

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING)	RESOLUTION NO. 13-4433
TECHNICAL AMENDMENTS TO THE 2008)	
SOUTH/NORTH LAND USE FINAL ORDER)	
AMENDMENT IN CONFORMANCE WITH THE)	Introduced by Chief Operating Officer Martha
FULL FUNDING GRANT AGREEMENT)	Bennett, with the concurrence of Council
EXECUTED BY TRIMET AND THE FEDERAL)	President Tom Hughes
TRANSIT ADMINISTRATION)	

WHEREAS, the Oregon Legislature enacted Oregon Laws 1996, Chapter 12 (the “Act”) establishing procedures for siting the South/North Light Rail Project through adoption by the Metro Council of a Land Use Final Order (“LUFO”) following application by TriMet; and

WHEREAS, on July 24, 2008, the Metro Council adopted Resolution No. 08-3964, adopting a LUFO amendment establishing the light rail alignment, light rail stations, lots and maintenance facilities, and the highway improvements for the Portland to Milwaukie segment of the South/North Light Rail Project (the “2008 LUFO”); and

WHEREAS, on May 22, 2012, TriMet and the Federal Transit Administration executed a Full Funding Grant Agreement (“FFGA”) for the Portland-Milwaukie light rail transit project, which awards federal financial assistance to TriMet for the project, and which is not entirely consistent with the 2008 LUFO regarding the specific locations of certain stations, park and ride lots, and other facilities; and

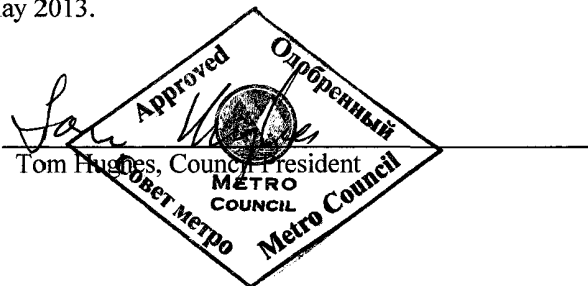
WHEREAS, Section 12 of the Act requires that upon execution of the FFGA, the Metro Council shall amend the LUFO to be consistent with the terms and conditions of the FFGA, and that such amendment shall be considered technical and environmental and shall not be subject to judicial or administrative review; and

WHEREAS, the Metro Council is obligated under Section 12 of the Act to amend the 2008 LUFO to be consistent with the FFGA;

BE IT RESOLVED:

1. That the Metro Council finds that the amendments to the 2008 LUFO described in the supplemental findings, attached as Exhibit A and incorporated into this Resolution, are necessary in order to make the 2008 LUFO consistent with the executed FFGA as required under the Act.
2. That the Metro Council hereby adopts the amended 2008 LUFO attached as Exhibit B and incorporated into this Resolution, which includes all of the amendments described in Exhibit A.
3. That the Metro Council finds that these amendments to the 2008 LUFO are consistent with Metro Council policies and regulations including the latest adopted versions of the *Regional Framework Plan, Urban Growth Management Functional Plan, 2035 Regional Transportation Plan* and the *2008-2011 Metropolitan Transportation Improvement Plan*.

ADOPTED by the Metro Council this 16th day of May 2013.



Approved as to Form:



Alison Kean Campbell, Metro Attorney



May 1, 2013

Tom Hughes, President
Metro Council
600 NE Grand Avenue
Portland, Oregon 97232

Re: Reminder to Initiate Amendment to Portland to Milwaukie Land Use Final Order
to be Consistent with the Full Funding Grant Agreement

Dear President Hughes:

The purpose of this letter is to respectfully remind the Council of its statutory obligation to amend the 2008 Land Use Final Order (LUFO) to make it consistent with the Full Funding Grant Agreement (FFGA).

On May 22, 2012, TriMet and the Federal Transit Administration executed a FFGA for the Portland to Milwaukie segment of the South/North Light Rail Project. Under Oregon Laws 1996 (Special Session), Chapter 12, Section 12, upon execution of a FFGA, the Metro Council "shall amend the land use final order to be consistent with the terms and conditions of the Full Funding Grant Agreement." This law further provides that such amendments "shall be considered technical and environmental and shall not be subject to judicial or administrative review."

Because the FFGA included some substantive changes to the LUFO for the Portland to Milwaukie project that the Council adopted on July 24, 2008 (Resolution No. 08-3964), it is now timely for Council to amend the LUFO. Because TriMet is moving forward with permitting and construction of this project, and issues of LUFO consistency with the FFGA may arise, TriMet asks that the Council carry out this action at its earliest convenience. TriMet will be happy to assist Metro staff in identifying the changes necessary to make the LUFO consistent with the FFGA.

Sincerely,

A handwritten signature in green ink, appearing to read "Neil McFarlane".

Neil McFarlane
General Manager

Enclosures

CC: Martha Bennett, Metro COO
Dan Blocher

Jana Toran
Dave Unsworth

Supplemental Findings of Fact and Conclusions of Law

Amendments to 2008 Land Use Final Order To Conform to Full Funding Grant Agreement

Portland to Milwaukie Project

Oregon Laws 1996 (Special Session), Chapter 12, Section 12, provides that upon execution of a Full Funding Grant Agreement (FFGA), the Metro Council “shall amend the land use final order to be consistent with the terms and conditions of the Full Funding Grant Agreement.”¹ Section 12 further provides that an amendment to ensure consistency with an executed FFGA “shall be considered technical and environmental and shall not be subject to judicial or administrative review.”

On July 24, 2008, the Metro Council adopted Resolution No. 08-3964, adopting a Land Use Final Order (LUFO) establishing the light rail alignment, light rail stations, lots and maintenance facilities, and the highway improvements for the Portland to Milwaukie segment of the South/North Light Rail Project (“the 2008 LUFO”). On May 22, 2012, TriMet and the Federal Transit Administration executed a FFGA for that Project.

The Council finds that the 2008 LUFO is not consistent with the FFGA in several regards. To conform the LUFO to the FFGA, the Council hereby approves the following text and map amendments to the 2008 LUFO:

1. Show the station platform between SW 4th Avenue and SW Naito Parkway as a combined platform.
2. Delete the Harbor Drive station.
3. Show a single station platform between SE Haig Street and SE Rhine Street.
4. Show a single station platform at the SE Holgate station.
5. Identify the Harold Street station as a future station.
6. Delete the downtown Milwaukie park-and-ride lot near SE Lake Road.
7. Identify Ruby Junction Maintenance Facility expansion as being constructed in two phases.

To the extent the findings adopted in support of Resolution No. 08-3964: (1) provide for a Harbor Drive Station and address impacts associated with that station; (2) provide for a

¹ Section 1(11) of Oregon Laws 1996, Chapter 12 defines Full Funding Grant Agreement to mean a contractual agreement entered into between the federal government and the local grant recipient establishing the maximum federal financing contribution for construction of the South/North Light Rail Project and setting forth terms, conditions and limitations for federal financing of the project.

downtown Milwaukie park-and-ride lot in the vicinity of SE McLoughlin Boulevard and SE Washington Street and address impacts association with that park-and-ride lot; (3) fail to identify the Harold Street station as a future station to be built at a later time; and (4) fail to identify the Ruby Junction Maintenance Facility improvements as being funded in two phases, these 2013 findings supersede those 2008 findings for the Portland to Milwaukie Project.

The Council also finds that the 2008 Findings, at page 59, describe the Tacoma Park-and-Ride Lot as a parking structure of two to four floors accommodating 600 to 1,000 spaces, and describe the Park Avenue Park-and-Ride Lot as a five-floor parking structure accommodating about 1,000 spaces. The Council finds that these findings are not consistent with the FFGA. To make them consistent with the FFGA, those findings must be modified to (1) delete the references to the numbers of floors and parking spaces at these park-and-ride lots, and (2) delete the identification of the Tacoma park-and-ride lot as a parking structure. The Council further finds that the 2008 findings addressing impacts associated with these park-and-ride lots may be outdated since they will have smaller capacities. In these regards, these 2013 findings supersede the 2008 findings for the Portland to Milwaukie Project.

With these amendments, the council finds that the 2008 LUFO conforms with the FFGA for the Portland to Milwaukie Project.

2008 South/North Land Use Final Order Amendment

**South Corridor Project
Portland-Milwaukie Segment**

Adopted by the Metro Council

July 24, 2008

**Amended May 16, 2013 to Conform to the
Full Funding Grant Agreement**

On July 24, 2008, the Metro Council adopted Resolution No. 08-3964, adopting a Land Use Final Order (LUFO) for the Portland-Milwaukie Segment of the South/North Light Rail Project. On May 22, 2012, the Federal Transit Administration and TriMet executed a Full Funding Grant Agreement (FFGA) for this Project.

Oregon Laws 1996 (Special Session), Chapter 12, Section 12, provides that upon execution of a FFGA, the Metro Council “shall amend the land use final order to be consistent with the terms and conditions of the Full Funding Grant Agreement.” Section 12 further provides that an amendment to ensure consistency with an executed FFGA “shall be considered technical and environmental and shall not be subject to judicial or administrative review.”

The Metro Council hereby adopts this 2013 South/North LUFO Amendment for the Portland-Milwaukie Project by Resolution No. 13-4433. The Metro Council adopts this amendment solely for the purpose of conforming the 2008 LUFO to the 2012 FFGA. The 2008 LUFO is set out in full below, including all conforming amendments to the text, maps, and figures.

1. Introduction

This document constitutes a Land Use Final Order (LUFO) for the South/North Light Rail Project (South/North Project), in accordance with Oregon Laws 1996, Chapter 12 (House Bill 3478). The 2008 South/North LUFO Amendment is the fourth in a series of LUFOs adopted by the Metro Council that established or amended the light rail route, stations, park-and-ride lots and maintenance facilities, and the highway improvements for the South/North Project, including their locations. The three 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 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 original 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 Grant Agreement approved by the Federal Transit Administration.

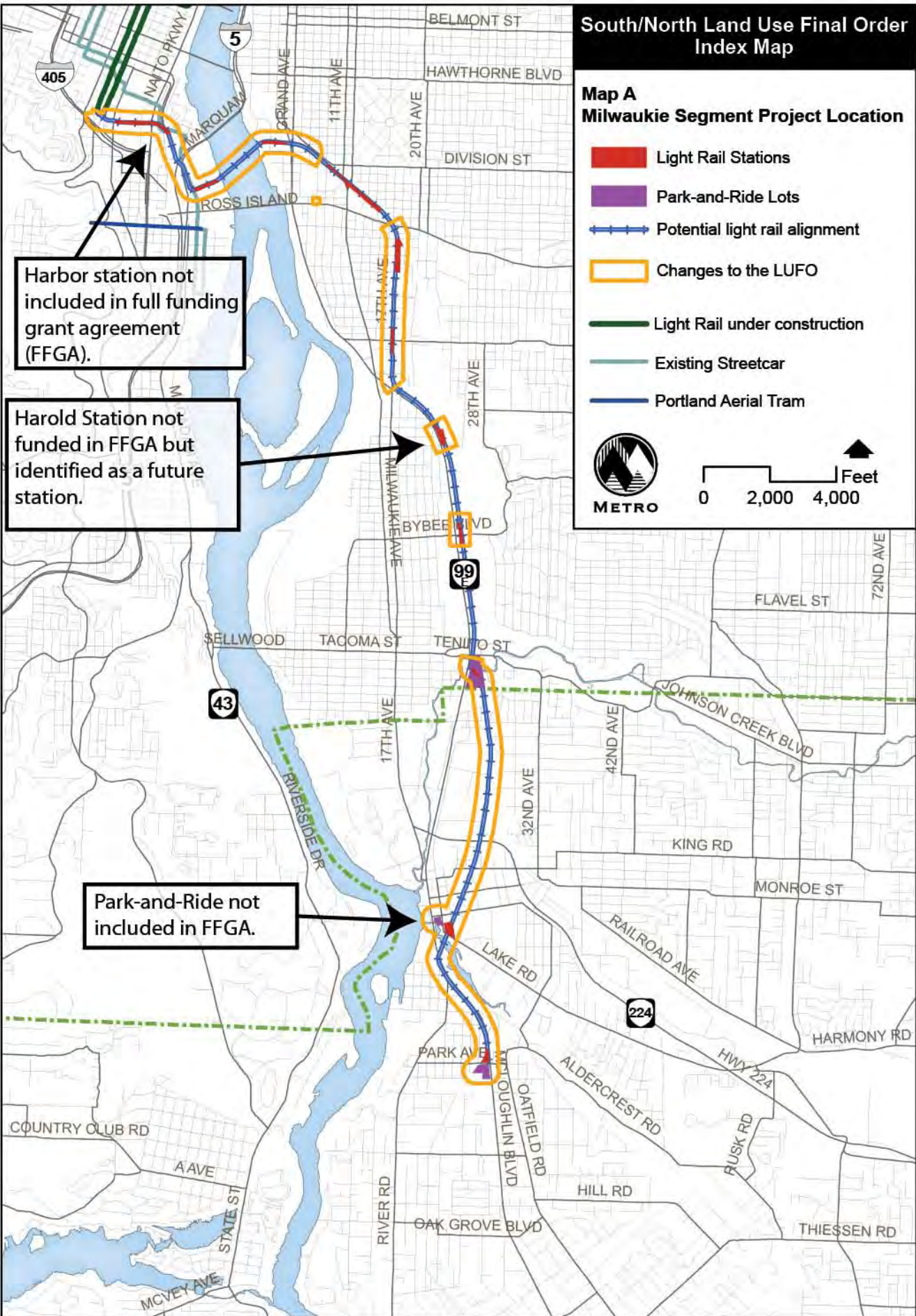
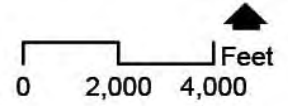
This 2008 South/North LUFO Amendment amends the 1998 and 2004 LUFOs as they relate to the segment of the South/North Project extending from PSU in downtown Portland through SE Portland and downtown Milwaukie to SE Park Avenue in unincorporated Clackamas County (Portland-Milwaukie Segment). Among other things, this amendment realigns the light rail route between PSU and SE 7th Avenue; establishes the route from SE Tacoma Street to SE Park Avenue; relocates light rail stations or authorizes new stations along the light rail route; and establishes the park-and-ride lots and highway improvements for this segment. *See* Map A.

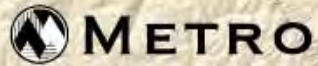
This 2008 LUFO also expands the Ruby Junction Maintenance Facility along NW Eleven Mile Avenue in Gresham to allow for the maintenance of additional LRT vehicles that will be associated with the Portland-Milwaukie Segment. *See* Map B.

South/North Land Use Final Order Index Map

Map A Milwaukie Segment Project Location

- Light Rail Stations
- Park-and-Ride Lots
- Potential light rail alignment
- Changes to the LUFO
- Light Rail under construction
- Existing Streetcar
- Portland Aerial Tram





South/North Land Use Final Order Regional Index Map

Map B Regional Setting

- High Capacity Transit**
- Existing MAX
 - WES Commuter Rail
 - Portland Streetcar
 - Portland Aerial Tram

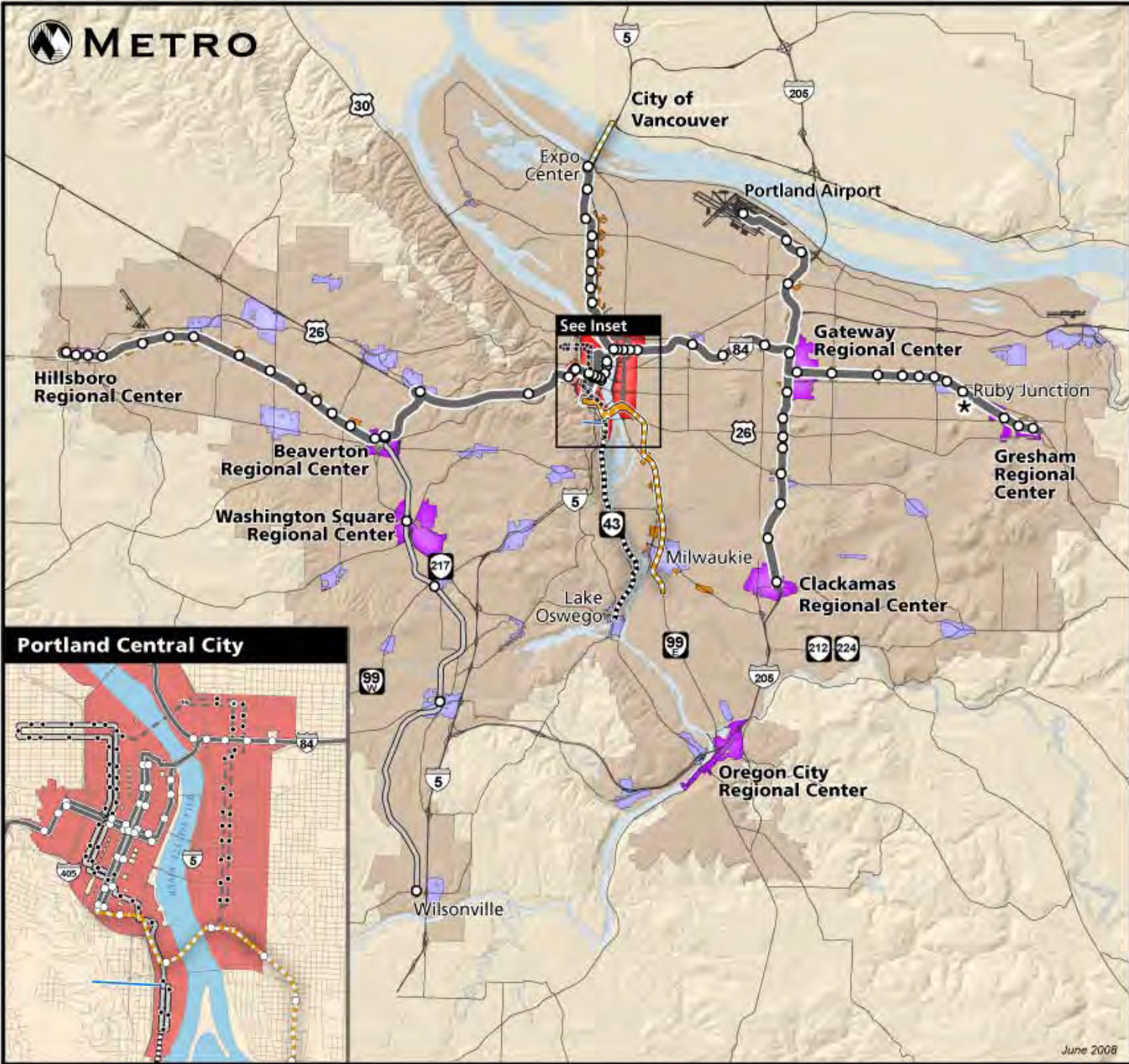
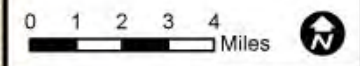
Proposed or Planned Transit Projects

- Columbia River Crossing
- Portland-Milwaukie
- Lake Oswego to Portland
- Portland Streetcar Loop Project

2040 Growth Concept

- Central City
- Regional Center
- Town Center
- Station Community
- Station Community Core
- Urban Growth Boundary

* Ruby Junction is an operations and maintenance facility located in the City of Gresham near SE 199th Avenue and SE Burnside Street.



June 2008

2. Requirements of House Bill 3478

Chapter 12 of the 1996 Oregon Laws (House Bill 3478) provides procedures for siting the South/North light rail route and associated light rail and highway facilities. In brief, it provides a set of regulations for making and for appealing land use decisions related to the South/North Project. The law includes a provision directing the Land Conservation and Development Commission 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 hearing; and procedures for appeal.

Pursuant to House Bill 3478, upon application by TriMet and following a public hearing held on July 24, 2008, 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 2008 South/North LUFO Amendment for the Project by Resolution No. 08-3964.

3. Establishment of Light Rail Routes, Stations, Park-and-Ride Lots, Maintenance Facilities and Highway Improvements, Including their locations.

The Metro Council approves the light rail route, stations, lots, and maintenance facilities and highway improvements identified textually below and illustrated in the location boundary maps that follow. These light rail facilities and highway improvements and their location boundaries are identical to those for which TriMet requested Metro Council approval, and identical to those that the LUFO Steering Committee recommended to TriMet.

The LUFO boundary maps contained in this order are printed from a regional geographic information system database (Metro's *Regional Land Information System*, RLIS). The maps illustrate the adopted boundaries at an approximate scale of one inch equals 500 feet. The boundaries shown on these maps represent the areas within which the light rail facilities and highway improvements may be located. The maps include year 2007 aerial photographs with existing property lines added to provide orientation and illustrate project facility locations, to the extent that they have been determined.

The final location of the light rail facilities, as constructed, may be anywhere within the boundaries found on the LUFO maps. For example, along the Portland-Milwaukie Segment, the track alignment and most of the stations and park-and-ride lots have been approved and illustrated in the Locally Preferred Alternative (LPA). However, preliminary and final engineering have not been completed. Some variations from the illustrations in the LPA 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, stations, etc. The facilities may be constructed anywhere within the locations shown on the attached maps and be consistent with this LUFO.

3.1 Portland-Milwaukie Light Rail and Highway Improvements.

The 1998 LUFO established a light rail alignment that included a segment extending from downtown Portland to downtown Milwaukie and beyond to Clackamas Regional Center. The 2004 LUFO deleted the section from Milwaukie to Clackamas Regional Center and changed the existing downtown Portland to Milwaukie LUFO alignment by (1) establishing a study area for a possible light rail alignment from the downtown Portland Transit Mall at SW Lincoln Street and SW 5th Avenue eastward along SW Lincoln Street to I-5; (2) revising the light rail route and station locations from SE Powell Boulevard south to SE McLoughlin Boulevard, changing the alignment from SE 18th Avenue to SE 17th Avenue; (3) designating a study area for a light rail alignment and potential station and park-and-ride lot facilities south of SE Tacoma Street and generally north of Highway 224 between SE McLoughlin Boulevard and the Tillamook Branch railroad line; and (4) designating a study area at the SE Lake Road terminus south of SE Washington Street in Milwaukie and north and northeast of SE McLoughlin Boulevard.

This 2008 LUFO further modifies the 1998 and 2004 LUFOs by:

- 1) relocating the route southbound between PSU and the Willamette River along SW Lincoln Street and then into the South Waterfront district in the vicinity of SW Harbor Drive and SW Moody Avenue to a new Willamette River bridge crossing north of the Ross Island Bridge at approximately SW Porter Avenue, and establishing new light rail station locations along this alignment;
- 2) adding highway improvements associated with a new transitway extending from approximately SW 1st Avenue across the new light rail transit bridge to approximately SE 8th Avenue and SE Division Place, which would accommodate buses, light rail vehicles, streetcars, bicycles and pedestrians;
- 3) realigning the route between the east bank of the Willamette River at SE Sherman Street and SE 7th Avenue at SE Caruthers Street, relocating the OMSI station, and adding highway improvements associated with the new transitway;
- 4) widening the alignment boundary along SE 17th Avenue;
- 5) expanding the SE Bybee Boulevard station to include bus pullouts on SE Bybee Boulevard and authorizing a future station near SE Harold Street along SE McLoughlin Boulevard;
- 6) establishing the route and station location and authorizing a park-and-ride lot for the area south of SE Tacoma Street and north of State Highway 224;
- 7) establishing the route and station location in downtown Milwaukie between Highway 224 and SE McLoughlin Boulevard; and

8) extending the route southward to a new terminus station and park-and-ride lot in the vicinity of SE Park Avenue in Clackamas County.

For the convenience of the reader and to maintain consistency with the 1998 LUFO, this 2008 LUFO divides the Portland-Milwaukie Segment into three sections: (1) South Willamette River Crossing; (2) McLoughlin Boulevard; and (3) Milwaukie Town Center (formerly Milwaukie Regional Center). With these amendments, the light rail route, stations, lots, maintenance facilities and highway improvements comprising the Portland-Milwaukie Segment are as follows:

South Willamette River Crossing Section

The South Willamette River Crossing Section extends from the Jackson Street LRT stations near Portland State University to the intersection of SE 17th Avenue and SE McLoughlin Boulevard.

From the Jackson Street LRT stations on SW 5th and 6th Avenues, the LRT alignment leaves Portland towards Milwaukie along SW Lincoln Street, across SW 1st Avenue and SW Naito Parkway, over SW Harbor Drive and under the I-5/I-405/Marquam Bridge ramps to a location west of SW Moody Avenue at approximately SW Porter Street. Short of reaching the Ross Island Bridge, the alignment curves eastward to cross the Willamette River on a new bridge. The alignment crosses the east bank of the Willamette River at SE Sherman Street and then continues eastward primarily along SE Sherman Street to the intersection of SE 7th Avenue and SE Caruthers Street, where it rejoins the 1998 LUFO alignment and continues southeast to SE Powell Boulevard.

South of SE Powell Boulevard, the LRT alignment follows SE 17th Avenue to SE McLoughlin Boulevard, as approved in the 2004 LUFO amendments. In this segment, the alignment boundary is widened so that the SE 17th Avenue right-of-way remains wide enough to accommodate bicycle lanes and freight movements.

West of the Willamette River, light rail stations are located between approximately SW 2nd and 3rd avenues on SW Lincoln Street and between SW Moody Avenue and the Willamette River. East of the Willamette River, the OMSI station identified in the 1998 LUFO is relocated to SE Sherman Street west of SE Water Avenue. The locations previously approved for the SE Clinton Street station in the 1998 LUFO, and for the SE Rhine and SE Holgate Street stations along SE 17th Avenue in the 2004 LUFO amendments, are unchanged.

There are no park-and-ride lots or maintenance facilities in the Willamette River Crossing section. However, there are three new highway improvements: (1) A transitway extending from approximately SW 1st Avenue across the new bridge to approximately SE 8th Avenue and SE Division Place, that will accommodate buses, light rail vehicles, streetcars, bicycles and pedestrians; (2) transitway-related improvements on SE 8th Avenue between SE Powell Boulevard and SE Woodward Street, including roadway

widening for a turn lane and transit-only signalization; and (3) modifications to SW Moody Avenue between approximately the Marquam Bridge and the Ross Island Bridge.

The boundaries of these light rail facilities and highway improvements are illustrated in attached *Figures 1.1 through 1.4*.



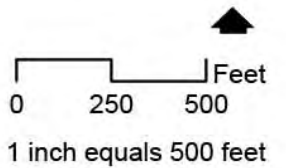
South/North Land Use Final Order Amendment Boundary Map

Figure 1.1

Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform
- Highway Improvement





Note: The guideway between SW 1st Avenue and SE 8th Avenue/SE Division Place will provide bus access and is considered a highway improvement along the light rail route. April 2013






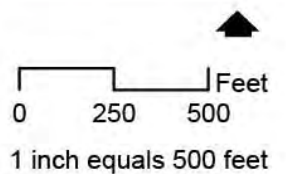
South/North Land Use Final Order Amendment Boundary Map

Figure 1.2

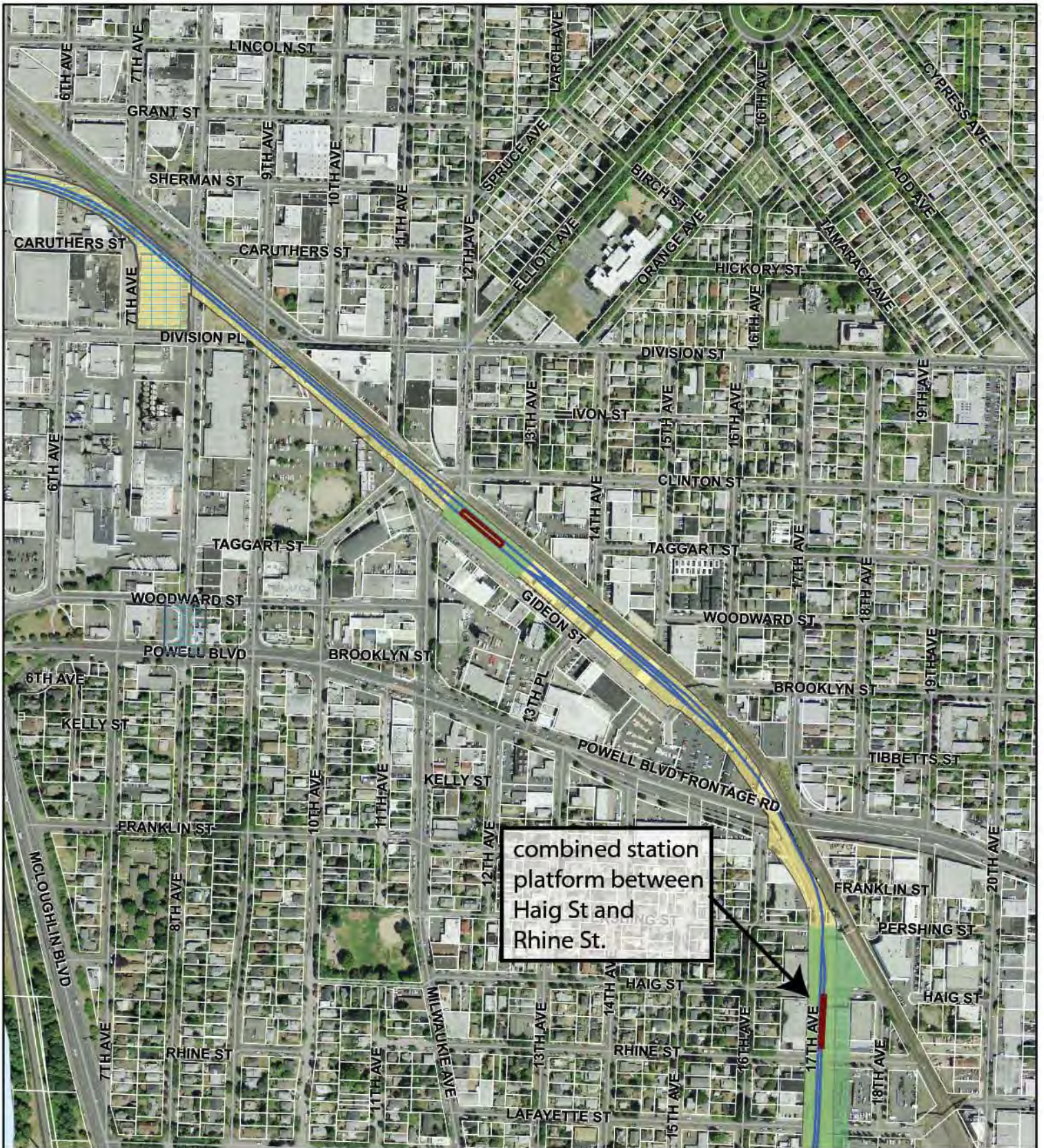
Portland-Milwaukie Light Rail Project

-  Light Rail Route
-  Light Rail Stations
-  Park-and-Ride Lots

-  Potential Alignment
-  Potential Station Platform
-  Highway Improvement



Note: The guideway between SW 1st Avenue and SE 8th Avenue/SE Division Place will provide bus access and is considered a highway improvement along the light rail route. April 2013



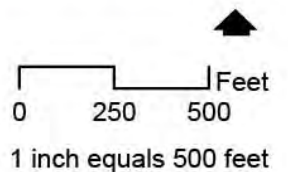
South/North Land Use Final Order Amendment Boundary Map

Figure 1.3

Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform
- Highway Improvement



Note: The guideway between SW 1st Avenue and SE 8th Avenue/SE Division Place will provide bus access and is considered a highway improvement along the light rail route. April 2013



combined station platform between Mall St and Holgate Blvd.

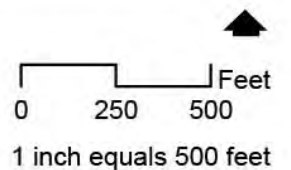
South/North Land Use Final Order Amendment Boundary Map

Figure 1.4

Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform



McLoughlin Boulevard Section

The McLoughlin Boulevard section extends along SE McLoughlin Boulevard from SE 17th Avenue to SE Tacoma Street.

No changes are made to the light rail route along SE McLoughlin Boulevard as established in the 1998 LUFO and amended in part in the 2004 LUFO. From SE 17th Avenue to SE Tacoma Street, the route continues southward along the east side of SE McLoughlin Boulevard between SE McLoughlin Boulevard and the Union Pacific Railroad tracks.

There is a future LRT station along SE McLoughlin Boulevard near SE Harold Street. Also, the Bybee Boulevard LRT station boundary is expanded to provide for bus pullouts on SE Bybee Boulevard.

There are no park-and-ride lots, maintenance facilities or highway improvements in the McLoughlin Boulevard section.

The boundaries of these light rail facilities are illustrated in attached *Figures 1.4 through 1.6*.



Harold Station not funded in FFGA but identified as a future station.

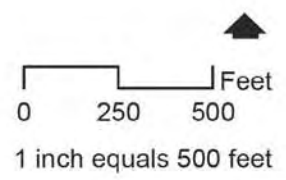
South/North Land Use Final Order Amendment Boundary Map

Figure 1.5

Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform





South/North Land Use Final Order Amendment Boundary Map

Figure 1.6

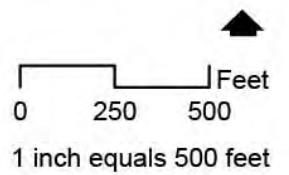
Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform



METRO



Milwaukie Town Center Section

The Milwaukie Town Center Section extends from SE Tacoma Street through downtown Milwaukie to SE Park Avenue in Clackamas County. In the 2004 LUFO, this entire section was identified as a study area.

A short distance south of SE Tacoma Street, the route curves south and east from SE McLoughlin Boulevard to the west side of the UP Main Line, where it heads southward under the Springwater Trail bridge and then onto an elevated structure which extends over the Portland and Western railroad tracks and associated spur tracks before returning to grade level on the east side of the Portland and Western railroad tracks north of Highway 224. From here, the alignment continues southward under Highway 224 and into downtown Milwaukie along the east side of the railroad right of way to Kellogg Lake. The alignment crosses over Kellogg Lake and then crosses SE McLoughlin Boulevard on an elevated structure. West of SE McLoughlin Boulevard, the alignment curves towards the southeast and parallels SE McLoughlin Boulevard to its terminus at SE Park Avenue.

Stations along this section are located south of SE Tacoma Street, in the vicinity of SE Lake Road, and near SE Park Avenue. Park-and-ride lots in this section are located south of SE Tacoma Street and near SE Park Avenue.

No maintenance facilities or highway improvements are proposed for this section.

The boundaries of these light rail facilities are illustrated in attached *Figures 1.6 through 1.9*.



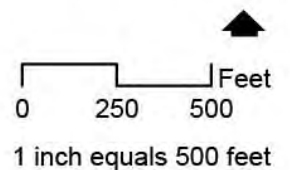
South/North Land Use Final Order Amendment Boundary Map

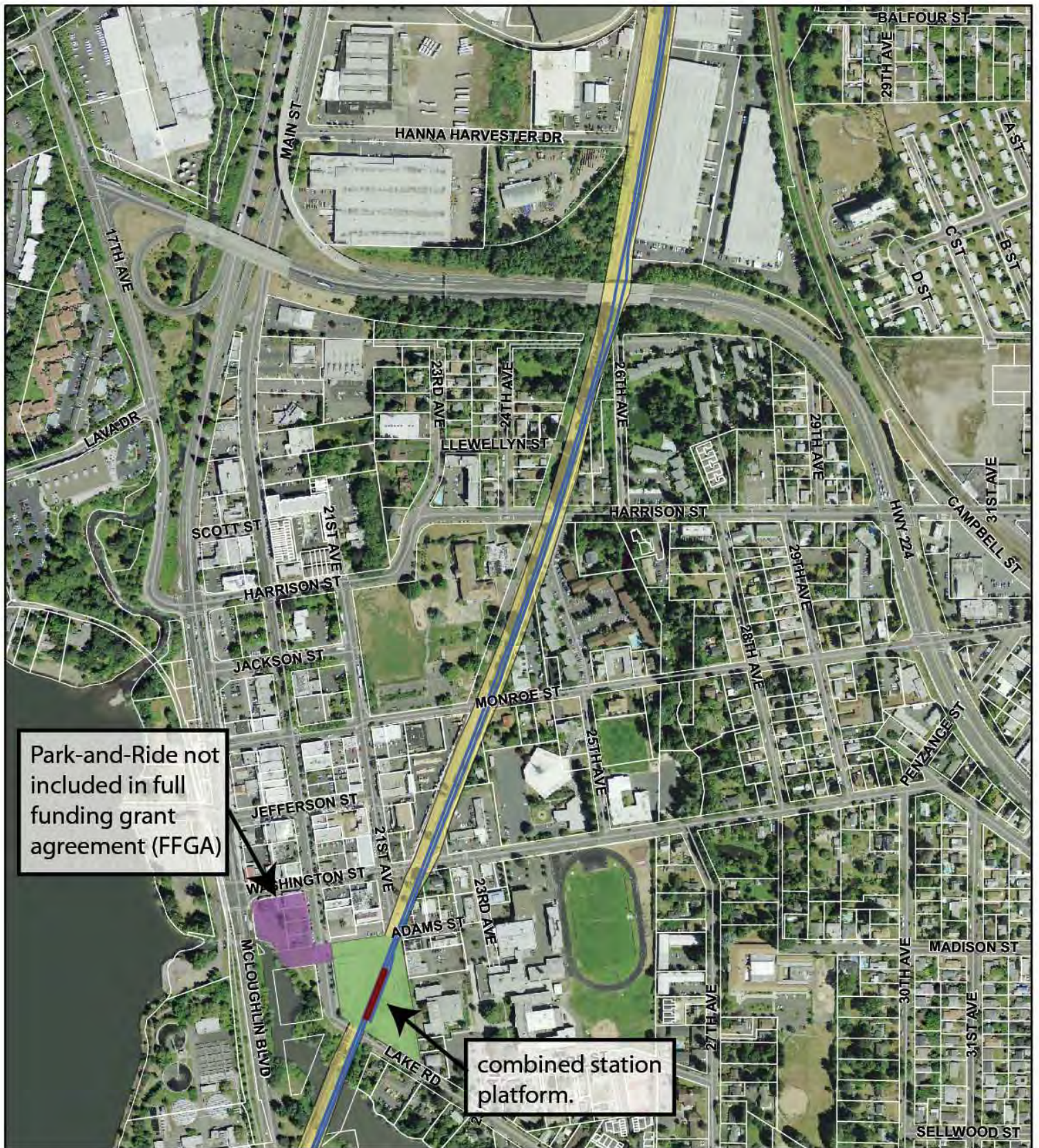
Figure 1.7

Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform





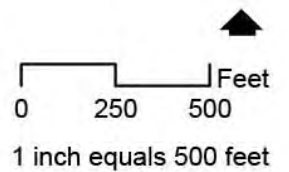
South/North Land Use Final Order Amendment Boundary Map

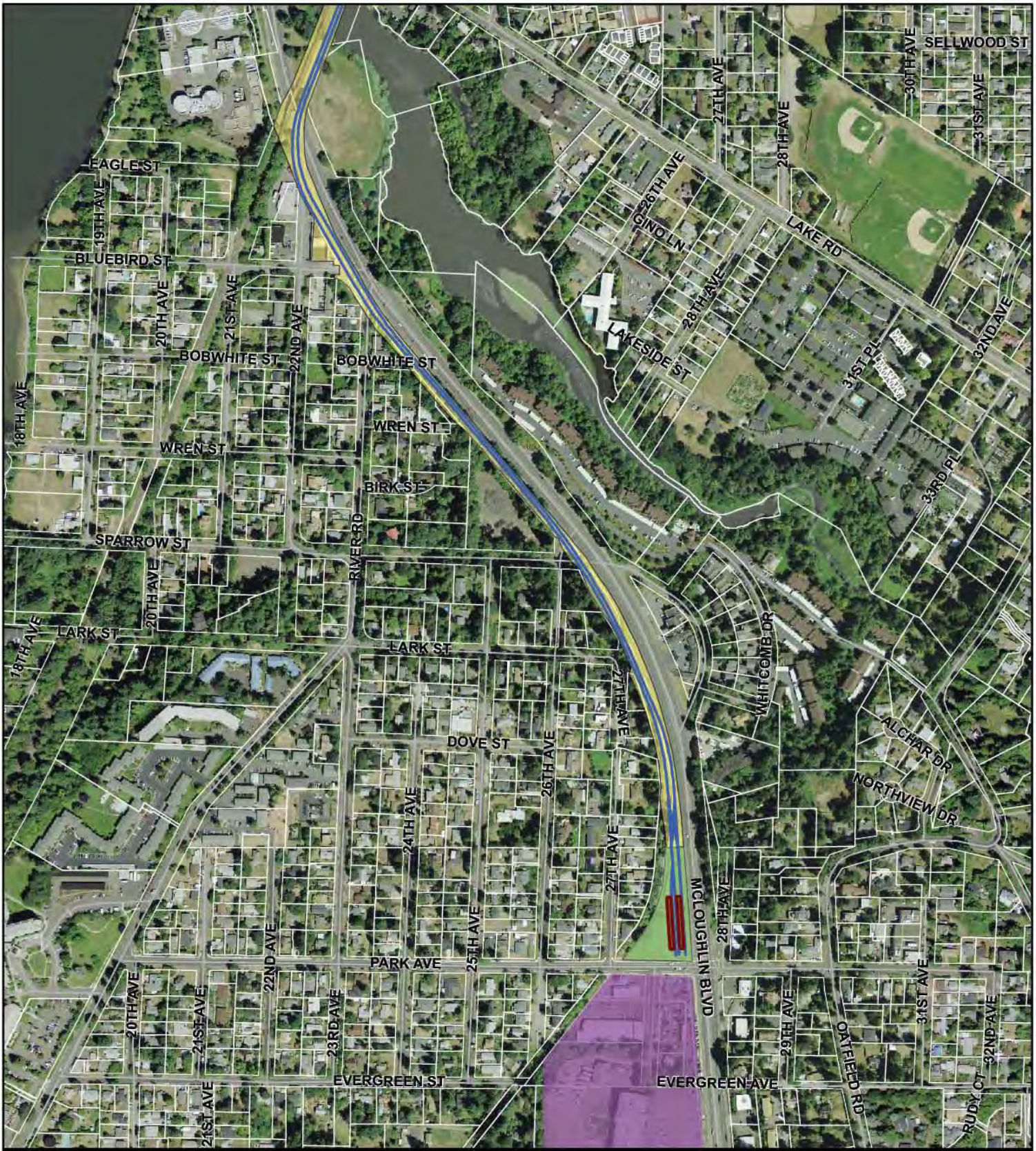
Figure 1.8

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

Portland-Milwaukie Light Rail Project

- Potential Alignment
- Potential Station Platform





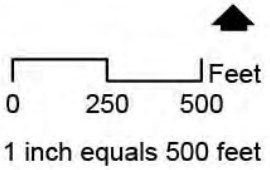
South/North Land Use Final Order Amendment Boundary Map

Figure 1.9

Portland-Milwaukie Light Rail Project

- Light Rail Route
- Light Rail Stations
- Park-and-Ride Lots

- Potential Alignment
- Potential Station Platform



3.2 Ruby Junction Maintenance Facility

The Ruby Junction Maintenance Facility along NW Eleven Mile Avenue in Gresham was first authorized in 1980, when TriMet approved the original light rail route serving the Portland metropolitan area between Portland and Gresham. The facility includes light rail tracks, vehicle storage spaces and maintenance bays, an operation center, and related facilities necessary to maintain light rail vehicles.

This 2008 LUFO authorizes the modification and expansion of the Ruby Junction Maintenance Facility to accommodate and serve additional light rail vehicles associated with the Portland-Milwaukie Segment. The expansion includes additional tracks, light rail vehicle storage spaces and maintenance bays and a new operations center. The improvements are identified for construction in two phases.

The boundaries within which the above-described maintenance facilities may be located are as illustrated in attached *Figure 2-1*.

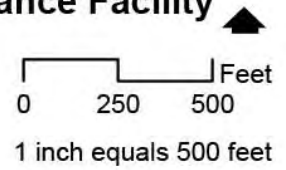


South/North Land Use Final Order Amendment Boundary Map

Figure 2.1

Ruby Junction Operations and Maintenance Facility

- Existing O&M
- Potential O&M expansion
- Potential Alignment
- Potential Station Platform
- Existing Light Rail



4. Interpretation of Terms

As it did in the 1998, 1999 and 2004 LUFOs, the Metro Council interprets the terms "light rail route", "stations", "lots", "maintenance facilities" and "highway improvements" 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 these previous 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 South/North 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 South/North 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, the Metro Council determines that these actions, facilities or improvements are integral and necessary parts of the South/North Project.

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 South/North 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

The Oregon Land Conservation and Development Commission, as required by Section 4 of Chapter 12, 1996 Oregon Laws, adopted land use final order criteria on May 30, 1996. These criteria are to be used by the Metro 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 extension, including their locations." Compliance with these criteria must be demonstrated.

Procedural LUFO 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 LUFO Criteria

3. Identify adverse economic, social and traffic impacts on affected residential, commercial and industrial neighborhoods and mixed use centers. Identify measures to reduce 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:
 - i. the need for light rail proximity and service to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership;
 - ii. the likely contribution of light rail proximity and service to the development of an efficient and compact urban form; and
 - iii. the need to protect affected neighborhoods from the identified adverse impacts.
 - B. Provide for associated highway improvements, including their locations, balancing:
 - i. the need to improve the highway system with
 - ii. the need to protect affected neighborhoods from the identified adverse impacts.
4. Identify adverse noise impacts and identify measures to reduce noise impacts which could be imposed as conditions of approval during the NEPA process, or if reasonable and necessary, by affected local governments during the permitting process.
5. Identify affected landslide areas, areas of severe erosion potential, areas subject to earthquake damage and lands within the 100-year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed during the NEPA process or , if reasonable and necessary, by local governments during the permitting process.
6. Identify adverse impacts on significant fish and wildlife, scenic and open space, riparian, wetland and park and recreational areas, including the Willamette River Greenway, that are protected in acknowledged local comprehensive plans. Where adverse impacts cannot practicably be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during the NEPA process, or if reasonable and necessary, by local governments during the permitting process.
7. Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal

and protect water quality which could be imposed as conditions of approval during the NEPA process or, if reasonable and necessary, by local governments during the permitting process.

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

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.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO.13-4433, FOR THE PURPOSE OF ADOPTING TECHNICAL AMENDMENTS TO THE 2008 SOUTH/NORTH LAND USE FINAL ORDER AMENDMENT IN CONFORMANCE WITH THE FULL FUNDING GRANT AGREEMENT EXECUTED BY TRIMET AND THE FEDERAL TRANSIT ADMINISTRATION

Date: May 7, 2013

Prepared by: Roger Alfred

BACKGROUND

In 2008, the Metro Council adopted Resolution No. 08-3964, which adopted a Land Use Final Order (LUFO) for the Portland to Milwaukie segment of the South/North Light Rail Project. The 2008 LUFO established the light rail alignment and identified the location of light rail stations, park and ride lots and maintenance facilities.

In 2012, TriMet and the Federal Transit Administration entered into a Full Funding Grant Agreement (FFGA) for the Portland-Milwaukie light rail transit project, which awards federal financial assistance to TriMet consistent with the terms of that agreement. The FFGA and the 2008 LUFO include some minor inconsistencies regarding the specific locations of certain stations, park and ride lots, and other facilities.

The Oregon statute governing the South/North Light Rail Project provides that upon execution of the FFGA, the Metro Council “shall amend the land use final order to be consistent with the terms and conditions of the Full Funding Grant Agreement.” Section 12 further provides that an amendment to ensure consistency with an executed FFGA “shall be considered technical and environmental and shall not be subject to judicial or administrative review.” Oregon Laws 1996, Chapter 12, Section 12.

The following text and map amendments to the 2008 LUFO are necessary in order to conform the 2008 LUFO to the FFGA, as required by Oregon law:

1. Show the station platform between SW 4th Avenue and SW Naito Parkway as a combined platform.
2. Delete the Harbor Drive station.
3. Show a single station platform between SE Haig Street and SE Rhine Street.
4. Show a single station platform at the SE Holgate station.
5. Identify the Harold Street station as a future station.
6. Delete the downtown Milwaukie park-and-ride lot near SE Lake Road.
7. Identify Ruby Junction Maintenance Facility expansion as being constructed in two phases.

The necessary text and map amendments are described in the supplemental findings attached as Exhibit A to Resolution 13-4433. The amendments are incorporated into the 2008 LUFO and attached as Exhibit B to the Resolution for adoption by the Metro Council.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** Oregon Laws 1996, Chapter 12, which establishes procedures for siting the South/North Light Rail Project through adoption by the Metro Council of a LUFO following application by TriMet.

Metro Council Resolution No. 98-2673, For the Purpose of Adopting the Land Use Final Order Establishing the Light Rail Route, Stations, Lots and Maintenance Facilities and the Related Highway Improvements For the South/North Light Rail Project.

Metro Council Resolution No. 99-2853A, For the Purpose of Adopting a Land Use Final Order Amending the Light Rail Route, Light Rail Stations, and Park-and-Ride Lots, Including Their Locations, For That Portion of the South/North Light Rail Project Extending From the Steel Bridge to the Exposition Center.

Metro Council Resolution No. 03-3372, For the Purpose of Amending the South/North Land Use Final Order, to Include the Two Phases of the South Corridor Project Consisting of the Addition of the I-205 Light Rail Transit Project From Gateway to Clackamas Regional Center with the Downtown Portland Transit Mall Alignment, and Modification of the Proposed Light Rail Between Downtown Portland and Milwaukie, Deletion of Plans to Extend Light Rail from Milwaukie to Clackamas Regional Center, and to Reflect the Final Interstate Max Design.

Metro Council Resolution No. 08-3959, For the Purpose of Approving the 2008 Portland-Milwaukie Light Rail Project Locally Preferred Alternative and Finding Consistency with the Metro 2035 Regional Transportation Plan.

3. Anticipated Effects None

4. Budget Impacts None

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 13-4433.