis for the region's selection of the Locally Preferred Alternatives.

4. On July 17, 2008, the Metro Council adopted Resolution No. 08-3960B endorsing the Locally Preferred Alternative comprised of a replacement I-5 bridge, provision of three through lanes plus additional auxiliary lanes for merging and weaving, extension of LRT through downtown Vancouver to a Clark College park-and-ride terminus, provision of significant pedestrian and bike facilities across the river and connecting into the regional network on both sides of the river, implementation of tolls as both a demand management and financing tool and implementation of an aggressive demand management program both during construction and upon completion. The Locally Preferred Alternative includes construction of two structures across the Columbia River to replace the existing bridges with traffic lanes on the top deck and LRT and pedestrian/bike facilities on the lower deck.

However, the resolution also itemized a series of issues requiring further analysis and consideration prior to consideration by the Metro Council of the pending Land Use Final Order. Those conditions required further evaluation of certain aspects of the project design as well as further evaluation of project justification, impacts and potential mitigation of impacts.

5. On June 9, 2011, the Metro Council adopted Resolution No. 11-4264 concluding that the conditions adopted as part of Resolution No. 08-3960B had been sufficiently addressed and endorsed proceeding with publication of the Final Environmental Impact Statement (FEIS) for the CRC Project. The purpose of the FEIS is to describe the preferred alternative and the impact mitigation that will be implemented with the project to serve as the basis for the lead federal agencies issuing their Record of Decision, finalizing the key federal permitting requirements. One element of the FEIS is to describe consistency of the proposed project with regional and local land use plans and policies. The Metro Council's adoption of the Land Use Final Order is intended to serve as this required documentation for the Oregon aspects of the project. To the extent necessary, the LUFO will require conforming amendments to the Regional Transportation Plan.

#### Laura Dawson-Bodner

From: Sent: To: Subject: Ron Buel [ronb@donavoncards.com] Friday, July 29, 2011 3:51 PM Barbara Roberts About the CRC -- no ccs on this

Barbara:

Perhaps you have been reading Steve Duin, Jeff Manning and Nigel Jacquiss about the CRC lately. Perhaps you have seen the statements of Ted Wheeler, and John Kitzhaber's response.

I have been following the CRC closely for three years now. <u>I am writing you because I believe in you</u>. I am not simply flattering you when I say you have been statesman-like in your time in politics, at Multnomah County, as Secretary of State and Governor. All of the people who are joined with me in disapproving the big freeway portion of the project respect and admire you and your record. I include Mara Gross, George Crandall, Bob Stacey, Joe Cortright, Bill Scott, Jim Howell and many others who have put in time and energy.

I would appreciate the opportunity to sit down and talk with you about the key role you **could** play in bringing reason into the process at this time. You can only do it because you are Barbara Roberts, not because you sit on the Metro Council.

John Kitzhaber is in something of a box. He raised substantial money for his campaign that he would not have received if he had not been in favor of the CRC. He got <u>The Oregonian</u> endorsement, which he likely would not have received if he had not been in favor of the CRC. He cannot simply walk away from these commitments. Yet I know that he told a mutual friend that he had been "handed a bag of xxxx" on the CRC. When Joe Cortright and Mara Gross and I met with the Governor, Patricia McCaig and Lynn Peterson, it was clear that John had an open mind and heard what we said. But he is boxed in, and our mutual friend Patricia has a job to support the project.

We are not asking that the CRC project be abandoned. We have a better idea, an alternative that includes light rail, high speed commuter rail, getting rid of all the bridge lifts, <u>two new arterial highway bridges</u> and earthquake-proofing the existing I-5 bridges – bringing them up to latest standards. Our idea will cost less than half the price of the CRC. We would take a lot of traffic <u>off of I-5</u> instead of spending \$1.8 billion on the interchanges and expanding I-5 by 23% of capacity as is now planned.

The reason I am writing to you at this time is because it has become clear that the CRC isn't going to get funded as it is designed. I will lay out why that is so below. Why take action now, then? Why not simply let it die of its own accord?

Two reasons: First, we continue to spend a lot of money on planning and designing the project -- \$80 million in the last biennium (\$3.3 million a month) and (I am told) \$75 million of Oregon and Washington money this biennium, although Nancy Boyd has said its "only" \$1.9 million a month. Why spend all that money if the project can't be built? Second, if the project just dies, we won't get a process that develops a proper alternative that solves the problems in a better and cheaper way. Yes, it's a fallback, but it's necessary.

Why won't the project succeed:

- a) The light rail vote for operating funds in Clark County is unlikely to pass. No matter what Nancy Boyd says, the Federal Transportation Agency isn't going to fund a project against a vote in a Congressional District where the Congresswoman is not supportive.
- b) Federal money (other than transit) not coming forward when Earl Blumenauer and Jaimie Herrera-Butler are not advocating for the project (it's in their districts) and the House Republicans don't like increasing gas taxes and don't like big projects in blue states.

- c) In Oregon, couldn't even get House Joint Memorial 22 out of committee, let alone get votes for \$450 million of construction money.
- d) In Washington, two major multi-billion Seattle I-5 projects are still under-funded, and far ahead of the CRC on that state's priority list.
- e) Bad traffic projections by the CRC and inability to toll the I-205 bridge put toll revenues in doubt (a \$600 million hole the consultants said.)
- f) Not sure that the water quality in the Columbia as impacted by construction (endangered salmon runs and a questionable in-water work window) and environmental justice concerns around air toxics, air pollution and carbon from the big freeway capacity expansion make the passage of an EIS in the inevitable federal court case somewhat doubtful. Note the EPA's ratings on these questions.

Barbara, I am well aware of the forces arrayed in favor of this project. But if it can't get financed, it isn't going to happen.

On August 11, you will be asked to vote again on the CRC – the Land Use Final Order. I would like you to sit down and talk to me about playing an important political role here – in the public interest, and in the interest of the region and district you represent. I don't see anyone else (Kitzhaber, Adams, or Hughes) doing this, but <u>you</u> can do it.

Will you make time to talk to me about this?

Thanks and Regards,

Ron Buel 503-358-8677

600 NE Grand Ave. Portland, OR 97232-2736

Metro | Agenda

Meeting:	Metro Council Work Session
Date:	Tuesday, July 26, 2011
Time:	2 p.m.
Place:	Council Chambers

#### CALL TO ORDER AND ROLL CALL

2 PM	1.	ADMINISTRATIVE/ CHIEF OPERATING OFFICER COMMUNICATIONS	
2:15 PM	2.	CONSIDERATION OF SUBMITTING A GRANT APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR A REGIONAL SUSTAINABLE COMMUNITIES GRANT ON BEHALF OF THE CONSORTIUM – <u>INFORMATION</u>	Cotugno Deffebach
3:05 PM	3.	BREAK	
3:10 PM	4.	COLUMBIA RIVER CROSSING LAND USE FINAL ORDER (LUFO) – <u>INFORMATION /</u> <u>DISCUSSION</u>	Cotugno Benner Mark Greenfield, CRC Attorney
4:10 PM	5.	COUNCIL BRIEFINGS/COMMUNICATION	
ADJOURN			

### Agenda Item Number 4.0

#### COLUMBIA RIVER CROSSING LAND USE FINAL ORDER (LUFO)

Metro Council Work Session Tuesday, July 26, 2011 Metro Council Chambers

#### METRO COUNCIL

#### Work Session Worksheet

Presentation Date: July 26, 2011 Time: 3:10 PM Length: 60 minutes

Presentation Title: Columbia River Crossing Land Use Final Order

Service, Office, or Center: Planning and Development

Presenters (include phone number/extension and alternative contact information): Dick Benner - x1532 Andy Cotugno - x1763 cell: 503-334-5286 Mark Greenfield - 503-227-2979

In addition, CRC staff will be available to respond to questions

#### **ISSUE & BACKGROUND**

Resolution 11-4280 would amend a Land Use Final Order (LUFO) for the Oregon portion of the Columbia River Crossing Project (CRC). The purpose of the LUFO is to authorize the light rail project and associated highway improvements in the application filed by TriMet. The Council must first determine whether the TriMet application complies with the land use procedures and requirements for projects in the South/North Corridor. Chapter 12 of the 1996 Oregon Laws (House Bill 3478) regulates how land use decisions related to the South/North light rail projects and associated highway improvements are to be made and how they may be appealed.

The first LUFO was adopted by the Metro Council in 1998 for the entire South/North Corridor. The LUFO was amended in 1999 for the North Corridor Interstate MAX, in 2004 for the I-205/Downtown Mall Light Rail Project, and in 2008 for the Portland-Milwaukie Light Rail Project. The 2011 LUFO for the CRC is Attachment A to Resolution 11-4280.

The LUFO process requires that Metro demonstrate with written findings how the LUFO complies with approval criteria established by the Land Conservation and Development Commission (LCDC). Findings demonstrating compliance with the criteria are Attachment A to Resolution 11-4280. The process also requires the Metro 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." Maps showing the area of the LUFO, included in Attachment A comply with this requirement.

As a part of the LUFO process, TriMet submits an application to the Metro Council. The application must include recommendations for a LUFO from the South/North Steering Committee and a letter of recommendation from the Oregon Department of Transportation. The TriMet application, including the Steering Committee and ODOT recommendations are attached to the staff report for Resolution 11-4280.

Resolution 11-4280 also authorizes the Metro Council President to sign the Final Environmental Impact Statement.

#### **OPTIONS AVAILABLE**

As a requirement of the LUFO process, the August 11, 2011 Council Meeting will include a public hearing on the LUFO. The LUFO legislation provides the following options following the public hearing:

- adopt the LUFO establishing the facilities and locations applied for by TriMet.
- refer the proposed facilities and locations back to TriMet for further review.
- continue the hearing to a date certain to allow more time for testimony, deliberations or preparation of findings in response to testimony.

#### **IMPLICATIONS AND SUGGESTIONS**

Metro staff recommends adoption of the Resolution.

Adopting the Resolution would advance the CRC to the step of publishing the Final Environmental Impact Statement and seeking a Record of Decision from the Federal Highway Administration and Federal Transit Administration. In June, the Metro Council adopted Resolution No. 11-4264 that concluded that concerns raised when the Locally Preferred Alternative was adopted have been satisfactorily addressed to support publication of the Final Environmental Impact Statement. Adopting this Resolution is the final step to allow the Final Environmental Impact Statement to be published.

#### **QUESTION(S) PRESENTED FOR CONSIDERATION**

- 1. Does the Metro Council need any further clarification of the criteria and procedures required for the LUFO process?
- 2. Does the Metro Council need any further clarification on aspects of the CRC project itself?

Metro staff requests that Metro Council adopt Resolution 11-4280, For The Purpose of Amending the 1998 Land Use Final Order for the South/North Light Rail Project and Adopting a Land Use Final Order for the Expo Center/Hayden Island Segment of the Project including the I-5 Columbia River Crossing Bridge and Associated Highway Improvements.

#### LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION X Yes No DRAFT IS ATTACHED X Yes No

#### BEFORE THE METRO COUNCIL

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FOR THE PURPOSE OF AMENDING THE 1998 LAND USE FINAL ORDER FOR THE SOUTH/NORTH LIGHT RAIL PROJECT AND ADOPTING A LAND USE FINAL ORDER FOR THE EXPO CENTER/HAYDEN ISLAND SEGMENT OF THE PROJECT INCLUDING THE I-5 COLUMBIA RIVER CROSSING BRIDGE AND ASSOCIATED HIGHWAY IMPROVEMENTS

#### **RESOLUTION NO. 11-4280**

INTRODUCED BY COUNCILOR REX BURKHOLDER

WHEREAS, the Oregon Legislature enacted Oregon Laws 1996, Chapter 12 (the Act), establishing procedures for developing the South/North Light Rail Project through adoption by the Metro Council of a Land Use Final Order (LUFO); and

WHEREAS, in accordance with section 4 of the Act, the Oregon Land Conservation and Development Commission adopted criteria to govern Council review of an application for a LUFO for the South/North Light Rail Project, or any segment of it, on May 30, 1996; and

WHEREAS, the Metro Council endorsed a Locally Preferred Alternative (LPA) for the I-5 Columbia River Crossing Project by Resolution No. 08-3960B (For the Purposes of Endorsing the Locally Preferred Alternative for the Columbia River Crossing Project and Amending the Metro 2035 Regional Transportation Plan with Conditions) that includes extension of South/North Light Rail from the Expo Center to Vancouver, Washington; and

WHEREAS, Metro's Regional Transportation Plan (RTP) calls for extension of light rail from the Expo Center to Vancouver, Washington, as part of the I-5 Columbia River Crossing Project and places the project on the RTP's Financially Constrained Roadway Network; and

WHEREAS, section 6.3.2.1 of the RTP required reconsideration of the I-5 Columbia River Crossing Project and amendment of the RTP if the number and design of auxiliary lanes on the I-5 Columbia River Bridge or approaches to the bridge are inconsistent with the description of the project in the RTP; and

WHEREAS, in accordance with section 6 of the Act, on June 23, 2011, the LUFO Steering Committee recommended that TriMet submit to Metro an application for, and the Metro Council adopt, an amendment to the 1998 South/North Light Rail LUFO to approve the light rail route, a station and highway improvements within the Expo Center/Hayden Island Segment of the South/North Light Rail Project; and

WHEREAS, in accordance with section 6 of the Act, in a letter from Matt Garrett, Director, the Oregon Department of Transportation (ODOT) recommended that TriMet submit to Metro an application for, and the Metro Council adopt, an amendment to the 1998 South/North Light Rail LUFO to approve the light rail route, a station and highway improvements within the Expo Center/Hayden Island Segment of the South/North Light Rail Project; and

WHEREAS, in accordance with section 6 of the Act, on July 13, 1011, TriMet filed an application for a LUFO for the Expo Center-Vancouver segment of the South/North Light Rail Project with the light rail route, station and highway improvements recommended by both the LUFO Steering Committee and ODOT; and

WHEREAS, the light rail route, station and highway improvements are in the form of boundaries within which the light rail route, station and highway improvements will be located, as required by section 6 of the Act; and

WHEREAS, the number and design of auxiliary lanes on the I-5 Columbia River Bridge and the approaches to the bridge project proposed in the TriMet LUFO application are consistent with the I-5 Columbia River Crossing Project described in the RTP; and

WHEREAS, by Resolution No. 11-4264 (For the Purpose of Concluding that the Concerns and Considerations Raised about the Columbia River Crossing Project in Exhibit A to Resolution No. 08-3960B Have Been Addressed Satisfactorily), adopted June 9, 2011, the Council determined that the conditions set forth in Resolution No. 08-3960B had been satisfied; and

WHEREAS, Metro published a notice in The Oregonian, containing all the information required by section 7 of the Act, on July 14, 2011, of a public hearing before the Metro Council to consider TriMet's LUFO application on August 11, 2011;

WHEREAS, Metro provided additional public notice of the August 11, 2011, public hearing by mailing postcards to all persons who own property within 250 feet of the proposed light rail alignment and stations and by posting notice at Metro's website, both on July 14, 2011; and

WHEREAS, Metro sent notice of the public hearing on July 15, 2011, to ODOT, Clackamas and Multnomah counties and the cities of Portland, Milwaukie, Gladstone, Gresham and Oregon City; and

WHEREAS, the Council finds and determines that The Oregonian is a newspaper of general circulation in the region and the above-described notices are reasonably calculated to give notice to persons who may be affected substantially by a decision to approve TriMet's LUFO application; and

WHEREAS, on July 14, 2011, Metro made available for public inspection a staff report addressing compliance of TriMet's application with the requirements of the Act; and

WHEREAS, the Council held a public hearing on the TriMet LUFO application on August 11, 2011; and

WHEREAS, the Council President made a statement at the beginning of the hearing containing the information required by section 7 of the Act; and

WHEREAS; the Council considered TriMet's application, the recommendations of the LUFO Steering Committee and ODOT, the staff report, the Findings of Fact and Conclusions of Law and all public testimony presented on the application; now, therefore,

BE IT RESOLVED THAT the Metro Council:

- 1. Hereby amends the 1998 Land Use Final Order (LUFO) for the South/North Light Rail Project, and adopts the LUFO for the Columbia River Crossing Light Rail Project, Expo Center/Hayden Island Segment of the South/North Light Rail Project, attached and incorporated into this resolution as Exhibit A, including the locations of the light rail route, station and highway improvements extending from the Expo Center to the Oregon-Washington line, and as shown in Exhibit A to be identical to the TriMet LUFO application.
- 2. Adopts the Findings of Fact and Conclusions of Law, attached and incorporated into this resolution as Exhibit B, as the Council's written findings demonstrating how the Council's decision complies with the applicable criteria.
- 3. Authorizes the Council President to sign the Final Environmental Impact Statement for the I-5 Columbia River Crossing Project.

ADOPTED by the Metro Council this 11th day of August, 2011.

Tom Hughes, Council President

Approved as to form:

Alison Kean Campbell, Acting Metro Attorney

Exhibit A to Resolution No. 11-4280

### 2011 South/North Land Use Final Order Amendment

Columbia River Crossing Project Expo Center/Hayden Island Segment

Adopted by the Metro Council

August 11, 2011

## DRAFT: UPDATED 7/13/11

#### 1. Introduction

This document constitutes a Land Use Final Order (LUFO) for the South/North Project in accordance with Oregon Laws 1996, Chapter 12 (House Bill 3478). This 2011 South/North LUFO Amendment is the fifth in a series of LUFOs adopted by the Metro Council that established or amended the light rail route, light rail stations, light rail park-and-ride lots and maintenance facilities, and the highway improvements for the South/North Project, including their locations. The four previously adopted LUFOs are as follows:

- On July 23, 1998, the Metro Council adopted Resolution No. 98-2673 (the 1998 LUFO), establishing the initial light rail route, stations, lots and maintenance facilities and the highway improvements, including their locations, for the South/North Project.
- On October 28, 1999, the Metro Council adopted Resolution No. 99-2853A (the 1999 LUFO), amending the 1998 LUFO to reflect revisions for that portion of the South/North Project extending from the Steel Bridge northward to the Portland Metropolitan Exposition Center (Expo Center), primarily along Interstate Avenue. The 1999 LUFO modified the northern light rail alignment; established, relocated or expanded light rail station locations along that alignment; and authorized park-and-ride lots at Portland International Raceway (PIR) and the Expo Center along the light rail route.
- On January 15, 2004, the Metro Council adopted Resolution No. 03-3372 (the 2004 LUFO), further amending the previous South/North LUFO resolutions to (1) establish the light rail route, stations and park-and-ride lots, including their locations, along the Interstate-205 right-of-way from the Gateway Transit Center to Clackamas Regional Center; (2) modify the route along the downtown Portland Transit Mall to extend light rail transit (LRT) to Portland State University (PSU) and establish, adjust or relocate station locations; (3) modify the 1998 LUFO for the segment from Portland to Milwaukie by revising the alignment and adding study areas; (4) remove the 1998 LUFO designations from Milwaukie to Clackamas Regional Center; and (5) complete technical amendments to the 1999 LUFO alignment to reflect the final built configuration at certain stations consistent with the Full Funding Agreement Grant approved by the Federal Transit Administration.
- On July 25, 2008, the Metro Council adopted Resolution No. 08-3964 (the 2008 LUFO), amending the 1998 and 2004 South/North LUFOs as they relate to the segment of the South/North Project extending from Portland State University (PSU) in downtown Portland through SE Portland and downtown Milwaukie to SE Park Avenue in unincorporated Clackamas County. The 2008 LUFO realigned the light rail route between PSU and SE 7<sup>th</sup> Avenue; established the route from SE Tacoma Street to SE Park Avenue; relocated light rail stations or authorized new stations along the light rail route; and established the park-and-ride lots and highway improvements for the Portland to Milwaukie segment.

This 2011 South/North LUFO Amendment (the 2011 LUFO) amends the 1998 LUFO as it relates to the segment of the South/North Project in north Portland extending northward from Expo Center and the Interstate 5/Victory Boulevard Interchange the to Oregon/Washington state line on the Columbia River. This 2011 LUFO realigns the light rail route between the Expo Center and the Oregon/Washington state line westward from its alignment in the 1998 LUFO and it relocates the Hayden Island station west of its previous location. Over the river it provides for the light rail route to be accommodated on the lower tier of a new southbound Interstate 5 bridge. This 2011 LUFO also establishes a number of highway improvements, including new northbound and southbound Interstate 5 Columbia River bridges and removal of the existing bridges; widening of Interstate 5 in both directions between approximately N Victory Boulevard and the Oregon/Washington state line on the Columbia River; new or modified interchanges at N Marine Drive, Hayden Island and Victory Boulevard; a new integrated rail/vehicular/bicycle pedestrian bridge connecting Hayden Island with the Expo Center; and roadway realignments, widenings, modifications and new connections within the project area.

This 2011 LUFO further provides for expansion and improvement of the Ruby Junction Maintenance Facility along NW Eleven Mile Avenue in Gresham within the facility boundaries established in the 2008 LUFO, to accommodate and maintain additional LRT vehicles associated with the Columbia River Crossing Project.

#### 2. **Requirements of House Bill 3478**

Chapter 12 of the 1998 Oregon Laws (House Bill 3478) provides procedures for siting the South/North light rail route, associated light rail facilities, and the highway improvements included in the South/North Project. In brief, it provides a set of regulations for making and for appealing land use decisions related to the South/North Project as it may be amended or extended from time to time. The law includes a provision directing the Land Conservation and Development Commission (LCDC) to adopt criteria for land use final orders; a requirement that TriMet make application for land use final orders; requirements for how the Metro Council conducts its public hearings; and procedures for appeal.

Pursuant to House Bill 3478, upon application by TriMet and following a public hearing held on August 11, 2011, and in consideration of the whole record and based on a finding that there is substantial evidence supporting the proposed action, the Metro Council hereby adopts this 2011 South/North LUFO Amendment for the Project by Resolution No. 11-4280.

#### 3. Establishment of Columbia River Crossing Project Light Rail Routes, Stations, Maintenance Facilities and Highway Improvements, Including their Locations

The Metro Council approves the light rail route, light rail station and highway improvements identified textually below and illustrated in the location boundary maps (Figures 1.1 to 1.3) that follow. These light rail facilities and highway improvements and their location boundaries are identical to those that the LUFO Steering Committee and ODOT recommended to TriMet and that TriMet included in its application for a LUFO amendment.

Page 2: Exhibit A to Resolution No. 11-4280

The Metro Council also approves expansion and improvement of the Ruby Junction Maintenance Facility within the location boundaries established in the 2008 LUFO to accommodate light rail vehicles associated with the Columbia River Crossing Project. See Figure 2.1.

The LUFO boundary maps contained in this order were prepared using cad line work of proposed improvements on top of aerial photos taken in 2005 and 2007. The maps illustrate the adopted boundaries at an approximate scale of one inch equals 400 feet. The boundaries shown on these maps represent the areas within which the light rail facilities and highway improvements may be located.

Preliminary and final engineering have not yet been completed. Preliminary and advanced preliminary engineering will continue until about October 2012, when the Project is expected to enter into its final engineering phase. With more detailed engineering and environmental information available, some variations from the illustrations in the attached figures may be needed when the project is built. Accordingly, the LUFO shows a larger, more generalized boundary than that actually needed for the track alignment, station and highway improvements to accommodate such variations. Final location of the light rail facilities and highway improvements anywhere within the boundaries found on the LUFO maps would be consistent with this LUFO.

The 1998 LUFO established a light rail alignment that included a segment extending from downtown Portland across the Steel Bridge and through northeast and north Portland to the Expo Center and the Oregon/Washington state line. The 1999 LUFO amended the light rail alignment for that portion located between approximately the Steel Bridge and the Expo Center.

This 2011 LUFO further modifies the 1998 LUFO by:

1) Relocating the light rail alignment and Hayden Island station farther to the west;

2) Relocating the light rail alignment leading into Vancouver, Washington onto the lower tier of a new southbound Interstate 5 bridge;

3) Providing significant highway improvements between approximately N. Victory Boulevard and the Oregon/Washington state line on the Columbia River, including but not limited to new northbound and southbound Interstate 5 bridges to accommodate highway, rail, pedestrian and bicycle travel; widening of northbound and southbound Interstate 5 to accommodate three travel lanes and two auxiliary lanes; and interchange and roadway modifications and improvements and new roadway.

In the 1998 LUFO there were two segments that, together, provided LRT service between the Expo Center and the Oregon/Washington state line on the Columbia River. These segments were the North Portland segment and the Hayden Island segment. In the 1999 LUFO, the Metro Council renamed the portion of the North Portland segment extending from south of the Columbia Slough near N Columbia Boulevard to the Expo Center the "Expo Center

Page 3: Exhibit A to Resolution No. 11-4280

Segment." This 2011 LUFO amendment retains the name "Expo Center Segment" and extends it to N Marine Drive, where the Hayden Island Segment begins. This 2011 LUFO amendment also extends the Expo Center and Hayden Island segments east of Interstate 5 approximately 2,500 feet to include all areas identified for highway improvements. For convenience purposes, these two segments are consolidated and addressed as a single segment (Expo Center/Hayden Island).

#### Light Rail Alignment and Station

From the Expo Center station, the light rail alignment proceeds northward under N Marine Drive and onto a new, integrated light rail/vehicular/bicycle/pedestrian bridge crossing over the North Portland Harbor onto Hayden Island west of I-5. The alignment then continues northward towards Vancouver, Washington, crossing over N Hayden Island Drive onto the lower deck of the new southbound Interstate 5 bridge.

A single light rail station is located in the Expo Center/Hayden Island Segment. The Hayden Island Station will be elevated and positioned adjacent to I-5, over or near Tomahawk Island Drive. Tomahawk Island Drive will be extended under I-5 to provide a third east/west street connection for Hayden Island.

There are no new park-and-ride lots or maintenance facilities within the Expo Center/Hayden Island Segment.

#### **Highway Improvements**

The highway improvements in the Expo Center/Hayden Island Segment include the following:

- 1. New northbound and southbound I-5 Columbia River bridges and removal of the existing I-5 Columbia River bridges. The new southbound bridge is a two-tier bridge with highway on the upper deck and light rail on the lower deck. The new northbound bridge is a two-tier bridge with highway on the upper deck and bicycle and pedestrian facilities on the lower deck. Each new bridge will include three travel lanes and two auxiliary lanes.
- 2. Widening of I-5 in both the northbound and southbound directions from N Victory Boulevard to the Oregon/Washington state line. Northbound, I-5 will widen from three travel lanes at N Victory Boulevard to three travel lanes and two auxiliary lanes on the new northbound I-5 Columbia River bridge. Southbound, I-5 will narrow from three travel lanes and two auxiliary lanes on the new southbound I-5 Columbia River bridge to three lanes south of N Victory Boulevard.
- 3. A newly designed I-5/Marine Drive interchange, including ramps connecting I-5 with N Marine Drive and NE Martin Luther King Jr. Boulevard.
- 4. A newly designed I-5/Hayden Island interchange including relocated northbound and southbound exit and entrance ramps.

Page 4: Exhibit A to Resolution No. 11-4280

- 5. A new integrated light rail/vehicular/bicycle/pedestrian bridge west of I-5 connecting Hayden Island with the Expo Center and N Expo Road.
- 6. Realignment and widening of NE Martin Luther King Jr. Boulevard between the new I-5/Marine Drive interchange and approximately N Hayden Meadows Drive.
- 7. Realignment and widening of N Marine Drive between N Gantenbein Avenue and N Vancouver Way.
- 8. Modification, widening and extension of N Vancouver Way between east of N Haney Drive and approximately the light rail alignment west of I-5.
- 9. Realignment and widening of NE Union Court between N Hayden Meadows Drive and N Vancouver Way.
- 10. A new northbound connection between NE Martin Luther King Jr. Boulevard and N Vancouver Way and a new southbound connection between NE Martin Luther King Jr. Boulevard and NE Union Court.
- 11. Realignments, widening and roadway modifications to N Jantzen Avenue, N Jantzen Drive and N Hayden Island Drive.
- 12. Modification, widening and extension of N Tomahawk Island Drive from east of N Jantzen Drive to the west of I-5.
- 13. Construction of a new roadway west of I-5 and the light rail alignment between N Jantzen Avenue and N Hayden Island Drive.
- 14. A new public road extending N Expo Road westward to N Force Avenue.

See **Figures 1.1 to 1.3** of the LUFO for the boundaries within which the above described light rail facilities and highway improvements would be located.

#### **Ruby Junction Maintenance Facility**

The Ruby Junction Maintenance Facility along NW Eleven Mile Avenue in Gresham was first authorized in 1980 as part of the Portland to Gresham light rail project. The facility includes light rail tracks, vehicle storage spaces and maintenance bays, an operation center, and related facilities necessary to maintain light rail vehicles.

As part of the 2008 LUFO amendments for the Portland to Milwaukie Project, the Metro Council approved the modification and expansion of the Ruby Junction Maintenance Facility and adopted location boundaries for it. See **Figure 2.1** of this 2011 LUFO. This LUFO authorizes the use of that facility to serve light rail vehicles associated with the Columbia River Crossing Project. Such use was expressly anticipated in the 2008 LUFO findings. Because use and improvement of the facility in connection with the Columbia River Crossing

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project will occur within the location boundaries approved in 2008, no location boundary amendments are necessary.

#### 4. Interpretation of Terms

As it did in the 1998, 1999, 2004 and 2008 LUFOs, the Metro Council interprets the terms "light rail route", "stations", "lots", "maintenance facilities" and "highway improvements" as it did in its previous South/North LUFOs, to have the following meanings:

- "*Light rail route*" means the alignment upon which the light rail tracks will be located. The light rail route will be located on land to be owned by or under the operating control of TriMet.
- "*Stations*" means those facilities to be located along the light rail route for purposes of accessing or serving the light rail system. Stations include light rail station platforms; kiss-and-ride areas; bus transfer platforms and transit centers; vendor facilities; and transit operations rooms.
- "Lots" means those parking structures or surface parking lots that are associated with a station, owned by or under the operating control of either TriMet or another entity with the concurrence of TriMet, and intended primarily for use by persons riding transit or carpooling. Parking structures may include some retail or office spaces in association with the primary use.
- "*Maintenance facilities*" means those facilities to be located on land to be owned or controlled by TriMet for purposes of operating, servicing, repairing or maintaining the light rail transit system, including but not limited to light rail vehicles, the light rail tracks, stations, lots, and ancillary facilities and improvements. Maintenance facilities include maintenance facility access trackways; storage tracks for light rail vehicles; service, repair and maintenance shops and equipment; office facilities; locker rooms; control and communications rooms; transit district employee and visitor parking lots; and storage areas for materials and equipment and non-revenue vehicles.
- "*Highway improvements*" include new roads, road extensions or road widenings outside existing rights-of-ways that have independent utility in themselves and are not needed to mitigate adverse traffic impacts associated with the light rail route, stations, lots or maintenance facilities.

Also consistent with its previous South/North LUFOs, the Metro Council determines that implementation of the South/North LUFO under sections 8(1)(a) and (b) of Chapter 12 of the 1996 Oregon Laws (HB 3478), including the construction, operation and maintenance of the light rail route, stations, lots and maintenance facilities and the highway improvements for the Project, necessitates and requires development approval of certain associated actions and the permitting of certain associated or ancillary facilities or improvements. These associated actions or ancillary facilities or improvements generally are required: (1) to ensure the safe and proper functioning and operation of the light rail system; (2) to provide project access; (3) to improve traffic flow, circulation or safety in the vicinity of the Project; or (4) to mitigate adverse impacts caused to the adjoining roadway network resulting from the alignment, stations, lots or maintenance facilities. For these reasons, these actions, facilities or improvements are integral and necessary parts of the Project.

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The Metro Council further determines that the associated actions and ancillary facilities or improvements for the South/North Project include, but are not limited to: ties, ballast, and other track support materials such as tunnels and bridges; modifications to existing tracks; retaining walls and noise walls; culverts and other drainage systems; traction electrification equipment including substations; light rail signals and communications equipment and buildings; lighting; station, lot and maintenance facility accesses, including road accesses, pedestrian bridges and pedestrian and bicycle accessways; roadway crossing protection; and the provision of pedestrian paths, bike lanes, bus stops, bus pullouts, shelters, bicycle storage facilities and similar facilities. They also include temporary LRT construction-related roadways, staging areas and road or lane closures; roadway reconstruction, realignment, repair, widening, channelization, signalization or signal modification, lane reconfiguration or reduction, addition or modification of turning lanes or refuges, modification of traffic circulation patterns, or other modifications or improvements that provide or improve Project access, improve traffic flow, circulation or safety in the vicinity of the Project, facilitate or are necessary for the safe or proper functioning and operation of the Project, or are necessary to mitigate adverse traffic impacts created by the Project; modifications of private roadways adjoining the Project; permanent road, lane or access closures associated with and necessitated by the Project; and other associated actions or associated or ancillary facilities or improvements related to the Project.

#### 5. Applicable Land Use Criteria

On May 30, 1996, pursuant to Section 4 of House Bill 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 South/North Project, including their locations. The approved criteria include two procedural, six substantive, and two alignment-specific standards, set out below. Compliance with these criteria must be demonstrated.

#### **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, vehicle maintenance facilities and the highway improvements, including their locations.

#### Substantive Criteria

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- 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.
    - 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.

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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.

#### 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.

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