

MINUTES OF THE METRO COUNCIL MEETING

July 23, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Ed Washington, Don Morissette, Patricia McCaig, Susan McLain, Rod Monroe

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Henry Kane, 12077 SW Camden Lane Beaverton, OR 97008 called the councilors attention to the situation concerning the Forest Grove Transfer Station. He said in spite of many letters, very little had been done over the years to alleviate the problems of a growing transfer station. He mentioned the smell and other problems resulting from the station. He suggested the Council ask for status report on the transfer station to find out what might be done to alleviate this public nuisance.

Councilor McLain reported that there was a standing committee that included the transfer station's new owner, the City of Forest Grove and Metro that had been meeting over the last 18 months to review the noise, lighting, dust, etc. She noted they had a consultant and quite a bit of work had been done. She offered to get a copy of the results for Mr. Kane who agreed it would be a good idea.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain reviewed MPAC subcommittee activities. She reported there had been meetings of the boundary commission, schools, and funding subcommittees. She said she had been asked to bring forward some of the concerns regarding the language of the affordable housing mediation and transfer station linkage. She said there would be work done at the next JPACT meeting on this issue.

6. CONSENT AGENDA

6.1 Consideration meeting minutes of the July 16, 1998 Regular Council Meeting.

Motion: **Councilor McFarland** moved to adopt the meeting minutes of July 16, 1998 Regular Council Meeting.

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

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

7. ORDINANCES – FIRST READING

7.1 **Ordinance No. 98-768**, For the Purpose of Amending the Metro Code Authorizing Exemptions from Competitive Bidding for Utilities and Certain Other Types of Contracts.

Presiding Officer Kvistad assigned Ordinance No. 98-768 to the Finance Committee.

7.2 **Ordinance No. 98-769**, For the Purpose of Amending the Regional Framework Plan Section 1.3 Regarding Housing and Affordable Housing, adding a Chapter to the Metro Code Creating an Affordable Housing Technical Advisory Committee and Confirming the Appointment of Members.

Presiding Officer Kvistad assigned Ordinance No. 98-769 to the Growth Management Committee.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 98-744B**, For the Purpose of Amending Ordinance No. 96-655E to Add Land to Designated Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary to Provide for a State Prison; Amending RUGGO Ordinance No. 95-625A and the Regional Framework Plan Ordinance No. 97-715B; and Declaring an Emergency.

Motion: **Councilor Morissette** moved to adopt Ordinance No. 98-744B.

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

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-744B.

Stephen Lashbrook, City of Wilsonville, Box 1282, Wilsonville, OR 97070 read a letter into the record from Mayor Charlotte Lehan, stating that the City of Wilsonville would continue working for a prison on the Day Road site rather than the Dammasch site and asking for Metro's continued support of the site(a copy of which may be found in the permanent record of this Ordinance).

Julie Burke, 22765 SW Eno Place, Tualatin, OR 97062 Vice President of CAPS, expressed her concern about the siting a prison at Day Road and reiterated reasons for not siting it there. She said residents near the Day Road site had neither asked for, nor wanted the prison sited there although she agreed that the Dammasch site was not the correct placement for a prison either. She suggested the Council should not move forward with the amendment for Urban Growth #42 because the governor had sited the prison at Dammasch and the amendment was not needed.

Jeff Burke, 22765 SW Eno Place, Tualatin, OR 97062 read excerpts from a letter the Presiding Officer sent to him on June 9th (a copy of the letter can be found with the permanent record of this ordinance) clarifying that the governor was the only one who could site a prison and that

Metro had started a process to consider urban reserve #42 for expansion into the urban growth boundary at the request of the City of Wilsonville. It stated that any action the council took would be conditioned upon the governor using the supersiting authority. In the letter the Presiding Officer also promised to make sure the council process was fair.

John Junkin, CAPS Attorney, 888 SW 5th Suite 300 Portland OR asked Council to not adopt the ordinance because they had said they would not if the governor did not name the Day Road site. He commented on the legal issues of the ordinance and said he did not feel the consequences had been considered thoughtfully or thoroughly enough because of the fast track this issue had been on and the emotions and politics involved. He said CAPS was prepared to appeal the ordinance and pointed out a number of deficiencies in the process. He said the urban reserve rule was to coordinate the affected local governments in establishing the urban reserve. He appreciated that Metro had met with and received a concept plan from the City of Wilsonville but that was not the planning authority for this area, either. He said under the urban reserve planning agreement with the City of Wilsonville, Washington County was the planning authority for the Day Road area. He said to his knowledge there had been no coordination between Metro and Washington County regarding this expansion of urban reserve or bringing the existing urban reserve into Tier 1 status. He felt the process had been so fast tracked they had not looked into who the proper authority was. He noted Washington County's letter stating they were the proper authority. He said Metro had the responsibility to designate the urban reserve, not the state, and the ordinance was in fact delegating the responsibility. He noted that he did not think Metro had the authority to set a permanent reserve and he felt the expansion violated RUGGO Objective 22. He mentioned the staff report was deficient in many areas and there were a lot of problems with the ordinance. He asked that council reject or suspend the ordinance at this time.

Mayor Lou Ogden, City of Tualatin, wondered what legal process the council was trying to follow and what they wanted to accomplish. He said as he understood it the goal two weeks ago had been to facilitate the movement of the Day Road site according to the governor's wishes, but that was no longer his wishes. He asked the intent and purpose of the ordinance. He said Tualatin's efforts would be to keep the prison out of both Day Road and Dammasch, and out of their community in general.

Darren Pennington, 10365 SW Day Road, Sherwood OR, 97140 observed that while the council continued to state they did not site prisons, the revised ordinance put Metro into the site selection business by limiting the possible choices to only two. He said only the governor or the legislature could site a prison and the governor had selected the Day Road site while the legislature wanted to look at other sites. He said this ordinance would not allow that. He said the desirable criteria stated the site should be perceived as beneficial by local jurisdiction and community. He said he expected to be able to look to Metro for protection from unwanted facilities in agriculturally zoned land. He felt the City of Tualatin should also be able to look to Metro to prevent neighboring cities from taking actions which would negatively impact their city and the quality of life for their citizens. He said passage of this ordinance would make it clear that council was more concerned with the desires of Wilsonville than those of the other 23 cities that Metro represented.

William Cox, 0244 S.W. California St. Portland, OR, 97219 land use attorney representing Larry Eaton, property owner at 10935 SW Clay Rd. addressed the tiering process, stating that the general concept was constitutionally vague and was being applied unequally because it failed to properly consider all the other alleged Tier 1 processes and properties. He read from the Alternative Property Report from the DOC dated June 1998, that the findings indicated there may be environmental issues to resolve and that significant infrastructure improvements would need to be completed. He said Council's actions were inconsistent with LUBA. He commented that he

thought the UGB amendment process and urban reserves were there for housing and not prisons. He said he concurred with the evidence put into the record by Mr. Junkin.

Presiding Officer Kvistad closed the public hearing.

Discussion: Councilor Monroe asked Councilor Morissette if the governor had asked the council to pass the ordinance so that another site other than Dammasch could be considered for prison sitings.

Councilor Morissette responded that the mayor of Wilsonville had started a process with the governor to consider the potential for another site that the city felt would be better for a prison. In that process they had worked out a situation where Day Road would be a possibility. He noted that a special session had been requested to move the site from Dammasch to Day Road.

Councilor Monroe clarified his question. He wanted to know was the action today to expand the urban reserve to that area based on a specific request from the governor.

Dan Cooper, Legal Counsel, said yes.

Councilor Monroe asked if the governor had rescinded that request.

Mr. Cooper responded that the request had come from Steve Marks, a senior staff person for the governor. He assumed he was speaking on behalf of the governor. He said he had no personal knowledge of whether Metro had received any communication from the governor since his statement appeared in the paper last week.

Councilor Monroe said he would assume there was still the possibility that the prison could be sited at either one of these two sites. He felt that not acting on the ordinance would be a definite action to closing the door on one of the two sites. He said he would support the ordinance.

Councilor McCaig responded to several comments made in the public testimony. She felt everyone affected by these decisions would pay an extraordinarily high price for it and was sympathetic. She noted, in the spirit of compromise, the governor actually had pursued a course requested and supported by the leadership of the legislature. She said the way public testimony was presented seemed to imply that the governor threw a temper tantrum for no good reason. She said the process had actually been open and accessible to everyone and she was profoundly disappointed in what had happened in the last 3 weeks because it reflected poorly on all elected officials. She said turning the issue into a political football was fundamentally offensive to her. She said everyone should be concerned that what had happened to this process was the result of a mandate by the people of the state to site another prison and we need to find an alternative site that would work for all of the interests of the state. She said she would support the measure because it would allow the most flexibility.

Councilor McLain said this decision was not easy for anyone but she was going to support it for the consistency of the vote. She said the council had interest in the Dammasch area for the Greenspace Master Plan and the bond measure.

Presiding Officer Kvistad agreed with Councilor McCaig regarding the process. He was also very disappointed in the way the leadership had handled the issue. He said it had not been easy for anyone. He said he had testified at 2 of the 3 hearing against siting the facility in the

Washington County area because he felt there were better sites elsewhere. He said he would continue to support the ordinance.

Councilor Morissette closed by saying that the resolution between Washington County and Wilsonville would happen as far as the governance. He also believed the Day Road site would have an opportunity through a special session. He asked support for the ordinance.

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

8.2 **Ordinance No. 98-727B**, For the Purpose of Amending Ordinance No. 96-647C and No. 97-715B, the Urban Growth Management Functional Plan, to Clarify Compliance Issues.

Motion: **Councilor McLain** moved to adopt Ordinance No. 98-727B.

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

Motion to Amend: **Councilor McLain** moved to substitute Ordinance No. 98-727B with Ordinance 98-727C.

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

Councilor McLain said the substitution would delete the proposed definition of “substantial compliance” in Ordinance No. 98-727B. She explained the definition was no longer necessary because the Urban Growth Management Functional Plan now contained such a definition since Title 3 requirements had been adopted. The emergency clause would allow it to become effective immediately. She said she had been advised that the amendments were technical in nature.

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

Councilor McLain reviewed the ordinance as amended. She said this was the last technical amendment needed before they could integrate the Title 3 work with the rest of the Functional Plan.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-727C.

Dennis Egner, Shapiro and Associates, 1650 NW Front, Portland, OR 97209 representing the Rosemont Property Owners Association as well as individual property owners, Dr. James Cool, Woodrow and Marilyn Brock, Charlie Huff and the Halton Company. He said they had had some concerns regarding some language regarding 2040 design types in Section 3 but the proposed amendment eliminated their concerns.

Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor Morissette** said he was opposed to the Functional Plan.

Vote on the Main Motion : The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8.3 **Ordinance No. 98-762C**, For the Purpose of Amending the Metro Code Chapter 5.01 Regarding Solid Waste Facility Regulation, making related adjustments to Chapter 5.02 and Declaring an Emergency.

Motion: **Councilor Morissette** moved to adopt Ordinance No. 98-762C.

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

Councilor Morissette reviewed some issues regarding executive responsibility and council policy setting concerns. He said there had been an enormous amount of hard work and compromise that solid waste had put into the ordinance. He said he particularly liked it because it was incentive based. He noted the overall cooperation from the industry had been extraordinary. He urged support of the ordinance.

Councilor McFarland commented on page 15 of the ordinance regarding certificates, licenses and franchises. She requested assurance that there was nothing in the changes being made that would compromise the change already made to have council look at all licenses and franchises.

Marv Fjordbeck, Legal Counsel, said he had reviewed these sections and it was clear to him that the provisions and the Council's intent was to have the approvals done the way Councilor McFarland had just described. He felt the language carried out that intent.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-762C.

Henry Kane, 12077 SW Camden Lane Beaverton OR 97008 noted the letter he had submitted previously on the subject. He said odor, dust and noise could adversely effect health, welfare and safety. He quoted the provision that stated it "would be unlikely to unreasonably adversely affect nearby residents, property owners or the existing character or expected future development of the surrounding area". He said it should not be okay to damage the environment and livability of an area. He suggested amendments to the ordinance. He said there was no reason for facilities in a metropolitan area to be allowed to damage the surrounding area, particularly since it was Metro who enforced the environmental and livability laws. Another issue he had raised in his letter to the committee was that he felt granting permits or franchises for such a sensitive matter in a metropolitan area should be a legislative issue so there would be political accountability. He felt the council should retain its authority and not delegate it to the Executive Officer who would in turn delegate it to REM staff because he was very busy. He felt REM staff was apparently not duty bound to obey the environmental management laws. He said it was his hope that the substance of these amendments would be considered. He noted the population was increasing and the need for these facilities was apparent, but allowing them to damage livability and environment was not sound public policy.

Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor McFarland** said that she would vote in favor of this ordinance but with major misgivings. She said she had problems with jumping into the middle of it and hoped that Metro was not throwing their solid waste system to the wolves.

Councilor McLain thanked the REM Committee and Chair Morissette for their effort and excellent work. She felt the language that had been crafted would protect the public and the facilities. She said they were trying to allow for private and public industry to work alongside each other.

Councilor Washington said the last several months working with the REM Committee had been quite a pleasant experience. He thanked Mr. Warner and his staff for keeping the committee up to date. He said he would support the ordinance.

Presiding Officer Kvistad thanked the committee. He said getting this accomplished had been an important step that had been years in coming. He also thanked people in the industry for the hard work and effort.

Councilor Morissette closed by saying a better run system allowed for lower rates for the citizens. He urged an aye vote.

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

9. RESOLUTIONS

9.1 **Resolution No. 98-2674**, For the Purpose of Adopting the Locally Preferred Strategy for the South/North Light Rail Project.

Motion: **Councilor Washington** moved to adopt Resolution No. 98-2674.

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

Councilor Washington called staff to review the resolution.

Richard Brandman, South/North Project Director, said the LPS resolution culminated 6 years of study on the lightrail project and contained the designated alignment, the terminus options, the endpoints and suggested construction sequencing. He said the resolution had the unanimous recommendation of JPACT and the South/North Steering Committee and it had been adopted by the Cities of Portland and Milwaukie, the Clackamas and Multnomah County Commissions, the Tri-Met board and the Regional Transportation Council in Vancouver WA. He noted a letter in the packet from the expert review panel that cited an unusually thorough level of analysis to support the identification of the Locally Preferred Strategy. He said the recommendation was to construct the South/North project as a full length project starting from Clackamas County to Vancouver in 3 phases starting at the Clackamas Regional Center and going north. He said the full project would have 68,000 transit trips per day, 14 million new transit trips per year and the lightrail option was 30% faster than the all bus option. He said the project had tremendous air quality and energy benefits and allowed for a significant amount of cost to be avoided for constructing new highways. He noted that immediately upon adoption of this local preferred strategy the staff would commence work in the final environmental impact statement to further define impacts in the specific alignment and propose mitigation for those impacts. He said the Federal Transit Administration was highly supportive of this project and ranked it as one of the top projects in the United States.

Presiding Officer Kvistad opened a public hearing on Resolution No. 98-2674.

Marilyn Coffel, representing Fred Meyer and the Caruthers Crossing Coalition, 3800 SE 22nd, Portland, OR, 97202 the greater Brooklyn Business Association and as a member of the Executive Committee of the Caruthers Crossing Coalition, supported a transit system. She said the Caruthers alignment would carry about 495,000 riders annually which did not take into

consideration any new jobs and housing that could result from the lightrail. She supported the regional transportation system.

Pat LaCrosse, President of Oregon Museum of Science and Industry, 1935 SE Water Avenue, Portland, OR, supported this measure and the Caruthers Crossing alignment. He said over 200,000 students and several hundred thousand adults attended the museum and the Caruthers alignment was critical to the future of OMSI and its patrons. He urged approval of the measure.

Terry Parker, 1527 NE 65th, Portland, OR 97213 said sometimes the most significant thing at a hearing was what was not said. He noticed that the staff presentation had not said there were a lot of alternatives and alternate routes in the downtown corridor totally left out because they had not been studied. He related standing on the Sylvan viaduct overlooking the Sunset Highway showed the rush hour traffic was about equal in each direction but he would say less than 10% of the cars going eastbound toward downtown were actually going downtown, and probably less than 1% of the cars westbound were in fact coming from downtown. He said the same situation existed for north/south traffic but due to more choices in routes it was not as easy to view in one place. He stated that Tri-met did little or nothing to provide direct alternatives to cross town commuters and had no future plans to do so even though those were the people who had the longest commutes, adding to the ever increasing average miles per driven figure. He said the North/South lightrail actually encouraged the increased driving trend and would make it grow even faster. He said lightrail was supposed to be a high speed transit connection linking the region together but this was not. He said once the recommended alignment crossed over to the politics of the west side, MAX became MAC, the Mall Alignment Creeper, a slow old fashioned trolley type service on a transit-jammed bottleneck mall put there to appease big business downtown. He said this slow service simply added too much time for anyone making the North South cross-town commute. He said this was not the regional system promised and should actually be called "to and from downtown north" and "to and from downtown south". He felt the 20 year old idea of placing the line on the transit mall was just the ticket that might swing voters against the entire project. He said downtown businesses should have to come up with amenities such as brick sidewalks or artwork out of their own pockets just like any other business or neighborhood in the region. He said his motto was "get it off the mall or don't build it at all". He said as a supporter of the lightrail concept he would be voting no on lightrail in November if the mall remained the alignment option of choice.

Martin Ralston, The Lynch Company, 4706 SE 18th Ave Portland OR 97202 third generation manager of a family held business called the Lynch Company, SE 18th & Holgate, said their business would be wiped out by the Caruthers alignment maintenance and operations facility. He said he did not object to the project itself but to the unnecessary impact it had on their property. He pointed out their building on a map and the immense amount of underutilized Union Pacific property directly adjacent to it. He said the Brooklyn yard property should be the preferred alignment, not just a priority for the trackage. He said the PDC had helped the Lynch Co. find the property 2 years ago and helped with loans and financial aid but during the relocation process had made no mention of any light rail issues that would have impact on the property in the future. He said they provided good paying union jobs for over 68 families and last year had a payroll of over \$2.7 million. He felt the location was critical to his customers and employees and felt he would lose key employees and customers both if they were forced to relocate. He said monetary loss would result from the difference between an established fair market value for the existing facility and the actual cost to relocate to a comparable location. He asked the council to please do all they could to deal with Union Pacific and get the tracks into the Brooklyn yard.

Dick Lindsay, 4909 SE International Way Portland OR 97223 representing the Oregon Cutting Systems Division of Blount, Inc., a manufacturing company located off Highway 224 near Milwaukie since 1965. He enthusiastically supported the South-North lightrail project. He thought the 224 alignment offered an attractive way for his employees to get to work. He commented on the idea of using private enterprise minivans to offer people door to door service. He related 2 similar operations they had in Puerto Rico some years ago and said all it did was congest the highways with more vehicles. He also commented on the suggestion to redirect lightrail maintenance funds as individual incentives to car pool and take public transportation. He said they had incentives as a part of the Employee Commute Option Program for a couple of years. He said it had been rather disappointing in that of their 1000 employees, they had only 16 carpools last month despite the \$35 monthly subsidy and personalized up front parking offered to carpools. He felt lightrail and encouragement for its use offered the most efficient long term solution to the area's transportation needs and would reduce the congestion and improve the air quality. He urged support of the project.

M'Lou Christ, 984 SE 13th, Portland, OR, 97214 said she had been working with a group towards the Caruthers crossing option for the southern segment. She summarized her reasons for preferring the alignment and urging support for the Caruthers alignment with a poem. (A copy of the poem can be found in the permanent record of this meeting.)

Lenny Anderson, 2934 NE 27th Ave, Portland OR 97212 transportation coordinator at Boise Cascade Research on Swan Island, co-editor of the Transit Gazette, said people come to the island from all over the area. He noted that ridership on the bus lines in his area had exploded and they were looking forward to being able to connect to the westside and hoped for unanimous approval from the Council for that next step. He said the transportation option was needed and people were asking for it. He reminded the council that MAX had saved SE Clinton and Northwest Portland. He said the lightrail could help save more neighborhoods by not having the freeways cutting through them. He urged support.

Geri Washington, 10 NE Russell, Portland OR 97227, of the Urban League and Coalition for a Livable Future, supported the lightrail. She was pleased with the modifications, especially the north and northeast phase and felt the citizens had been listened to and heard as was evident in the retainment of the Alberta ramp and the input from the Kenton Business District. She stressed the importance of the meetings for community input. She felt special attention needed to be paid to the folks who would lose their homes to the project. She asked the Council to approve this measure and leave open the submittal of an amendment after the crossover study of north northeast Portland had been completed.

Connie Hunt, 727 SE Grand, Portland, OR 97214, Central Eastside Industrial Council, support the Caruthers Crossing on their behalf. She said the health and prosperity of the businesses in her district and their ability to create a larger job base was dependent upon reliable transportation. She said the Caruthers option would give them the edge needed to fulfill that employment destiny. She said the crossing would create the balance between the east and west sides that had been lacking. She thanked Metro for being involved in this project.

Jennifer Siebold, 211 NE Jessup, Portland OR 97211 represented Jack Paulsen, a transportation representative from the King neighborhood. She commented on some of the alignment options and considerations and raised a question regarding the Environmental Justice Chapter of the DEIS. She said the King Neighborhood Association had written a letter in response to that chapter because there were some areas they felt had not been addressed in the summary. She asked when they could expect some of those issues to be addressed. The issues were the DEIS

misrepresentation regarding where minorities and people of poverty lived in the city, the noise and vibration impacts were primarily in the north corridor but the placement of noise and vibration monitoring stations were placed primarily in the south corridor. Construction sequencing was also an issue because the King neighborhood, being bounded by heavy industry and commercial, generated lots of air pollution which made health considerations important. She encouraged the council to look at these issues which were not outlined in the DEIS and give the neighborhood association some feedback.

Steve Satterlee, 3805 SE Leibe St., Portland OR 97202 in the Reed Neighborhood, member of the Executive Committee of the Caruthers Crossing Coalition, commended Metro staff and council leadership for an open and accessible process. He enthusiastically endorsed the recommendation of the steering committee and the CAC. He said the alignment would provide important access to the neighborhoods. He said the alignment would reduce traffic and maintain the vitality and livability of the area.

Peter Teneau, 2715 N Terry, Portland OR 97217, Kenton Neighborhood resident, spoke in favor of the lightrail. He said it would contribute to positive development and gets cars off the road.

Meeky Blizzard, 1220 SW Morrison, #535, Portland, OR 97205, Executive Director of Citizen for Sensible Transportation, supported the steering committee recommendation for the South North Light Rail. She congratulated Metro staff for their work and the good public involvement process. She seconded Mr. Anderson's thoughts and urged support of the lightrail.

Steven Iwata, project manager for the City of Portland with the Office of Transportation, supported the LPS. He reported that the City Council had adopted the South North LPS 5 - 0 after 3 public hearings and a bus tour of the alignment. He felt it would be an important piece for the 2040 plan. He had concerns about the project including displacement issues and minimizing property displacement as well as design issues to enhance the design of the project. He complimented Metro staff for the DEIS and the LPS in response to a number of public meetings and issues. He also complimented Councilor Washington for his chairmanship of the steering committee.

Mark Veneroso, 306 E 12th St., #C, Vancouver, WA 98660, Vice Chair of the South North Citizens Advisory Committee, made 3 points reminding the council of the representation of the bi-state citizens committee. He emphasized that the committee thought for themselves and did not just follow the recommendations given to them by staff. His final point was the public access component where the public had opportunities to speak to the CAC. He noted the impact citizens had on the Caruthers crossing alignment

Charlie Burt, 6128 SE Boise, Portland, OR 97206, President of Board of Directors of SE UPLIFT, a neighborhood coalition of 22 neighborhoods in SE Portland. He supported the Caruthers Crossing. He read a letter in support of the lightrail alignment written earlier this year on behalf of the Board of Directors to the steering CAC and project management group. (A copy of this letter can be found in the permanent record of this meeting.)

Jim Mark 111 SW Columbia #380, Portland OR 97201, spoke for the Downtown Oversight Committee and agreed that it was exciting to be at the point of approving the alignment for the lightrail. He said they completely supported the full length of the project. He said their main objective was to enforce the goals of the central city plan by supporting the downtown development and maintain a balance of auto, bus, transit and pedestrian access to support business and street activity, provide fast and convenient transit service to downtown, increase the

ridership to and from the central city, maintain the current pedestrian character of the transit mall, improve the role of the transit mall as the central pedestrian boulevard and transit spine by extending it and emphasizing light rail, insure the least construction impacts and cost by placing lightrail in a location where reconstruction work could be minimized and the benefits of past investments in the transit mall could be used. He mentioned the committee's other goals and urged approval of the LPS.

Martin Taylor, 5630 SW Riverside Lane, Portland OR 97201 homeowner in Portland, brought to the attention of the Council a matter he felt was worthy of note. He said when he used the buses he had feelings of almost panic because he wasn't sure he was using the right bus for where he needed to go. He said the lightrail system would make that easier and the public transit system would be a plus for the City of Portland.

Kay Durtchi, MCCI Chair, thanked the council for including the citizens in the process. She said that was why this evening's meeting was so positive. It had helped make the project one that was accepted and would move forward.

Presiding Officer Kvistad closed the public hearing.

Discussion: **Councilor Monroe** said he had started working toward this day 25 years before as an activist in the Richmond Neighborhood Association. He noted the prosperity along the current MAX line. He applauded Councilor Washington's accomplishments. He said this was an exciting day.

Councilor McLain thanked Mr. Brandman, Councilors Monroe and Washington. She said she was also exuberant about the final third of the lightrail project.

Councilor Morissette said he had continued concerns about lightrail and felt the cost was very high for very a few commuters in the region. He felt the vast majority of the region's citizens chose to circle the region and the preference of 85-90% of them would be to continue to use their automobiles even with the lightrail. He hoped the roads where most of the commutes would take place would not be forgotten.

Presiding Officer Kvistad said that he had had misgivings about this package and when he kept hearing the project would make Portland a better place, he hoped a project like this would make the entire region a better place. He said siting the regional transportation was an important investment to everyone in the region. He said his community has consistently voted in favor of the lightrail even though most of them were not served even with the new Westside line. He thanked staff and the community for addressing some of his concerns about the service areas.

Councilor Washington thanked everyone for their hard work and said that he would get Jennifer Siebold the information she had asked for earlier in her testimony and told Martin Ralston to be assured the Council was very much aware of his dilemma. He urged an aye vote for adopting the LPS.

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

9.2 **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.

Presiding Officer Kvistad reviewed the process to be followed for this resolution. He read: "This agenda item involves an application by Tri-Met for Council adoption of the LUFO for South North Lightrail Project which will extend from Clackamas Town Center in Clackamas County to Vancouver WA. A LUFO is different from a LPS. Let me begin by explaining the difference to provide clarification and avoid confusion. By law the Metro Council must make two distinct separate decisions to authorize the South North Lightrail Project. The first decision involves the approval the LPS which we have just done. The LPS decision is made pursuant to Federal law. The hearing we just completed concerns that LPS. The second decision, this matter, involves the adoption of the LUFO following application by Tri-Met. This LUFO decision is a land use decision made under state law established by HB 3478. HB 3478, which the legislature adopted in 1996, requires the Metro Council to decide on a lightrail route, the lightrail stations, park and ride lots, and maintenance facilities and highway improvements for the South North project including boundaries within which these facilities and improvements may be located. The Council decides these through the adoption of what is called LUFO. HB 3478 also requires the Council adopt supportive findings of facts demonstrating that the selected lightrail route stations park and ride lots maintenance facilities and highway improvements comply with 10 land use criteria and that the land use conservation development commission adopted specifically for this process,. Those criteria incidentally do not apply to the LPS decision. Unlike our typical land use decisions, LUFO decisions are governed by a different and special procedures contained in 3478. I would like to begin this hearing by announcing a number of these procedures. First as I indicated the Council in this proceeding will decide on the lightrail route, the stations, lots, maintenance facilities and highway improvements for the project. In a few moments staff will identify for you the generally proposed route, stations, lots, maintenance facilities and highway improvements that comprise the application. You can also find this information in the staff report and on the maps posted on the walls in the back or to the side of the room. These documents are available for public review during the public hearing. There are a number of procedural requirements set out by this House Bill that affect this hearing. He asked Mr. Cooper to explain.

Dan Cooper said since the procedures applicable to this proceeding differ in some important aspects from the typical land use procedures hearings before the Metro Council or other local governments, he asked members of the public to listen carefully so they could understand the process and their participation rights under HB 3478 which is also known as Chapter 12 Oregon Laws 1996 Special Session. He reiterated that Metro's land use final order decisions must comply with the 10 LCDC land use criteria. (A copy of those criteria can be found with the permanent record of this meeting.) He mentioned that the criteria were also listed in the staff report. He said that all public testimony should be directed towards the application of these LCDC criteria. He said the council may adopt the LUFO following the public hearing, selecting the route and locations. They may also choose to continue the public hearing and refer the matter back to Tri-Met for further review. He said any appeal on the Council's decisions on the lightrail route, stations, lots and maintenance facilities and the highway improvements including their locations must be filed within 14 days following the date the LUFO had been reduced to writing and signed with the necessary signatures. He said failure to raise an issue at this hearing, in person or in writing, and failure to provide sufficient specificity to afford the Council an opportunity to respond to the issues raised would 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 LUFO would be provided only to persons who had provided oral or written testimony at this public hearing. The citizen would need to ask in writing for the notice and include their address. He said the oral testifiers should write on their comment card that they wished to have a copy. He said names on petitions submitted at the hearing but who did not give testimony would not be considered to have testified at this hearing.

Presiding Officer Kvistad explained the order in which the hearing would proceed. He said the Metro Council took official notice of the Clackamas County, City of Milwaukie and City of Portland comprehensive plan and land use regulations. He said should the Council continue the hearing it may establish a schedule for further submittal of testimony and it may limit the issues for which additional testimony would be taken.

Motion: **Councilor Washington** moved to adopt Resolution No. 98-2673.

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

Councilor Washington asked Mr. Skiles to speak and said he would have some comments to make after the testimony. He mentioned a special presentation after the testimony and asked the public to stay for it.

Leon Skiles explained the Land Use Final Order. He said this resolution would also adopt the findings of facts that related to the LCDC criteria which were recommended by the Metro Council. He pointed out the record related to the LUFO and said it was a wealth of information and documentation that supported the establishment of the LUFO. He said the LUFO was consistent with Tri-Met's application and the LPS just approved. He said the LUFO also showed areas where further study was needed. He noted maps showing the boundaries within which the lightrail facilities could be build without an amendment to the LUFO. He said it was important to note that as the project moved into preliminary engineering and final design that if the project determined it would need an element of the project outside of those boundaries, the project would come back to the steering committee, Metro Council and the Tri-Met board of directors to ask for concurrence to amend the LUFO to broaden or refine the boundaries. He said that could happen at various stages in the project development. He said within the description of the LUFO special study areas had been identified for future lightrail study. He went over the land use maps. The station areas were in green and included transit center and bus improvements. He said the track placement was in yellow and went down SE 80th Avenue and into a special study area where a coordinated effort was made with Clackamas Community College and the OIT, the Aquatic Center and Clackamas County to refine their master plan and the lightrail route. He pointed out the Linwood park and ride in purple. He showed the alignment along 224, the yellow area, the station at Freeman Way. He explained center Milwaukie and the loop into downtown and the street improvement areas in blue and the green which was the combination station and transit center improvements in that location. He followed the alignment north to the maintenance facility in blue and then to the purple park and ride lot and station. He reinforced that the boundary made sure there were no trees to be removed. He explained the area around the Lynch Company and said they had recommended using the Brooklyn yard property there. He explained the variations of the OMSI station and on into Portland and the transit mall and into the Elliott segment. He followed and explained the alignment up the I-5 to the crossover study area to Kenton and north. He said there were issues regarding floodplains as it crossed the North Portland Harbor so more flexibility had been added there.

Mark Greenfield, Project Attorney for the South North Light Rail, noted the South North LUFO Findings Volume 2. He said the purpose of the document was to demonstrate how the proposed alignment and facilities and improvements complied with the 10 LCDC criteria. He said most of the work on the document was done by Mary Dorman, a land use consultant who did a terrific job on this difficult task. He explained criteria 1 and 2 addressed procedural issues and coordination with cities, counties and state agencies and public participation in the process. Chapter 5 indicated how the LUFO complied with the criteria. He said 3 through 8 addressed more substantive issues such as impacts to neighborhoods, economic, social, traffic and noise impacts, other impacts. He

said 9 and 10 were alignment specific criteria addressing comprehensive plan policies and Clackamas County's, Milwaukie's and Portland's plans indicating where they thought the alignment should be. Compliance with that was addressed in Chapter 8. He said the findings addressed a broad range of issues, adverse impacts and range of measures that could be used to mitigate those impacts. He said this document was based on conceptual engineering and would soon go into preliminary engineering and final design. They would use more detailed information to refine the design. He said the findings did not address individual property but the types of impacts and potential mitigation measures.

Councilor Washington said what they were doing today was important but not the most important part of the process, citizen involvement was the most important. He said Metro had worked with the people along the line for the last 6 years to find out what they wanted and how they thought the alignment would best benefit their neighborhood. He noted the 100s of workshops, public hearings, coffee chats in people's homes. He said they did a lot of work and toured all the neighborhoods to see what the impact would be. He said some significant changes had been made to the line because that was what the people had indicated they wanted. He said that was proof that citizen involvement was important. He said he would vote for South North not because he thought it was the right thing to do but because the majority of the people in his district had told him it was the right thing to do. He said he was proud of their work and commitment to the effort. He thanked the South North Steering Committee, the South North Project Management Group, the Downtown Portland Oversight Committee, the South North Technical Expert Review Panel, the South North CAC, the SW Washington Regional Transportation Council, Cities of Portland, Milwaukie, Gladstone, Oregon City, Vancouver, Clackamas and Multnomah and Clark Counties, JPACT, C-Tran and Tri-Met and the staff.

Presiding Officer Kvistad asked the applicant, Tri-Met, to come forward.

Neil McFarlane, Executive Director of Capital Projects and Facilities and **Dean Phillips**, Deputy General Counsel for Tri-Met, 710 N. Holladay St., Portland, came forward. Mr. McFarlane said he was please to present the application that had been approved by the Tri-Met Board on July 1st meeting for the South North LUFO. He said procedure had been followed and he assured the Council that the application was consistent with the recommendations, hearings and comments heard. He strongly supported the staff recommendation in all aspects and urged the approval of the resolution adopting the South North LUFO.

Presiding Officer Kvistad asked for questions and opened a public hearing on Resolution No. 98-2673.

Martin Ralston (address listed previously) was called again but had already gone. Presiding Officer Kvistad said his earlier testimony would be taken as part of the record.

Sarah Singh, 301 SW Lincoln St., Portland, OR 97215 was called but was not present.

Steven Iwata, City of Portland Office of Transportation, said for the record that the Portland City Council as part of its resolution had adopted the LUFO.

Rod Sandos, Transportation Planner for Clackamas County, representing the Department of Transportation and Development, 902 Abernathy Rd., Oregon City, OR 97045 stated that the Board of County Commissioners had adopted a resolution in support of the LPS and were also in support of the LUFO. He said the project had started 6 or more years ago and he had been

involved from the beginning. He found Metro staff to be professional and cooperative to their concerns. He said this was a major milestone for everyone who had worked on the project.

Dean Phillips, Tri-Met, 710 NE Holladay, Portland OR 97232 said since Mr. Ralston's testimony had been incorporated into this agenda item he felt it was necessary to clarify that a quote attributed to him was actually not what he had said during their negotiations. He said he was quoted that he indicated that federal projects could not pay for the entire cost of relocation. He said that was not correct and he did not want the misquote to come back to haunt later negotiations. He indicated that what he said was the cost of relocation may not entirely be covered and there were some limitations under the federal rules and regulations under the uniform relocation act. The difference was they had no control over the total costs that a party may incur in the cost and process of relocation. He said Tri-Met would continue to work with every affected property owner and apply the law in accordance with the law to provide that they were compensated to the full extent of the law as required by the law.

Dan Chandler, 1727 NW Hoyt, Portland, OR 97209 represented Clackamas Town Center and expressed their strong support of the LUFO. He said they strongly supported the north of the Town Center terminus alignment but had a concern that it would become a de facto park and ride. He said further study of the traffic mitigation at the Town Center had been recommended by the draft environmental impact statement. He requested wording be added to Section 3.1, page 2, after "No highway improvements in this segment", stating "as recommended in the draft environmental impact statement, parking mitigation for the CTC shall be studied further in preparation of the final environmental impact statement and such mitigation shall be implemented as warranted." (A letter regarding this had been submitted and can be found in the permanent record of this meeting.)

Mark Greenfield, said they had looked at the letter. He did not think it necessary to amend the LUFO for that purpose. He said the LUFO identified that concern and talked about the potential for that area to become a park and ride lot and potential mitigation measures. He said during the preliminary and final engineering and final design process efforts would continue to be made to help avoid or reduce adverse impacts. He believed that adequately addressed the issue.

Presiding Officer Kvistad closed the public hearing. He thanked all who testified for their participation. He read "before us is proposed Resolution 98-2673 adopting the final land use order for the South North project under HB 3478. We can either approve the LUFO, establishing a lightrail route, stations, lots and maintenance facilities and highway improvements including their locations as applied for by Tri-Met or we can continue the public hearing and refer the proposed facilities and locations back to Tri-Met with the directions for amendments." He asked for general comments from Council.

Discussion: **Councilor Morissette** said he thought the staff had done a good job but his support for this was contingent upon the support of the regional voters.

Councilor Washington urged an aye vote.

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

Presiding Officer Kvistad said he was very impressed by what had been accomplished and asked Mr. Brandman to come forward.

Councilor Washington presented a certificate of appreciation for Mr. Richard Brandman for his 20 years. He read the award recognizing Mr. Brandman on the occasion of obtaining the milestone of 20 years with the Metro family of regional government services. He congratulated Brandman for a job well done.

9.3 **Resolution No. 98-2684**, For the Purpose of Supporting a Recommendation that the South/North Light Rail Bond Measure be re-referred to voters.

Motion: **Councilor Morissette** moved to adopt Resolution No. 98-2684.

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

Councilor Morissette said it was very important to him because the process had changed to have the voters reconfirm if they really wanted to spend the money on this project. He did not want to make light of the regional vote but took seriously each action the voters took.

Councilor Washington asked for a friendly amendment, substituting Resolution No. 98-2684 with Resolution No. 98-2684A.

Councilor Morissette concurred with the friendly amendment.

Councilor McLain said she would support the resolution because there was a need to signal the funding package. She said work on funding for this portion of the finished third piece of the system had to be revisited every time they get to a new segment. She thought they would be doing it again when it was finally taken across the river into Vancouver in the next 20 years.

Councilor McCaig said the voters had supported lightrail in 1990, 1994, and 1996. She said she was convinced and looked forward to it being on the ballot because she thought there would be support again.

Councilor Monroe said a lot of people had made a big deal out of the statewide vote that lost in other parts of the state. That included money for state lightrail and a lot of highway projects in other parts of the state.

Councilor Washington thanked the council for the two previous resolutions. He said he would be supporting this resolution.

Presiding Officer Kvistad congratulated the Board of Tri-Met for moving this back to the voters. He commended them for doing it and said he supported the resolution.

Councilor Morissette urged approval of the resolution as amended.

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

10. COUNCILOR COMMUNICATION

Presiding Officer Kvistad noted that across the board the unanimous vote was a rare occurrence and on some very major issues. He thanked everyone for their hard work. He said a schedule of the final meetings would be distributed before the August recess.

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There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 8:37 p.m.

Prepared by,

Chris Billington
Clerk of the Council