

InFocus
SYSTEMS

Letters received for Agenda Item No.

3.1

Metro Council

November 10, 1993

FAX TRANSMITTAL

27700B S.W. Parkway Avenue
Wilsonville, Oregon 97070
Telephone: (503) 685-8888
FAX: (503) 685-8889

Date 11-9-93

To Metro Planning Committee
Joint Policy Advisory Committee on Transportation
Metro Council.

Company _____

Fax Number 797-1793From Al Hix, IFS


Direct Dial# (503) 685-_____

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Comments Please distribute.For incorporation in the public record of the following meetingsMetro Planning Committee; Tuesday, 11-9Joint Policy Advisory Committee on Transportation:
November 12,Metro Council; November 12

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TO: Metro Planning Committee
FROM: Al Hix, Director of Facilities 
SUBJECT: Stafford Road - I-5 Interchange
DATE: November 9, 1993

VIA FAX: 797-1793 FOR IMMEDIATE DISTRIBUTION. REQUEST THAT THE FOLLOWING INFORMATION BECOME PART OF THE RECORD

Over the next several meetings you will be making decisions on how to distribute budget cuts on ODOT projects. I-5 - Stafford Road Interchange is listed as a cut candidate. We at In Focus Systems strongly urge you to reconsider and place this project on the accepted list for the following reasons:

1. **Safety.** This is a major interchange servicing trucking and commercial activity through the I-5 corridor. The existing interchange is over capacity in its ability to smoothly handle the traffic flow. Exiting and entering I-5 can be a life-threatening experience. The interchange inadequacy is also felt in Wilsonville auxiliary roads as vehicles use service roads to try and bypass the congestion.
2. **Commerce.** Trucking goods is an integral part of Oregon's infrastructure. Providing stations to service this industry that are well designed makes good sense. We depend on the goods delivered by the trucking industry and to deny their importance to our economy and not provide support is short-sighted.
3. **Growth.** Reality is, whether we like it or not, Oregon will continue to grow and this growth is situated in the suburbs. A community climate that promotes industry and provides the infrastructure to support it also provides jobs and the money needed to keep our economy vital. The importance of providing funds to continue to improve road conditions in suburban industrial areas is critical. The I-5 - Stafford Road Interchange falls into the critical category.

Balancing growth and quality of life is a difficult challenge. Promoting mass transit and alternative methods of transportation should be encouraged, but not to the point that those types of projects supersede any consideration for projects that improve the safety and efficiency of the existing road system in the non-core metro area. Please give serious consideration on retaining the I-5 Stafford Road Interchange in the construction schedule.



Mentor Graphics Corporation
8005 S.W. Boeckman Road
Wilsonville, Oregon 97070-7777
(503) 685-7000

Date: November 9, 1993

To: Metro Planning Committee
Joint Policy Advisory Committee on Transportation
Metro Council

Via: fax 797-1793

From: Mike Cook, Manager Facilities Planning and Interiors

Re: Stafford Rd. Funding Criteria

A handwritten signature in black ink, appearing to read "Mike Cook", with a long horizontal line extending to the right.

For incorporation in the public record of the following meetings:

Metro Planning Committee: Tuesday, November 9 at 4 p.m.

Joint Policy Advisory Committee on Transportation, November 12, 7:30 a.m.

Metro Council: November 12, at 4 p.m.

Mentor Graphics wishes to express its concern over the threat of funding loss for upgrades to the Stafford Rd. interchange. The combination of 65 mph speed limits, 7700 truck trips in and out of this key regional distribution center and access for our 1000 employees, creates a deadly hazard daily. As stated in our earlier correspondence, safety should be kept as a stand-alone criteria. We have been working with a number of area businesses who are also very concerned about this interchange and urge you to give much more serious consideration to the immediate impacts on safety and business in the region than implied by the current criteria.

November 9, 1993

METRO Council
600 NE Grand Avenue
Portland, OR 97232

Post-It™ brand fax transmittal memo 7671		# of pages
To	METRO Council	From
Co.		Co.
Dept.		Phone #
Fax #	797-1793	Fax #

RE: Stafford Road Interchange Funding

NIKE has very serious concerns regarding the potential reduction or elimination of funding for the reconstruction of the I-5, Stafford Road interchange due to ODOT's \$400 million shortfall.

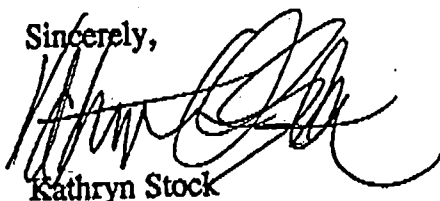
Our immediate sense of urgency is for the safety of our employees. The Stafford Road interchange is unsafe due to the volume of vehicles accessing it daily. Several times a day, long lines form with folks leaving I-5 using the Stafford Road exit. The long lines of cars and trucks stopped, waiting their turn to exit the freeway, is a very volatile situation, with other cars and trucks coming up behind them or passing them at speeds in excess of 55 mph.

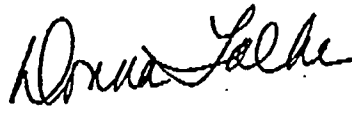
Even longer, and potentially more dangerous delays, occur when motorists are trying to get on to I-5 from the Stafford Road exit. Once a vehicle has finally reached the on-ramp, the chances are better than not that they will find one or more trucks or RV's ahead of them, entering a 65 mph zone at speeds of 25-30 mph. There is no way that one can attain, or even come close to, highway speeds in order to merge with the freeway traffic. This causes a desperate situation.

NIKE, being a distribution center, has dozens of cars and trucks utilizing this interchange on a daily basis. This country relies on the use of trucks for the movement of commerce. Without safe highways to operate on, the cost of goods and services will continue to escalate as transportation companies pass their added expenses onto the consumer.

NIKE urges the Council to find other projects to defer at this time and place the highest priority on the reconstruction of the Stafford Road interchange. This is a commercial area with a high mix of cars and trucks. The Stafford Road project must be given your immediate and complete attention. To delay a project of this magnitude will only serve to further aggravate the existing traffic problems.

Sincerely,


Kathryn Stock
General Manager
NIKE Customer Service Division


Donna Tolke
NIKE Traffic Manager

(NIKE requests this letter to be added to the record)

Fax to: Metro Council Members
Attn: Gail Ryder
Fax: 797-1793

From: Don Weege
667-6790

Please distribute this letter to the Metro Council Members. I request that it be made part of the record of this afternoon's Planning Committee Meeting and tomorrow's Council Meeting.

Thank your for your assistance.

November 9, 1993

Metro Council

Subject: Planning Committee Meeting Agenda: Item 3, ODOT Six Year Program-Process, Schedule, Criteria

I am writing to support construction of the I-5, Stafford Road interchange. The current interchange is congested and unsafe. People's lives are in danger because of the traffic load and design of the existing interchange. Accident statistics confirm this.

The concept of the need for roads to carry commerce is lacking from the discussions I have heard so far. All I hear is the need for another bike path or pedestrian walkway, but I have yet to see a bicyclist or person on foot efficiently deliver food to grocery stores or drugs to hospitals. These types of activities are necessary for our society and require trucks. The Stafford Road interchange carries over 5000 trucks a day and needs to be improved to carry them safely and efficiently.

This is a time when people do not trust government with their money. Metro must appear to be spending the limited funds available wisely. You can do this by recommending that available funds be spent where they will do the most good for the most people. The concept of using scarce public transportation funds for bike paths or pedestrian walkways that will be used by less than 2 percent of the population - for recreational purposes - cannot be justified or tolerated. Use the available funds to improve safety for the general public and to promote efficiency in our system of commerce. Support construction of the Stafford Road, I-5 Interchange.

Please make this part of the record.

Very truly yours,



Don C. Weege

9921 S.W. Quail Post Road
Portland, Oregon 97219

Council
11/10/94
9.1

MINUTES OF THE METRO COUNCIL

October 28, 1993

Council Chamber

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore and Ed Washington

Councilors Excused: George Van Bergen

Also Present: Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 4:01 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Metro's Eighth Annual Recycling Recognition Awards to Honor Individuals, Businesses and Organizations Which Have Made Outstanding Contributions to Waste Reduction or Recycling in the Region

Executive Officer Cusma explained that Metro gave annual recycling recognition awards to recognize and thank individuals and businesses who had made significant contributions to waste reduction and recycling in the region.

Council Devlin presented the first Recycling Recognition award to Kathy Elshire for her exceptional volunteer contribution towards home composting; Councilor Gardner presented the second award to Jeanne Roy of Recycling Advocates for her activism, advocacy and outstanding contributions to waste reduction and recycling in the region; Councilor Gardner presented the third award to Don Nail for his outstanding contribution on construction site recycling in the construction of Metro Regional Center; Councilor Gates presented the fourth award to Dr. Bill Stewart for his outstanding professional contribution to yard debris composting; Councilor Kvistad presented the fifth award to Chris Rasmussen of Rasmussen Paint Company for their significant contribution to the development of markets for recycled paint; Presiding Officer Wyers presented the sixth award to Dr. Wayne Lei of Portland General Electric for outstanding and extensive contribution to waste minimization efforts and resource stewardship.

ADDITIONAL ITEM

3.2 Employee Service Awards

Councilor Hansen explained new procedures per Executive Order No. 43 to acknowledge Metro employee service. She distributed service certificates and pins for ten years of Metro service to Don Carlson, Council Administrator, and for five years of Metro service to Dan Cooper, General Counsel, and Paulette Allen, Clerk of the Council.

4. CONSENT AGENDA

4.1 Minutes of October 14, 1993

REFERRED FROM THE FINANCE COMMITTEE
BEFORE THE CONTRACT REVIEW BOARD

- 4.2 Resolution No. 93-1857, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c) Competitive Bidding Procedures, and Authorizing a Sole Source Contract with Eastman Kodak Company to Provide Maintenance and Repair Service on the Kodak 300 Duplicator

Motion: Councilor Kvistad moved, seconded by Councilor McFarland, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Devlin, Gardner, Gatés, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was 12/0 in favor and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 93-510, For the Purpose of Amending the Regional Wastewater Management Plan and Authorizing the Executive Officer to Submit it for Recertification

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 93-510 had been referred to the Planning Committee for consideration.

- 5.2 Ordinance No. 93-514, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Sharing Payment with the Zoo for the Metro Construction Project Manager; and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 93-514 had been referred to both the Regional Facilities Committee and the Finance Committee for consideration.

- 5.3 Ordinance No. 93-518, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Funding Replacement of Personal Computers in the Office of General Counsel; and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 93-518 had been referred to the Finance Committee for consideration.

- 5.4 Ordinance No. 93-519, For the Purpose of Granting a Franchise to Energy Reclamation Inc. for the Purpose of Operating a Solid Waste Processing Facility

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 93-519 had been referred to the Solid Waste Committee for consideration.

- 5.5 Ordinance No. 93-520, For the Purpose of Determining Which Facilities Contemplated for Transfer from Multnomah County to Metro are Public Cultural, Trade, Convention, Exhibition, Sports, Entertainment, or Spectator Facilities, or a System of Parks, Open Spaces, or Recreational Facilities of Metropolitan Concern

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers announced Ordinance No. 93-520 had been referred to the Governmental Affairs Committee for consideration.

6. RESOLUTIONS

6.1 Resolution No. 93-1855, For the Purpose of Confirming the Appointment of Bernard Foster to the Metropolitan Exposition-Recreation Commission

(Please note: This resolution was listed incorrectly on the October 28 agenda as Resolution No. 93-1835 and has been corrected for the record.)

Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1855.

Councilor Washington gave the Regional Facilities Committee's report and recommendations.

Bernard Foster, Metropolitan Exposition-Recreation Commissioner (MERC) appointee, thanked the Council for appointing him to the Commission. Mr. Foster discussed community values and the future of the region. He said serving as a MERC Commissioner would be a new process for him and planned to learn as much as he could about MERC and Metro operations.

Councilor Gates thanked Mr. Foster for his willingness to the serve on the Commission.

6.2 Resolution No. 93-1854, For the Purpose of Authorizing a Lease to Procure Computer Equipment for the Planning Department and a Kodak Copier for the Finance & Management Information Department

Motion: Councilor Kvistad moved, seconded by Councilor Monroe, for adoption of Resolution No. 93-1854.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the resolution would authorize a lease financing agreement with U.S. National Bank for office equipment. He said the Planning Department would acquire \$206,142 in computer equipment and the Finance & Management Information Department would acquire a Kodak duplicator for \$40,855. He noted the lease agreement, made available to Metro because of its membership in the Special Districts Association of Oregon (SDAO), was at an interest rate of 4.05 percent, lower than current available interest rates.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors McLain and Van Bergen were absent. The vote was 11/0 in favor and Resolution No. 93-1854 was adopted.

6.3 Resolution No. 93-1863, A Resolution Amending Resolution No. 93-1795 with the Respect to Authorization of General Revenue Bonds (Metro Headquarters Building Project)

Motion: Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1863.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained Resolution No. 93-1863 amended Resolution No. 93-1795 adopted by the Council on May 13, 1993. He said because of market conditions at that time, Metro Headquarters General Revenue Bonds were not refunded via Resolution No. 93-1795 because Metro could not achieve the required 3 percent savings. He said Resolution No. 93-1863 amended the previous resolution to: 1) Increase the maximum amount of refunding bonds from \$26 to \$27 million; 2) Authorize a partial refunding of the bonds in addition to a full refunding;

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3) Authorize the use of a "forward supply contract" in structuring the escrow account; and 4) Authorize the Executive Officer to set the dated date of the bonds as needed to facilitate the sale of the bonds.

Presiding Officer Wyers opened a public hearing.

Scott Keller, citizen, 7504 SW View Point Terrace, Portland, thanked Metro for its efforts to save the region money with the refinancing bond and asked what a forward supply contract was.

Craig Prosser, Financial Planning Manager, explained to Mr. Keller that a forward supply contract was a tool currently used in the municipal bond market and recommended for Metro's use by its Bond Counsel to sell the right to invest monies in the escrow account during periods when Metro could not earn interest on same. He said Metro asked for the authority to do so in the resolution to circumvent problems currently encountered by all issuers of negative arbitrage in the escrow account. He said the rates were improving, but said a forward supply contract would provide additional flexibility if needed.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was 12/0 in favor and Resolution No. 93-1863 was adopted.

Presiding Officer Wyers recessed the Council at 4:45 p.m. The Council reconvened at 4:51 p.m.

6.4 Resolution No. 93-1858, For the Purpose of Endorsing ODOT Region 1 Priority FY 95, FY 96 and FY 97 Transportation Enhancement Projects for Inclusion in the 1995-1998 Transportation Improvement Program

Motion: Councilor Kvistad moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1858.

Councilor Kvistad gave the Planning Committee's report and recommendations.

Motion to Substitute: Councilor Moore moved, seconded by Councilor McLain, to substitute Resolution No. 93-1858B for Resolution No. 93-1858. Under the same motion, the seventh Whereas clause was deleted; Be It Resolved Section No. 4 was deleted, and Be It Resolved Section No. 5 became No. 4.

Councilor Moore gave the minority report for Resolution No. 93-1858B.

Councilor Moore noted letters received on the issues from Marc San Soucie, Bicycle Transportation Alliance and Roger M. Ellingson, citizen.

Presiding Officer Wyers opened a public hearing.

Patricia Miller, citizen, 11165 NW Cornell Road, said she owned property across from the proposed 112th Avenue Linear Park, was a member of the local citizen planning organization (CPO) and committee for citizen involvement (CCI), and that she had participated in the appeal to the Land Use Board of Appeals on the project in question. She said 112th was a road not yet on the map, had not yet had a hearing and was pending a LUBA appeal to put it on the map. She asked why a pedestrian path would be put on a road that did not yet exist. Ms. Miller distributed a letter from neighbor and citizen Jane Finnegan dated October 27, 1993, which stated that allocating funds for a project still in the planning stage and pending appeal was not the best use of public funding. Ms. Finnegan's letter said building a road on 112th was not the best available option and said the preference of local residents had not been sought. Ms. Miller urged the Council to adopt Resolution No. 93-1858B as amended.

Geoff Hyde, citizen, 10217 NW Alpenglow, Portland, urged the Council to remove Project 37 from the list. He said the project would not provide a bike path or pedestrian crossing. He said the project did not meet the standard criteria and urged the

Council to substitute another, more worthy project. He discussed the project site in question, access to and from same, and uses for same in further detail.

Commissioner Bonnie Hays, Washington County Board of Commissioners chair, distributed her letter dated October 28, 1993. Commissioner Hays urged the Council to approve the 112th Linear Park as recommended. She said the necessary planning had been done and the concerns raised at this meeting had been addressed. She introduced Mike Borreson, Acting Deputy Director of Land Use and Transportation, Washington County, who displayed a map of the site of the project. She noted the Council had already received a letter from Neal Winters, Assistant Manager, Tualatin Hills Park & Recreation District, which stated Tualatin's approval of the project. Commissioner Hays said LUBA's ruling would be on what process Washington County would be allowed to use and discussed project details further.

Mr. Borreson discussed the project also and discussed the disposition of funds for same.

Irma Trommlitz, citizen, 515 NW 112th, Portland, said she wished to refute negative testimony given earlier at this meeting. She said Project 37 was one of the most controversial projects in Washington County, but had undergone a great deal of public process via the local CPOs. She said she would lose 50 feet of her own property for the linear park, but supported its design. She said approximately 15 homeowners would be directly affected by the park and said four were moving and had no opinion about the status of the park, eight endorsed the project, one was opposed and the other two were unavailable for comment. She displayed a listing of 40 residents who were supportive of the project and saw it as a benefit to them (a copy of which is filed with the record of this meeting).

The Council and Ms. Trommlitz discussed the issues further. Councilor Devlin said Resolution No. 93-1858B did not prevent Project 37 from receiving enhancement funds, but would send it back to the Joint Policy Advisory Committee on Transportation (JPACT) for reconfirmation as a project. He asked Ms. Trommlitz if she and other testifiers would appear at JPACT to support her position. He said all that the Council had heard on the project to-date was that it was an inappropriate use of Intermodal Surface Transportation Enhancement Act (ISTEA) funding. Ms. Trommlitz said the Council should vote aye or nay at this point because the Council had heard all of the information available. Councilor Kvistad said this was the first time the Council had heard from a resident or residents. He noted there were two nay votes at JPACT on the issue and the rest of JPACT was in support. Councilor McLain said policy makers had never discussed ranking of the projects, but had simply received them as a lump package. She did not disagree with the merits of the project, but said the Council had to decide on a lump sum and said there were many worthy projects. She supported the supposition that there could be flaws in how the projects were ranked.

The Council discussed the issues further. Councilor Monroe said JPACT's structure was not conducive to public testimony. He said it was comprised of busy public officials who took recommendations from other agencies and/or jurisdictions who had already done the necessary work, held public hearings, and processed information. He said JPACT did take public testimony, but was not really set up for it. He said JPACT operated under the assumption that the public input process had already taken place. He said Metro was comfortable with public input, but said the alignment in question had not yet been approved by Washington County. He said it was an extremely expensive project when compared to others. He said when considered by the Planning Committee, there was a proposal that the project be left in, but with an amendment that stated the Council's approval did not indicate citizens should be forced to accept the road being built. He said the Council could not approve the project now, but said if the right-of-way was approved in the future, the Council could look at the project again. He said Project 37 should be sent back to JPACT.

The Council discussed the issues further. Councilor McFarland asked how the project would be funded. Councilor Moore said Washington County used a committed \$400,000 to get a higher federal ranking for other projects. Councilor Devlin said the debate had been on whether the most appropriate use of limited funds from ISTEA had been made. He said Ms. Trommlitz's testimony had convinced him that it was, but said he still had questions about the process used and said the Council should talk to JPACT about whether it should analyze projects based on their individual merits and make recommendations based on the same. He said JPACT should deal with the issues raised on public testimony, or lack thereof. He said pertinent advisory committees

should take full testimony. He stated for the record he believed JPACT could send Project 37 back to the Council, or take testimony and affirm its original recommendation. He said JPACT could also recommend that one of the projects on the contingency list be moved up. He said discussion on this and other projects should take place because there were not enough funds to fund basic transportation needs:

Mr. Borreson said Washington County did not have the funding for the bicycle path in question. He said the total cost of purchasing the right-of-way and construction of the road and linear park would be approximately \$7.5 million. He said Washington County had spent \$680,000 to-date on preliminary engineering, right-of-way purchases and citizen involvement. He said another \$1.1 million had been budgeted, leaving a shortfall of \$5.8 million. He gave historical background on 112th and said an extensive public process had been utilized over the project from many years.

Councilor Moore stated for the record the list of Washington County projects already funded by the Transportation Improvement Program and displayed the map which gave justification for the Cedar Hills Boulevard project.

The Council and Mr. Borreson discussed the issues further. Councilor Gardner said Councilor Moore's main question was why the project had been ranked as high as it was. Councilor Gates said it was not for the Council to change decisions at this juncture and said local governments had already signed off on the project lists. The Council and Mr. Cotugno discussed the issues. Councilor Hansen asked if local jurisdictions could change the projects. Mr. Cotugno said they could not. Councilor Hansen and Mr. Cotugno discussed how federal project funds were tracked and accounted for. Councilor Hansen asked if it was possible for staff to provide reports on same in the future. Mr. Cotugno said staff would provide such reports. Councilor Kvistad said to change the project list at this point in the process was bad public policy and did not indicate respect for decisions already made by local governments.

Vote on Motion to Substitute: Councilors Devlin, Gardner, Hansen, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors Buchanan, Gates and Kvistad voted nay. Councilors McLain and Van Bergen were absent. The vote was 8/3 in favor and the motion to substitute "B" as amended for Resolution No. 93-1858 passed.

Councilor Kvistad again expressed concern about the process used at this meeting. Councilor Devlin did not agree with Councilor Kvistad and said he did not feel he would be responsive to citizens if he simply accepted everything staff submitted with no questions asked. Councilor Gates expressed concern that this action had weakened JPACT, local governments and their staffs. Councilor Hansen said the Council's action had strengthened the public process. Presiding Officer Wyers said the Council's discussion of the issues at this meeting had not weakened JPACT or the process.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Hansen, McFarland, Monroe, Moore, Washington and Wyers voted aye. Councilors Gates and Kvistad voted nay. Councilors McLain and Van Bergen were absent. The vote was 9/2 in favor and Resolution No. 93-1858B was adopted as amended.

Presiding Officer Wyers recessed the Council at 6:50 p.m. The Council reconvened at 6:55 p.m.

8. OTHER BUSINESS

8.1 Tax Study Committee Briefing

Wayne Attebury, Tax Study Committee chair, said the Committee had developed its draft recommendations and begun its public hearings process. He said the Committee would submit its report by the Council's deadline of November 15, 1993. He said the Committee had reviewed Metro's need for an additional \$9.4 million in revenue, determined what functions/projects should be funded, and tried to focus on Metro's requirements/needs. He said the Tax Study Committee developed a recommendation to

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October 28, 1993

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fund \$7.4 million. He said the Committee would recommend a long-range funding mechanism adopted by Metro whenever the Council felt it could justify such tax to the voters. He said in the interim, the Committee recommended a niche tax to fund planning as it was mandated under the Charter and said real estate taxes could be utilized. He said the public had to accept a method to fund beyond a niche tax and said Metro should adopt both a real estate tax and a pay roll tax to fund operations for the long term. He said the Committee had held public hearings October 27 and 28, and would hold one on October 29. He said the Committee had made presentations to Forum on Cooperative Urban Services (FOCUS) and to the Portland Board of Realtors and had met with other interested parties. He said he knew that people believed there had not been enough sufficient notice. He said in the beginning, mailings were sent to 40 citizens in addition to organizations. He said the mailing list had since expanded to 100 names. He said the meetings had been advertised and that at most of their meetings, a member of the press had been present. He said the Committee had received no support for any of the taxing alternatives offered. He said the only funding alternative offered was that Metro should include manufactured housing under a real estate tax. He said the only letter of opposition other than one from a real estate group was from School District #40 in Beaverton because they feared competition with school funding.

Presiding Officer Wyers thanked Mr. Attebury and the rest of the Tax Study Committee for their work on Metro funding issues. Councilor Devlin also thanked Mr. Attebury and the Committee. He said he did not know of any governmental body that had been able to get a tax on income adopted in Oregon. Mr. Attebury said Metro could also look at a broad-based utility tax or even a sales tax. He said the method used had to be fair to all and had to be a broad-based assessment to fund Metro and its responsibilities well into the future. He said it would be a tough sell. He said it would take Metro a long time to convince the public that such a tax was needed. He said the niche tax related to real estate was the most practical alternative right now, and said that could be calculated on percentage of value or on square footage.

Councilor Monroe thanked Mr. Attebury and the Committee for their work. He said he did not know what option(s) the Council would end up choosing, but liked the recommendation to sunset the tax.

Councilor Gardner also thanked Mr. Attebury and the Committee for the work they had done. He said he knew the Committee had a very short time schedule to do their work. He knew the public hearings portion could be difficult.

Councilor Kvistad said he had had difficulty with defects in the public notification process. He did not think citizens had been given enough time to get involved in the process. He said he expressed the same opinion at the Finance Committee meeting on October 27.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

7.1 Advisory Committee Reports

(a) North Portland Enhancement Committee

Councilor Hansen distributed a list of projects funded by the Enhancement Committee and discussed same. She noted that although the St. Johns Landfill was no longer operational, the Committee had a sizable reserve fund that had been enhanced via investment/high interest rates. She said the Committee kept its capital funds in reserve and spent interest income only.

(b) Metro Central Enhancement Committee

Councilor Hansen reported Enhancement Committee's activities to-date. She noted that Katie Dowdall, Community Enhancement Coordinator, kept track of numerous contracts and provided the enhancement committees and herself with solid staff support. She said the Enhancement Committee members appreciated Ms. Dowdall's efforts on their behalf very much, as she did also.

(c) Composter Enhancement Committee

Deferred.

(d) Oregon City Enhancement Committee

Deferred.

(e) Forest Grove Enhancement Committee

Deferred.

Councilor Gardner additionally reported on the first joint meeting held by the Metropolitan Policy Advisory Committee (MPAC)/JPACT to receive information and hold a mutual discussion on Region 2040 and Future Vision. He said the two committees discussed Clark County which he said was well on its way to beating Metro in developing a Future Vision for themselves. He said there was broad agreement that the two committees needed to work together again and coordinate more closely. He said another joint meeting had been tentatively set for January 1994.

Presiding Officer Wyers said she; Councilor Monroe; Executive Officer Cusma; Jennifer Sims, Director of Management & Information; Don Carlson, Council Administrator; would meet next week to begin work on the Tax Study Committee's draft recommendations to-date.

Councilor Gates said the issue of citizen input or lack thereof came up at several different points at this meeting. He said video operations should be fully funded and set up in the Council Chamber to allow access to Metro meetings so that more than one public access channels could broadcast them.

Councilor Devlin said the level of discussion at the joint MPAC/JPACT meeting was quite high. He said the Council should be able to spend more time analyzing issues in committee, and said it seemed at times as if the Council only processed legislation. He said he did not want to get into the level of detail that staff did, but did want to explore how much funds were required to meet the state's transportation needs. He said project costs rose constantly and that the Council never questioned the costs, but agreed with them as given.

Presiding Officer Wyers noted that during Finance Committee deliberations October 27, the Committee realized that Recycling Information Center (RIC) supervision was still under the Public Affairs Department, but per Budget Committee action and a budget note, the RIC should be under the purview of the Solid Waste Department. She said the Finance Committee would investigate that issue more thoroughly.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 7:45 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Ducks Moorage

18699 N.E. Marine Drive

Portland, Oregon 97230

Boat Houseboat Moorage • Boat Repair • Houseboat Repair

Styrofoam Floatation • Diver Service

Phone 665-8348 • Fax 669-1716

Estimate ☐
Repair Order ☐
Billing ☐
Letter ☐

November 4, 1993

METRO COUNCIL
600 N.E. Grand
Portland, OR 97232

ATTN: Paulette Allen
RE: Case #93:1 Columbia South Shore URB Amendment

Dear Members of Metro Council:

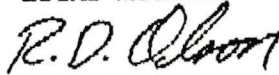
We at DUCKS MOORAGE, located in the South Shore Channel would appreciate and plea for a state of emergency in this adoption. If not immediately adopted, we are left in limbo as to our municipal services such as sewer, water, fire and police protection for both our business and our residents here at Ducks Moorage.

The more expedient the process, without delays, would allow us to proceed with the City of Gresham in resolving the details of annexation. Which would in turn assist us in commitment to completing projects such as sewer and water to upgrade our current facilities.

Your prompt attention to this matter would be greatly appreciated!

Sincerely,

DUCKS MOORAGE



R.D. Olson
Manager

RDO:dmo

Council
11/10/94
6-1

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CONSULTANTS

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REAL ESTATE APPRAISERS & COUNSELORS

Council
11/10/94
6.1503/297-4731
Fax 503/297-8908

FACSIMILE TRANSMITTAL

DATE: November 4, 1993

TO: Paulette Allen
METRO

FAX NUMBER: 797-1793

FROM: George W. Donnerberg

RE: Case 93:1, Columbia South Shore UGB Amendment

Dear Ms. Allen:

Enclosed please find a letter addressed to the METRO Council. I would be most appreciative if you would circulate the letter to the Council with copies sent to Larry Shaw and Stuart Todd.

Thank you for your assistance.

Sincerely,


George W. Donnerberg

GWD:amc

Total number of pages including this page = 2

If you do not receive all pages, please call us back as soon as possible. Thank you.

REAL PROPERTY CONSULTANTS, INC.

AFFILIATE OFFICES:

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Real Property Consultants Salem

Real Property Consultants Medford

Real Property Consultants Klamath Falls

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REAL ESTATE APPRAISERS & COUNSELORS503/297-4731
Fax 503/297-8908

November 3, 1993

METRO Council
600 NE Grand Avenue
Portland, Oregon 97232-2736**Re: Case 93:1, Columbia South Shore UGB Amendment****Dear Council Members:**

On October 26, 1993 the Metro Planning Committee unanimously approved a recommendation for the proposed Urban Growth Boundary affecting the Columbia South Shore Policy 26 Area. Additionally, the Committee recommended on a split vote the adoption of the Urban Growth Boundary with an emergency status eliminating the need for a 90-day waiting period.

As an affected owner, I provided public testimony in favor of the plan amendment. The adoption of the UGB is necessary in order to provide needed services to existing homes and moorages within the area. Needed improvements include sanitation, parking, and general maintenance. In many instances, the needed improvements are being delayed as a result of conflicting jurisdictional boundaries which cannot be resolved without the UGB adjustment.

As was discussed at the October 26 Planning Committee hearing, development of my property is also being delayed pending the resolution of the UGB boundary. After 3-1/2 years, I have successfully gained all necessary permits and conditional use approvals for development of my moorage project with the final conditional use being contingent on incorporation within the Urban Growth Boundary. It is noted that both Corps and State permits are linked to the UGB approval inasmuch as they are contingent on final City approval of the project. I now face a 90-day window for dredging activity falling between November 15, 1993 and February 15, 1994. In other words, if the boundary issue is not soon resolved, I will face the possible delay of another full year.

REAL PROPERTY CONSULTANTS, INC.**AFFILIATE OFFICES:**

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METRO Council - Case 93:1
Columbia South Shore UGB Amendment
November 3, 1993
Page Two

A member of the hearing committee noted that the UGB amendment "will correct a previous error." With this in mind, given the housekeeping nature of the action, and in light of the serious need to provide public services to the Policy 26 area in general, I respectfully request that serious consideration be given to an adoption of the amendment with an emergency provision.

Thank you for your consideration.

Sincerely,


George W. Donnerberg, MAI

GWD:amc

cc: Larry Shaw
Stuart Todd



METRO

DATE: November 10, 1993

TO: Metro Council
Interested Persons

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.1; ORDINANCE NO. 93-506A

Attached are letters received on the above by the Planning Committee at their meeting October 26 and received in the Council Department since that date.

Ducks Moorage

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18699 N.E. Marine Drive

Portland, Oregon 97230

Boat-Houseboat Moorage • Boat Repair • Houseboat Repair

Styrofoam Floatation • Diver Service

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Estimate ☐
Repair Order ☐
B/Copy ☐
Letter ☐

November 4, 1993

METRO COUNCIL
600 N.E. Grand
Portland, OR 97232

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RE: Case #93:1 Columbia South Shore URB Amendment

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Sincerely,

DUCKS MOORAGE



R.D. Olson
Manager

RDO:dmo

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REAL ESTATE APPRAISERS & COUNSELORS503/297-4731
Fax 503/297-8908

FACSIMILE TRANSMITTAL

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METRO

FAX NUMBER: 797-1793

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Sincerely,


George W. Donnerberg

GWD:amc

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REAL ESTATE APPRAISERS & COUNSELORS

503/297-4731
Fax 503/297-8908

November 3, 1993

METRO Council
600 NE Grand Avenue
Portland, Oregon 97232-2736

Re: Case 93:1, Columbia South Shore UGB Amendment

Dear Council Members:

On October 26, 1993 the Metro Planning Committee unanimously approved a recommendation for the proposed Urban Growth Boundary affecting the Columbia South Shore Policy 26 Area. Additionally, the Committee recommended on a split vote the adoption of the Urban Growth Boundary with an emergency status eliminating the need for a 90-day waiting period.

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As was discussed at the October 26 Planning Committee hearing, development of my property is also being delayed pending the resolution of the UGB boundary. After 3-1/2 years, I have successfully gained all necessary permits and conditional use approvals for development of my moorage project with the final conditional use being contingent on incorporation within the Urban Growth Boundary. It is noted that both Corps and State permits are linked to the UGB approval inasmuch as they are contingent on final City approval of the project. I now face a 90-day window for dredging activity falling between November 15, 1993 and February 15, 1994. In other words, if the boundary issue is not soon resolved, I will face the possible delay of another full year.

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METRO Council - Case 93:1
Columbia South Shore UGB Amendment
November 3, 1993
Page Two

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Thank you for your consideration.

Sincerely,


George W. Donnerberg, MAI

GWD:amc

cc: Larry Shaw
Stuart Todd

PRIDE SERVICES, INC.

1315 E. Second Street

Newberg, OR 97132

Phone 538-1284

October 28, 1993

Stuart Todd, Assistant Regional Planner
Metro
600 N.E. Grand Avenue
Portland, OR 97232

RE: Columbia South Shore UGB Amendment

Dear Stuart,

The property owners annexing into the City of Gresham are supportive of the emergency clause which would provide that the ordinance take effect immediately without the 90 day effective date after adoption.

The City of Gresham has advised us that they can not take any action, including processing the annexation application until the Metro UGB Amendment is complete. They believe this completion to include the 90 day effective period. Without the emergency clause, this would mean that our annexation application would not begin the City's four month process until mid February. This places a hardship on any plans to upgrade in the winter of 1994 by not allowing enough time to process all the required permits before the construction window is gone for another year.

Sincerely,



Sharon Bjorn
Pride Services, Inc.

cc: Columbia Ridge Marina

October 27, 1993

DIVISION OF
STATE LANDS

Mr. Stuart Todd
Assistant Regional Planner
METRO
600 NE Grand Avenue
Portland, OR 97232-2736

STATE LAND BOARD
BARBARA ROBERTS
Governor

PHIL KEISLING
Secretary of State

JIM HILL
State Treasurer

Dear Mr. Todd:

Thank you for your consideration of the comments made by the Division of State Lands concerning the proposed Urban Growth Boundary extension into the Columbia River. I would like to provide you a background on the issues involved from the State of Oregon's perspective as a basis for our comments on the specific proposal.

STATE PROPRIETARY INTEREST IN NAVIGABLE WATERWAYS

Upon admission to the United States, Oregon was given title to the bed of navigable waterways. Title was transferred to the line of ordinary high water. If title was transferred to a private owner prior to statehood, title was retained for the state to the line of ordinary low water. The Columbia River is clearly navigable in fact. The federally maintained navigation channel fronts to proposed area of concern.

Management of the bed of navigable rivers is for the purpose maintaining the "public trust" interests of navigation, fisheries and recreation. In the management scheme of the state, protection of these trust interests is evaluated and must be assured. State management has been done through a leasing scheme that exerts the state ownership interest and allows private uses under terms and conditions of a lease.

HOUSEBOAT ISSUES IN NAVIGABLE WATERWAYS

The placement of houseboats in public waterways is becoming increasingly difficult use to justify. An analogy could be drawn between allowing houseboats on public waterways and allowing private motor home parking in public parks. While the state has permitted non-water dependent uses such as houseboat moorages in the past, it is difficult to protect the public trust values by allowing private residential occupation in all locations. The wisdom of expanding this type of use to new areas of the public's waterways is being reconsidered.

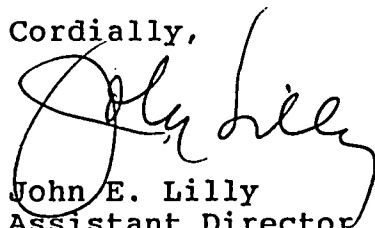


775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844

We recognize the problem faced by marina owners and others who wish to obtain public services (sewer and water). We are particularly concerned about the need to ensure sanitary sewer service is available and provided to existing and permitted moorages. We recommend that the UGB be extended to properties that have approved and/or existing permits and leases with the state for private occupancy of state owned submerged lands. In the reach under consideration, the Division has leased the area from Interlachen Lane to the Columbia Slough. This will require future moorages to request a comprehensive plan change and UGB amendment along with permits and leases for the private use.

If you have any questions concerning this letter, I would be pleased to discuss them with you.

Cordially,



John E. Lilly
Assistant Director
Policy and Planning Section

JEL/KFB/dsh
ken:633

Enclosure

cc: Earle Johnson, Division of State Lands
Jerry Hedrick, Division of State Lands

REAL PROPERTY CONSULTANTS

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4805 S.W. OLESON ROAD • PORTLAND, OREGON 97225

REAL ESTATE APPRAISERS & COUNSELORS

503/297-4731
Fax 503/297-8908

October 22, 1993

Metro Planning Committee
Metro
600 N. E. Grand Avenue
Portland, OR 97232-2736

RE: Case 93:1, Columbia South Shore
UGB Amendment

Dear Committee Members:

I appreciate the opportunity to participate in the Metro Planning Committee hearing for October 26, 1993 regarding Case 93:1, Columbia South Shore, Policy 26 Area (Agenda Item 5). My recommendation is followed by background information relevant to this issue.

Recommendation

1. Recommend approval of the proposed Urban Growth Boundary to the full Metro Council.
2. Recommend that an approval by the Metro Council become effective immediately as provided in Section 2.01.070 of the Metro Code.

Background

The Policy 26 area was adopted by Multnomah County in 1977, and it included water area north of the Columbia River shoreline. The subsequent adoption of the UGB did not recognize this water area to be in the UGB, but the maps used by Metro, Multnomah County, and the City of Portland (from staff report, attached) were interpreted until last October to include water area near the south shore within the UGB. The proposed UGB amendment is simply intended to resolve the conflict between the UGB maps, the text description of the boundary, and the area included in Policy 26 of Multnomah County.

I have been working for the past four years to obtain the necessary permits to construct a houseboat moorage on property located at the west end of the Policy 26 area, which is described in the staff report. I have worked with the appropriate local, state, and federal agencies. After two years of application submittals and agency reviews, I was informed in October 1992 that the water area for the moorage was not in the UGB. This was contrary to recent development approvals granted for other moorages in the Policy 26 area (and technically outside of the UGB) and all information received from reviewing agencies.

REAL PROPERTY CONSULTANTS, INC.

AFFILIATE OFFICES:

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By that time, I had a significant financial commitment to the project, and had received permits from the Corps of Engineers and the Division of State Lands. I now have all necessary permits, including Conditional Use approval from the City of Portland, and could begin constructing the project today except for the UGB issue.

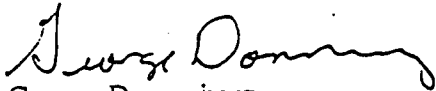
I have worked with the Metro staff for a year (since October 1992) to resolve this issue. If the UGB is not amended very soon, my project will be in serious jeopardy because:

- The Portland Conditional Use approval (conditions of 93-00068 CU, attached) requires final resolution of the UGB prior to issuance of any development permits such as dredging and grading;
- The period allowed by the Division of State Lands to accomplish the necessary work in the river is between November 15, 1993 and February 15, 1994; and
- The dredging contractor is scheduled to begin work after the Thanksgiving holiday.

If the UGB amendment is approved with an effective date that is 90 days following the November 11, 1993 hearing with the Metro Council, my permit "window" with the Division of State Lands (DSL) will close. If this permit expires, it is likely that I will have to submit a new permit application and begin a second review process. In addition, the availability of dredging contractors is very limited. If I cannot begin near the end of November, the limits of the DSL permit and contractor availability may cause a minimum delay of one year to schedule another work date.

Thank you for your consideration.

Sincerely,

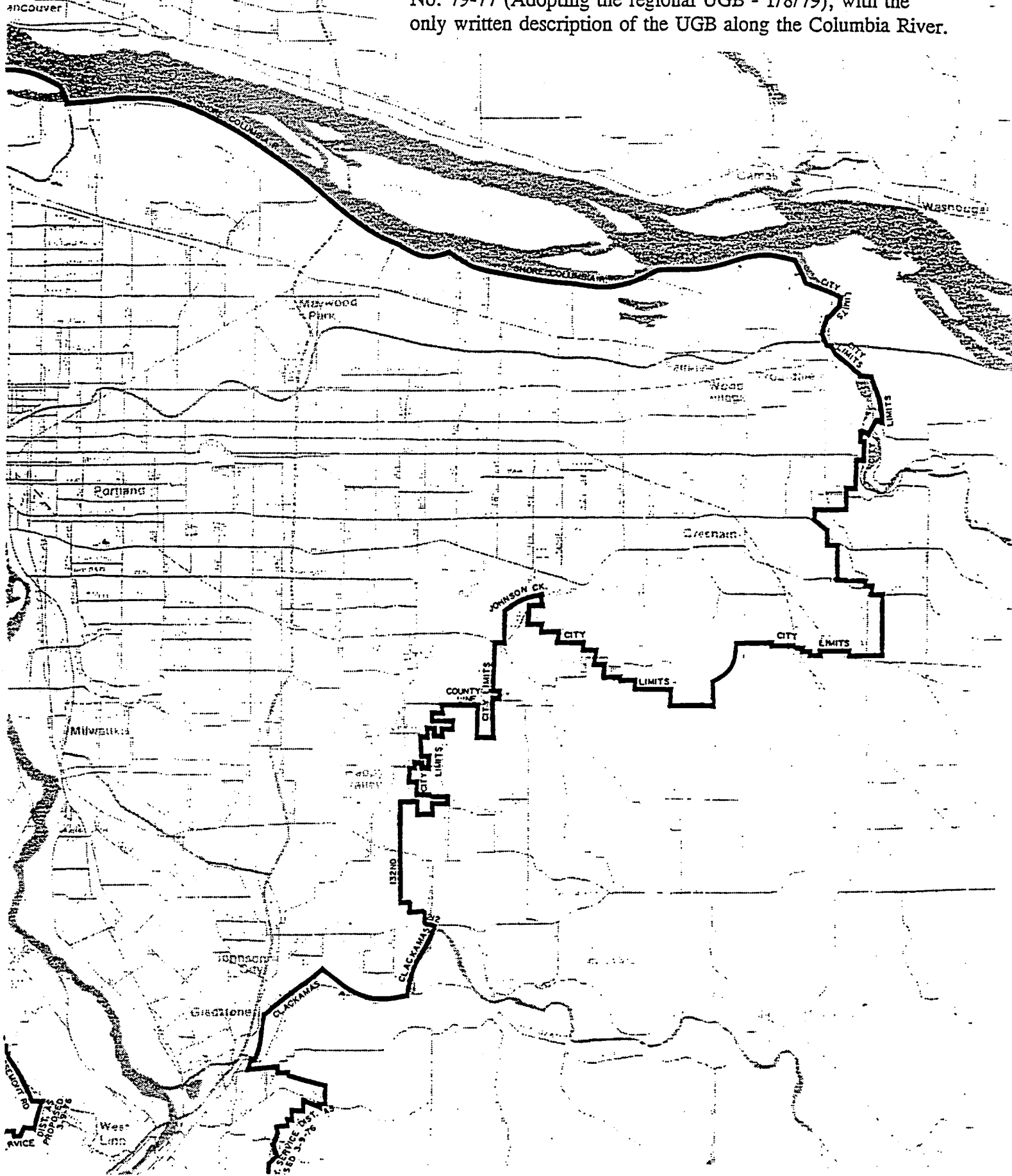


George Donnerberg

cc: Larry Shaw
Stuart Todd
Gail Ryder

Map 2

A copy of the reduced original map incorporated in Ordinance No. 79-77 (Adopting the regional UGB - 1/8/79), with the only written description of the UGB along the Columbia River.



channel is still available for public recreation. Nonetheless, it is important to recognize that the south channel of the Columbia River is a regionally significant recreation resource. Public access to appropriate portions of the river must be identified and maintained in order to balance recourse, recreational and other needs. This site is zoned for residential use. The shore-based recreational activities that historically took place on this site were not appropriate and will be replaced by permitted residential uses. Off-shore boating opportunities in the area will still exist. However, boating in the shallower, and probably more fragile reaches of the river will be restricted by the houseboat moorage. Overall, the evidence indicates that this use will probably help protect the fish habitat and in doing so will move boaters and other recreational activities farther out into the channel where there is less impact on the fish habitat closer to shore.

The two requested adjustments meet the approval criteria for adjustment review. The two single-sided monument signs will better meet the purpose of the code because they will be visible to motorists looking for the moorage but combined will not exceed the 32-square-foot minimum size and will be set low and within landscaping to reduce their impact on the scenic views from Marine Drive and visibility. The parking area will be within the least significant portion of the resource area and will be buffered from the established riparian area by additional native landscaping.

The applicant has requested a Metropolitan Urban Growth Boundary (UGB) adjustment from Metro and asks that any approval of this land use review grant them permission to do the dredge and fill work prior to final resolution of the UGB issue. This request can not be granted because of the uncertainty of the outcome and the impact on scenic and environmental resources of a partial completion of the project. Also, the applicant must obtain City Council's approval for its wetland management plan because the proposal disturbs the floodplain and the water area.

IV. DECISION

Approval of a Conditional Use Review, Environmental Review, Excavation and Fill Review, and an Interim Resource Review for construction of a 41-unit houseboat moorage, a caretaker's residence, parking, and support facilities, subject to the following conditions:

Approval of an adjustment to allow two single-sided monument signs at the entrance rather than the required single two-sided sign.

Approval of an adjustment to allow parking and maneuvering areas for cars and light trucks within the resource area of the environmental zone.

- A. The applicant must show documentation from Metro that their Urban Growth Boundary adjustment request has been approved and finalized and that the houseboat moorage is entirely within the Urban Growth Boundary prior to the issuance of building or grading permits.
- B. Upon completion of the landscape work a summary letter of compliance must be provided to the Bureau of Buildings Special Inspections Coordinator. The summary letter must include certification from the contractor that all species planted are those indicated on the Planning Bureau approved landscape plan and that they were planted in accordance with specifications of the approved plan.
- C. Maintenance of vegetation planted in compliance with this decision is required. This may include manual irrigation after initial planting, and replacement of planted stock

which has not survived one full year after planting. Irrigation methods must be identified on the planting/landscape plan. One year after planting a letter of compliance must be provided to the Bureau of Buildings Special Inspections Coordinator certifying compliance with this condition.

- D. Remove blackberries or other non-native vegetation in the work area prior to installation of planting required with this approval.
- E. All construction limits must be physically protected with temporary fencing. All construction related activity must occur only within designated work areas. No temporary storage of fill or other activity shall occur outside fenced construction areas. Fencing of existing trees to be protected shall occur no closer to the main trunk than the drip line to avoid unintentional damage to roots or branches.
- F. Construction management must be carried out in accordance with the approved construction management plan. One copy of the construction management plan must be attached to each set of plans submitted for building permits.
- G. Vehicles exiting the moorage parking lot must be warned to expect bicyclists on the roadway. Appropriate signage to this effect is encouraged. Adequate sight distance should also be provided for west-bound bicyclists to avoid conflict with vehicles exiting the moorage.
- H. A minimum shoulder width of five feet must be provided for bicyclists on the north side of Marine Drive for the length of the project area. The applicant indicates that this width currently exists. Verification of this measurement will remove the need for this condition.
- I. A street waiver of remonstrance against the future formation of a local improvement district shall be executed prior to issuance of a building permit.
- J. The applicant shall construct a bus stop adjacent to the entry, as show in the applicant's Exhibit H, subject to review and approval of this design by the Planning Director.
- K. The applicant shall obtain approval from City Council of a "wetland management plan" developed in cooperation with state and federal regulatory agencies, demonstrating that water quality impacts from the portions of the moorage located in the floodplain and the water areas will be acceptable. The intent of this condition is to satisfy the requirements of Section 33.455.060(E).

Decision mailed this 29th day of April, 1993.



Phillip E. Grillo
Hearings Officer