

BEFORE THE METRO COUNCIL

A RESOLUTION URGING ADOPTION OF) RESOLUTION NO. 93-1773A
INTERIM LIGHT RAIL STATION)
OVERLAY ZONE) Introduced by Metro Council
) Planning Committee

WHEREAS, State, regional, and federal funds have been combined for a \$900 million public investment in the Westside Light Rail Transit (LRT) Project; and

WHEREAS, The Regional Transportation Plan approved by JPACT has established the Westside LRT Project as the region's "number one" transportation priority since 1983; and

WHEREAS, Designs of LRT stations from Portland west to Tektronix in Beaverton are scheduled to be completed in 1993 and the rest of the stations west of Beaverton by 1994; and

WHEREAS, Construction on some or all LRT stations west to Tektronix in Beaverton may be under construction in 1993; and

WHEREAS, Metro has approved \$1 million for the first year of a two-year \$2.5 million Station Area Planning program for local governments to review the comprehensive plans and zoning in the 1/2 mile areas around LRT stations; and

WHEREAS, Each LRT station represents (1) a multi-million dollar public investment, (2) an opportunity area for increasing transit ridership, (3) an area for demonstrating reduction of Vehicle Miles Traveled (VMT) per capita as required for the Regional Transportation System Plan by May 1995, and (4) an important aspect of urban form for Region 2040; and

WHEREAS, Washington County has led a group of city, county, Metro, and Tri-Met staff to develop a detailed draft Interim Overlay Ordinance by September 1992; and

WHEREAS, Washington County, in October of 1992, postponed consideration of that Ordinance until March 1993 at the request of Tektronix and Tri-Met; and

WHEREAS, One development application for an auto-dependent use that would have been prohibited if the draft Interim Ordinance was in effect has already been filed adjacent to a LRT Station; and

WHEREAS, Simplification amendments to the 1992 draft Interim Ordinance are being prepared to avoid over-regulation in the Interim; and

WHEREAS, It is anticipated that Metro would be asked to address interim regulation in the absence of local adoption of interim ordinances; now, therefore,

BE IT RESOLVED,

That Metro urges Washington County to continue its leadership in the development of appropriate interim rules to protect the immediate areas around Westside Light Rail Transit stations by adopting an Interim Overlay Zone Ordinance in its Spring 1993 consideration of Code amendments.

ADOPTED by the Metro Council this 25th day of February, 1993.



Judy Wyers, Presiding Officer

Gail R.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 23, 1993

To: Andy Cotugno, Planning Director

From: *lll* Larry Shaw, Senior Assistant Counsel

Regarding: **INTERIM LRT STATION OVERLAY ORDINANCE**
Our file: 10.§14.C

Introduction

In October 1992, Washington County considered and postponed until March 1993 a draft ordinance to protect the 1/2 mile area around its Westside LRT stations. A county hearing is scheduled March 9 on that initial draft ordinance, objected to by developers. County staff anticipated on February 18 that it will be referred to a July reconsideration at the March 9 hearing. This memo analyzes the need for Metro persuasive action now to avoid regulatory reaction later.

Interim Problem

Hillsboro is still considering a permit application for a new auto-dependent Parr lumber warehouse and sales building adjacent to the 185th LRT Station preliminary design. It proposes to use the same access road west of 185th that is currently designed for the 185th LRT Station and its 500-700 parking spaces for transit riders. It may attract additional auto and truck traffic that will interfere with transit riders access, as well as use up extremely valuable land that could be used for transit-supportive uses that would add transit ridership.

The draft Interim Ordinance is an overlay zone that does not permanently change existing zoning. It currently would prohibit conflicting uses like Parr's sales/warehouse. The Ordinance has prohibited uses, parking standards, design standards, and minimum densities to assure transit-supportive uses around the public's multi-million dollar investment in LRT stations. It is, technically, a very good product and it is detailed.

The "interim" period has already started because designs of LRT stations are known to landowner/developers. Outdated zoning that did not anticipate light rail makes many transit conflicting uses permitted outright. Any permanent amendments to comprehensive plans and zoning will not be completed until the end of Station Area Planning, two years from now. During that time, without an Interim Ordinance, any number of lumber yards, drive-throughs, auto service shops, COSTCO, or Incredible Universe auto attracters might be

Andy Cotugno
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approvable under current zoning. Each such approval reduces the ability to maximize the region and the state's investment in transit use by complementary land use. This affects Metro's interests in Westside transit success, reduction of VMT in the 1995 TSP, and reduces options to accommodate growth pressure inside the UGB.

Station Designs

Tri-Met is completing designs of LRT stations from Portland to Murray Road. The current schedule is beginning some construction of those stations in 1993. There have been controversial designs in this process at Sunset Transit Center (Peterkort property) and at Tek. The initial design at Sunset Transit Center has been redone to enhance pedestrian access from Peterkort property development north of the station.

Station Area Planning

Last Thursday, the Council approved \$1 million, two-thirds from state and regional ISTEPA funds, for the first year of a \$2.5 million, two-year program. The detailed workplan is yet to be completed. But, the program is to review all Westside LRT station area comprehensive plans and zoning. This two-year effort will be affected by 2040 Phase II urban form, May 1994 urban reserves decisions, and LRT station designs.

Planning Directors Meetings

Washington County staff convened highly productive meetings of cities, Tri-Met, and Metro staff in the summer of 1992 that produced the draft Interim Ordinance. That group met February 18 for the first time since last fall. Except for Washington County equivocation, all agreed that some Interim Ordinance is needed, but a simpler ordinance than the 1992 draft that can be passed as soon as possible.

There is another staff level meeting March 2, prior to Washington County's March 9 meeting, to review possible amendments to the 1992 draft.

Metro Position - Supports Some Interim Ordinance

Your letter stated to Washington County Metro support for some form of the 1992 draft Ordinance to protect station areas. Another letter requested that the county continue to prioritize this issue. On March 9, testimony in person seems to be necessary if Metro desires to even attempt convincing Washington County to continue consideration of the politically-difficult Interim Ordinance. If you recommend that the Executive Officer and Council participate, they may need to consider this issue immediately.

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Possible Metro Response to Inaction

If the county, Beaverton, and Hillsboro do not act on an Interim Ordinance, additional auto-dependent use applications, like Parr, will be filed. At some point, Metro may be asked to consider its own regulatory action to protect station areas. In addition to millions at each station, \$2.5 million in public funds is being expended to update comprehensive plan and zoning designations. Metro does have the authority to amend the RTP to require local governments to amend comprehensive plans to accomplish the goals of the draft Interim Ordinance. Obviously, an RTP amendment must be reviewed by RPAC or MPAC prior to adoption. The reaction to a Metro regulatory action, especially one containing an early time for adoption, may be appealed to LUBA and affect all local government relations.

Conclusions

Current indications are that Washington County, the "leader" on an Interim Ordinance, may postpone its consideration, again. Some attempt will be made at a staff level to suggest simplification of the Interim Ordinance by the county's March 9 hearing. Some Metro position, even if only a staff position, on the Interim Ordinance needs to be presented at the March 9 hearing. If no Interim Ordinance is adopted, more Parr-type development applications will occur. Metro's Station Area Planning, the RTP light rail and VMT reduction goals, and 2040 urban form will be affected by the lack of interim regulation for two more years.

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cc: Metro Councilors
Rena Cusma
Daniel B. Cooper
John Fregonese

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WHEREAS, Washington County has led a group of city, county, Metro, and Tri-Met staff to develop a detailed draft Interim Overlay Ordinance by September 1992; and

WHEREAS, Washington County, in October of 1992, postponed consideration of that Ordinance until March 1993 at the request of Tektronix and Tri-Met; and

WHEREAS, One development application for an auto-dependent use that would be prohibited by the Interim Ordinance has already been filed adjacent to the 185th Street LRT Station; and

WHEREAS, Simplification amendments to the 1992 draft Interim Ordinance are being

prepared to avoid over-regulation in the Interim; and

WHEREAS, It is anticipated that Metro would be asked to address interim regulation in the absence of local adoption of interim ordinances; now, therefore,

BE IT RESOLVED,

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ADOPTED by the Metro Council this _____ day of _____, 1993.

Judy Wyers, Presiding Officer

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PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1773, URGING ADOPTION OF INTERIM LIGHT RAIL STATION OVERLAY ZONE

Date: February 25, 1993

Presented by: Councilor Devlin

Committee Recommendation: At the February 23 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1733. Voting in favor: Councilors Van Bergen, Kvistad, Devlin, Gates, Monroe, and Moore.

Committee Issues/Discussion: Larry Shaw, Senior Assistant Counsel, reviewed his February 23, 1993 memorandum (attached) detailing the current situation in Washington County relative to a draft ordinance providing protection of the one-half mile area around their Westside Light Rail Transit (LRT) stations. The County originally considered the draft ordinance in October, 1992 but postponed further consideration until March, 1993. County staff now anticipate that at the March meeting, the draft will be referred to a July reconsideration.

The draft interim ordinance is an overlay zone that does not permanently change existing zoning in the areas. It would prohibit conflicting uses like the Parr lumber warehouse and sales building being considered by the City of Hillsboro. The detailed technical ordinance has prohibited uses, parking standards, design standards, and minimum densities designed to assure transit-supportive uses around the LRT stations.

The problem arises if Washington County postpones its consideration again. Without the interim ordinance, additional auto-dependent use applications (e.g. COSTCO; Incredible Universe) may be filed and approved. This impacts Metro's Station Area Planning, the Regional Transportation light rail and vehicle mile travelled reduction goals, and the 2040 urban form.

This resolution adds Metro's voice to those urging the County to adopt an Interim Overlay Zone Ordinance during its Spring 1993 consideration of Code amendments and thereby lead the area in development of appropriate interim rules protecting the one-half mile radius around the Westside Light Rail Transit stations.