

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 98-2619
START-UP ACTIVITIES FOR THE)
TRANSIT-ORIENTED DEVELOPMENT) Introduced by:
(TOD) IMPLEMENTATION PROGRAM) Mike Burton, Executive Officer
AT METRO) Jon Kvistad, Presiding Officer

WHEREAS, By Resolution No. 95-2176B \$3 million of Surface Transportation Program funds were allocated for establishment of a Transit-Oriented Development (TOD) Implementation Program; and

WHEREAS, By Resolution No. 96-2279 Tri-Met entered into an Intergovernmental Agreement with Metro to transfer authority to establish and implement a Transit-Oriented Development Program contingent on approval of the Federal Transit Administration; and

WHEREAS, Such a Program will help implement Metro's Region 2040 Growth Concept, both by encouraging higher density and mixed-use development and by reinforcing light rail ridership; and

WHEREAS, The Federal Transit Administration has recently approved Metro's grant request and authorized public review of the Environmental Assessment for the Program; and

WHEREAS, Certain actions are needed to establish a fully operating TOD Program; now therefore,

BE IT RESOLVED, That the Metro Council authorize the following TOD Implementation Program start-up activities:

1. Approve the Transit-Oriented Development Program (Exhibit A) and authorize the Executive Officer to implement the Program consistent with the provisions of this resolution.
2. Adopt findings (Exhibit B) that Program activities warrant

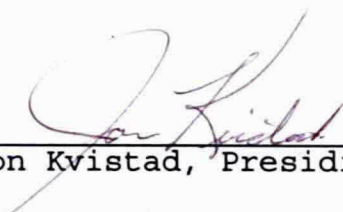
using Request for Proposals and authorize the release of a Request For Proposals (as substantially reflected in Exhibit C) to solicit development proposals consistent with the Program (Exhibit A). The RFP process is to include safeguards for a fair and equitable selection process so that, other than discussions with Program Management staff, applicants and their representatives are not permitted to make any direct or indirect (through others) contact with members of the TOD Steering Committee, Metro Council and management concerning their proposal, except in the course of authorized presentations. Violation of these rules may result in disqualification of the proposal.

3. Designate the existing Congestion Mitigation/Air Quality-Transit-Oriented Development (CMAQ-TOD) Steering Committee to become the TOD Program Steering Committee, with the addition of a Metro Councilor, for oversight of the Program and to approve project sites and projects for implementation.
4. Authorize the Executive Officer to execute Development Agreements with developers on projects resulting from the Request For Proposals approved by the Steering Committee and subsequently approved by the Federal Transit Administration and also to execute Purchase Agreements to acquire sites physically or functionally connected to light rail stations approved by the Steering Committee and the Federal Transit Administration.
5. Authorize the Executive Officer to execute Intergovernmental

Agreements with the Oregon Department of Transportation and the Portland Development Commission to transfer administration of the existing CMAQ-TOD Program to Metro to manage.

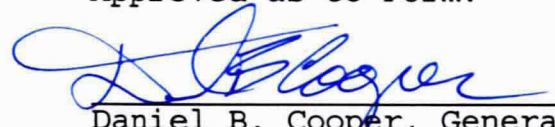
6. Authorize the Executive Officer to execute a loan with the Oregon Transportation Infrastructure Bank for \$2.0 million of transit account funds, as a reservation for up to five years, to be drawn down as loans for specific Program projects, subject to approval by the Steering Committee.
7. Require ongoing review of the Program by the Transportation Planning Committee.

ADOPTED by the Metro Council this 9th day of April,
1998.



Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

TRANSPORTATION PLANNING COMMITTEE REPORT
**CONSIDERATION OF RESOLUTION NO. 98-2619, FOR THE PURPOSE OF
AUTHORIZING START UP ACTIVITIES FOR THE TRANSIT-ORIENTED
DEVELOPMENT (TOD) IMPLEMENTATION PROGRAM AT METRO.**

Date: April 9, 1998

Presented by: Councilor McLain

Committee Action: At its April 7, 1998 meeting, the Transportation Planning Committee unanimously recommended Council adoption of Resolution NO. 98-2619. Voting in favor: Councilors Kvistad, McLain and Washington.

Council Issues/Discussion: Mr. Cotugno, department director and Mr. Whitmore, project director, carried out the staff presentation for this program, which could include as much as \$6,000,000 in program funding. The program is funded in part through a federal grant and proposed state loan, with the intended goal of increasing high quality transit oriented development projects along (i.e. within 1/4 mile of) metro area light rail stations. These projects would incorporate 2040 land use objectives, such as increased density, mixed use development, and increased access to non-auto transit.

Land acquisition and resale through request for proposals is one tool, among others in this program, to insure that projects are in fact developed. All light rail station areas are eligible for these development projects, while some emphasis will be on developing packages in suburban areas.

Mr. Cotugno pointed out that key steps in the process include:

1. Authorizing implementation of the TOD program.
2. Authorizing Request for Proposals to solicit public/private partnerships and lay out selection criteria.
3. Incorporate into the Metro TOD program, a Portland Development Commission (PDC) Congestion Mitigation/Air Quality TOD program, to form a single regional program. Designating a CMAQ/TOD Steering Committee, with Metro Council representation.
4. Authorize execution of development agreements.
5. Authorize loans from the Oregon Department of Transportation infrastructure bank.

Committee members clarified the role of a Finding of No Significant Impact (FONSI) which relates to environmental impact, and was issued by federal agencies allowing this project to proceed. They also discussed the scope of public hearings, some of which have already been held, and some which have yet to be held. Future hearings will mostly be at the local level, and be project-specific; for example tied to local permitting processes.

**TRANSIT-ORIENTED DEVELOPMENT
IMPLEMENTATION PROGRAM**

Work Plan
Transportation Department
Metro
March 1998

INTRODUCTION

This document describes the objectives, activities, and governance of the Metro Transportation Department's TOD Implementation (TOD) Program. The Program will fund land acquisition for eligible TOD projects in station areas along the Banfield and Westside-Hillsboro light rail corridor. Specifically, the Program will operate within one-quarter mile of light rail stations; these station areas are shown on Figure 1.

Projects considered for the Program will exhibit a mix of moderate- to high-intensity land uses, a physical or functional connection to the transit system, and design features that reinforce pedestrian relationships and scale. The Program seeks to increase transit ridership and lessen the risk and costs associated with the construction of TOD projects. To meet these goals and ensure the highest and best transit use, land sales to the private sector may include a "write-down" of land value, if needed, to assist in offsetting cost penalties associated with higher density, mixed-use, and/or strong pedestrian amenities. The write-downs will be determined by an independent appraisal or economic analysis utilizing the "highest and best transit use" approach. The Federal Transit Administration (FTA) recently approved this approach for joint development. The proceeds from land sales will return to the Program for use on another TOD.

PROGRAM OBJECTIVES & GRANT-FUNDED ACTIVITIES

Program Objectives

Specific objectives of the Program include:

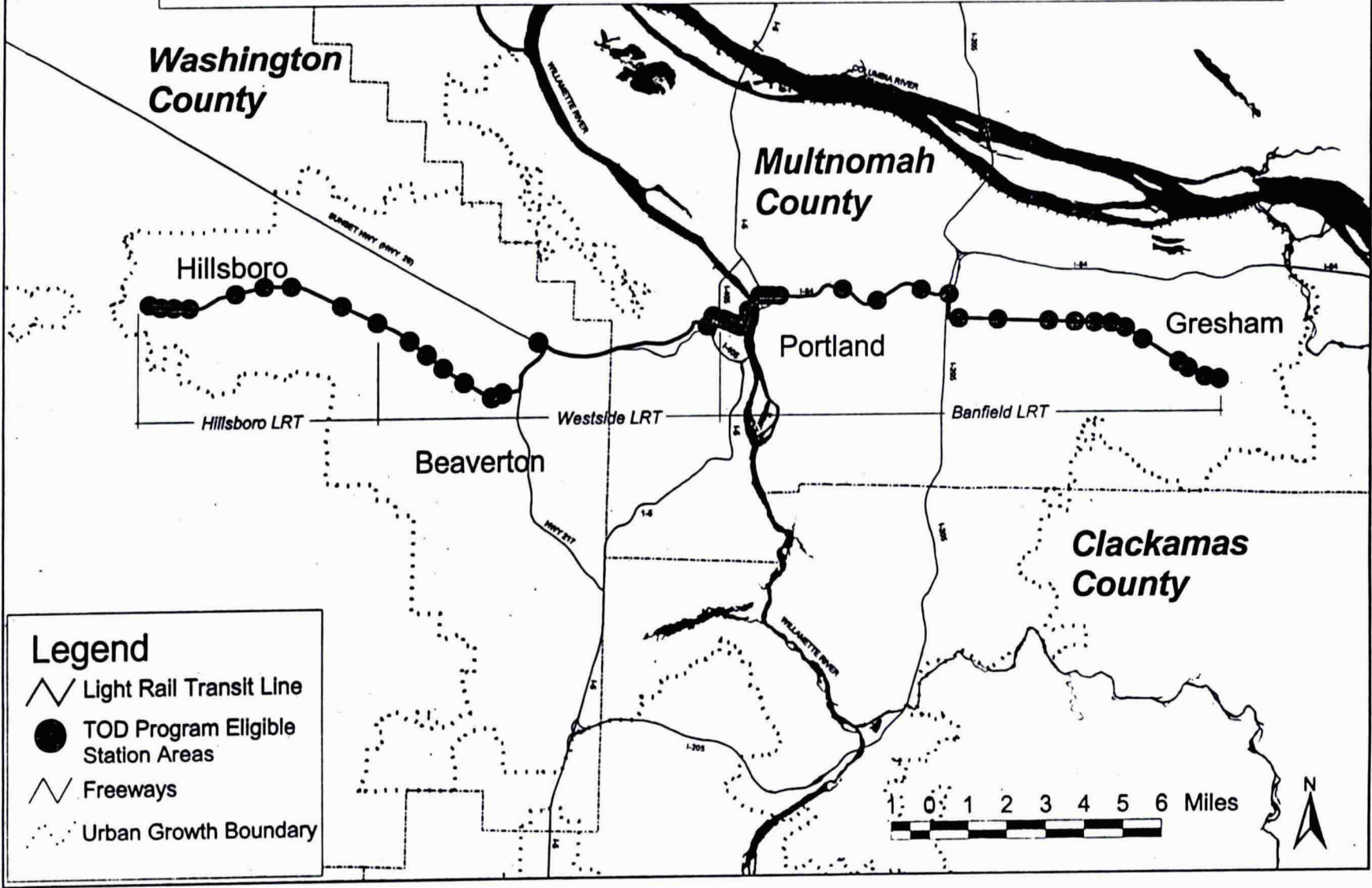
- Causing construction of higher density housing, mixed-use projects (i.e. apartments over retail, office over retail), and destination uses that have a physical and functional connection to transit, through partnerships with the private sector;
- Developing suburban building types with the lowest reasonable parking ratios and highest reasonable floor area ratios (FAR's);
- Increasing the modal share of transit and pedestrian trips within station areas while decreasing reliance on personal automobiles;
- Leveraging and focusing public expenditures within station areas to support Metro's 2040 Growth Concept.

Grant-Funded Program Activities

Capital budget activities of the program are funded by an FTA grant approved in June 1997. Grant approval is to acquire property physically or functionally connected to light rail stations to encourage TODs. Initial land acquisitions will be within station areas of the Banfield, Westside, and Hillsboro LRT lines. The property will then be sold or leased in parcels with specific restrictions and conditions to private developers for construction of transit supportive development/livable community projects. The funds from the sale or lease of the development sites will be used to establish a revolving capital fund that will maintain an on-going transit-supportive development site acquisition and improvement program.

The TOD Implementation Program is a joint development program. Joint Development refers to a collection of public and private sector partnership techniques, strategies, and development "tools" that can be used to link development to transit stations to increase the efficiency of a mass transit system. The increase can take the form of new ridership (caused by the construction of TODs), new revenue

Figure 1: TRANSIT-ORIENTED DEVELOPMENT IMPLEMENTATION PROGRAM
 Metro Regional Government, Oregon



to a transit agency, or a combination of both. Authority to use FTA funds for joint development are included in the Intermodal Surface Transportation Act of 1991 (ISTEA) and codified under 49 USC 5309, 49 USC 5307, 23 USC 133 (STP) and 23 USC 149 (CMAQ). According to these laws, TOD Program activities are defined as transportation projects provided there is (1) a physical or functional relationship to the transit project; and (2) an enhanced effectiveness of the existing transit system.¹

Specific joint development tools that may be used by the Program include:

- Site Control (land acquisition and sale) to ensure design and density of a TOD can be determined before the land is developed.
- Pre-development activities to assist in making environmental and programmatic determinations including financial analysis, conceptual design and permit acquisition; these activities do not include the preparation of architectural construction documents;
- Request for Proposals (RFP) to ensure the competitive offering of development opportunities;
- Development Agreements to establish a set of performances by both parties and to protect public interests in the development of the TOD sites;
- Public and Private Co-use of transit station structures, site improvements, or land to reinforce the connection of a TOD to the transit system;
- Air or Subterranean Rights to increase the density, urban character and/or feasibility of a TOD.

GOVERNANCE

The activities of the TOD Program will be overseen by a number of local, regional, state, and Federal officials and public-private partnership specialists. These include:

- The TOD Steering Committee
- The Federal Transit Administration
- The Metro Transportation Planning Committee

The role of each is described in the following text. A more detailed history of the TOD Steering Committee is provided under the "Other Program Activities" section of this document.

TOD Steering Committee

Prior to awarding the grant, FTA indicated that Metro was to include Tri-Met and others in the TOD Program. FTA accepted the proposal that the existing Congestion Mitigation Air Quality/Transit-Oriented Development (CMAQ/TOD) Steering Committee be used for this purpose. The CMAQ/TOD Committee was created to allocate \$3.48M of ISTEA funds to projects that could demonstrate innovative ways to address traffic congestion and air quality through TOD projects. Successful projects such as Belmont Dairy, Fairview Village, Steele Meadows, Gresham Central, and The Round at Beaverton all include CMAQ/TOD funding.

Under the TOD Implementation Program, the Steering Committee would become the TOD Steering Committee with responsibility to approve projects within criteria established by the Metro Council.

The Steering Committee would add a Metro Councilor to provide a strong liaison between the Committee and Council. The membership of the Steering Committee is listed below. Metro will provide staff support for the Steering Committee.

¹For a full discussion see the memo from FTA Chief Counsel Berle M. Schiller to FTA Administrator Gordon Linton entitled "Statutory Authority in Support of FTA Funding of Joint Development Projects," March 15, 1995.

TOD Steering Committee

Governor's Office (Chair)
Department of Environmental Quality (DEQ)
Oregon Department of Energy (ODOE)
Department of Land Conservation & Development (DLCD)
Oregon Housing & Community Services Department
Tri-Met
Metro Council
Oregon Department of Transportation (ODOT)
Oregon Economic Development Department (OEDD)
Portland Development Commission (PDC)

Staff: Metro Transportation Department

Operating Parameters for Program

The competitive evaluation criteria of the Request For Proposals to solicit development proposals includes a point based evaluation of a) quality and experience of developer team, b) proposed program, c) connectivity of TOD to light rail, d) business plan, e) timeliness of performances, and certain other minimum qualifications of the proposal. These criteria are the "TOD Proposal Criteria."

The criteria to acquire sites from property owners include a) potential for a physical or functional connection to transit, b) ability to enhance the existing transit system when developed with a TOD, and c) the extent to which the site represents an opportunity to demonstrate TOD Program objectives. These criteria are the "TOD Site Criteria."

Property will be acquired at Fair Market Value as established by the Federal Transit Administration in accordance with policies and regulations under 49 CFR Part 24 (the Uniform Act) using independent certified appraisals and will be sold at the "highest and best transit use" value determined by an independent economic analysis or appraisal approved by the FTA. The highest and best transit use value uses a "residual value approach" in which extraordinary costs of the TOD such as fire and seismic building codes for mid-rise buildings, building over parking or structuring parking, and pedestrian improvements including plazas and promenades, are absorbed by the land value.

Federal Transit Administration

The Federal Transit Administration's grant conditions and Federal funding regulation require the TOD Implementation Program to ensure public participation, identify and mitigate any adverse environmental impacts cause by the Program, and pursue environmental justice. These requirements are to be addressed through the following activities:

- Completion of a programmatic Environmental Assessment (EA)
- Public and agency review of the EA
- Site specific environmental analysis and a Memorandum on Response to Criteria
- Creation of the TOD Steering Committee

Program Operation

RFPs for development projects will be authorized for release by the Metro Council. Metro staff will conduct the technical evaluation of RFP submissions according to the TOD Proposal Criteria, and submit the proposals to the Steering Committee. As soon as practical upon approval by the Steering

Committee, the Executive Officer will provide written notification to the Metro Council of TOD proposals and the Council will have seven (7) days to notify the Executive of a request to review a proposal in executive session. Subsequently, proposals will have appraisals completed, site specific environmental work done (including traffic, wetlands, cultural and historic, and hazardous materials), a Memorandum on Response to Criteria prepared (as required by the grant), and be forwarded to the FTA. Upon approval by the Steering Committee and FTA, the Executive Officer is to execute Development Agreements with developers of successful proposals.

To acquire a site without a developer, Metro staff will evaluate the site using the TOD Site Criteria, and forward recommendations to the Steering Committee. As soon as practical upon approval by the Steering Committee, the Executive Officer will provide written notification to the Metro Council of potential TOD projects and the Council will have seven (7) days to notify the Executive of a request to review a potential project in executive session. Subsequently, projects will have appraisals completed, site specific environmental work done (including traffic, wetlands, cultural and historic, and hazardous materials), a Memorandum on Response to Criteria prepared, and then be forwarded to the FTA.. Upon approval by the Steering Committee and the FTA, the Executive Officer is to execute a Purchase Agreement with the property owners of TOD project sites. The sites will then be planned and parceled, if necessary, and sold for private development with specific conditions at a value determined by an independent economic analysis or appraisal at the "highest and best transit use" method in accordance with guidance by the FTA, as published in the Federal Register, March 14, 1997, or subsequent formal guidance from FTA.

Technical assistance to Metro staff and the Steering Committee will be provided by consultants on a "task order" basis. The disciplines covered by consultant services include:

- Planning & Urban Design
- Environmental
- Development Services
- Real Property Appraisal
- Market Analysis
- Technical Studies
- Land Acquisition, Relocation, Disposition & Escrow Services
- Legal Services
- Architectural & Engineering Services
- Public Process Facilitation

Transportation Planning Committee

The Transportation Planning Committee will review TOD Program activities on a regular basis.

OTHER PROGRAM ACTIVITIES

Oregon Transportation Infrastructure Bank

Upon execution of an agreement with the Oregon Transportation Infrastructure Bank (OTIB) a \$2.0M reservation of transit account funds for up to five years will be available for use by the TOD Program. Funds for individual TOD projects will be drawn down in specific amounts with specific pay-back schedules for each project. Generally, these individual project pay-back schedules would be for 6-18 months with deferred interest; however, a project might borrow OTIB funds for up to the life of the OTIB fund reservation—five years.

This use of both OTIB and TOD grant funds will allow the purchase of larger parcels of vacant or redevelopable land than possible using only TOD grant funds. As outlined in the "Grant Funded Program Activities" section above, after Metro acquires land, plans and designs a TOD, parcels the land (if appropriate), and executes Development Agreements with qualified developers, it will then sell the land at a price established by independent appraisals.

Upon sale, the OTIB will be returned the full amount of money it loaned for the initial acquisition. If the land sale(s) included a land value write down, this would be absorbed by the TOD Implementation Program grant, not the OTIB transit account.

The advantages of OTIB participation include:

- Increasing Metro's ability to affect a greater proportion of development surrounding light rail stations;
- Increasing the opportunity to purchase large tracts at wholesale prices, then parceling it to individual developers, which will further leverage TOD grant funds;
- Increasing the incentive for private developers to participate in public-private partnerships by allowing Metro to carry the land during planning and predevelopment activities;
- Financial participation by OTIB in the building of transit projects with minimal financial risk;
- A short turnaround time for OTIB loans.

CMAQ/TOD Program Administration

The CMAQ/TOD Program was sponsored by the Department of Environmental Quality (DEQ) and was proposed for CMAQ funding under ISTEA. The germination of the program came from a series of strategies recommended by the Governor of Oregon's Task Force on Motor Vehicle Emissions Reduction. The strategies revolved around demonstrating pedestrian, bike and transit friendly land use options for new construction that reduced auto emissions and traffic congestion. The CMAQ-TOD Program was the region's first effort to directly influence TOD projects with the use of Congestion Mitigation/Air Quality funds. Initiated in 1994-95 with \$3.48 million in federal funds, it has resulted in a number of successful projects including Belmont Dairy, Fairview Village, Steele Park, Orenco Station, Gresham Central, 172nd and East Burnside, Buckman Heights, the Round at Beaverton, and Gresham Civic Neighborhood. Six of the above projects have executed Agreements and are completed or underway, with the funding for the last three, Buckman, the Round, and Gresham Civic committed but still pending execution of Financial Agreements. Uncommitted funds as of January 1998, total less than \$100,000.

Funding for the program was from Federal Highway Administration (FHWA) to ODOT, with DEQ the program sponsor. Project solicitation was by RFP with selection determined by the CMAQ/TOD Steering Committee discussed earlier. Staff for the program was by contract with the PDC because of its background and expertise in public-private development projects.

Due to cutbacks in staff, PDC can no longer manage the program and has recommended that Metro assume administrative responsibility for this existing CMAQ/TOD Program, since Metro has expertise in TOD Program issues and Federal funding requirements. This is acceptable to ODOT and DEQ and the proposal is currently being circulated among the other members of the Steering Committee.

Work remaining includes successfully implementing the remaining projects of the Round and Gresham Civic (Buckman is underway), meeting federal requirements for the grant, resolving issues of eligibility as they arise, meeting reporting requirements and producing a summary and analysis of the CMAQ/TOD Program to date.

EXHIBIT B

FINDINGS FOR USE OF REQUEST FOR PROPOSALS

The Metro Council makes the following findings that a Request for Proposals (RFP) is the appropriate method of non-standard bid to solicit development proposals for the Transit-Oriented Development Implementation Program:

- 1) that the TOD Program is soliciting proposals for TOD projects that will be constructed, financed, owned, and operated by the private sector; that the TOD Program is not soliciting proposals that will result in an acquisition of a public building, public facility or public site improvement, but rather in a public benefit of a private development, which is more transit supportive with reduced traffic congestion and improved air quality; and, therefore, an RFP is the appropriate procurement process for this program;
- 2) that the use of an RFP will not result in a public cost increase and, in fact, since the value added to the development by the TOD Program will result from acquisition of the site and sale to a developer, will result in savings as compared to a standard bid;
- 3) that the Program is technically complex with a number of criteria and would not be possible using a standard bid process;
- 4) that the unique nature of the Program doesn't translate into use of a more conventional process since the contract result will be a public-private partnership agreement – Development Agreement – in which the development site is purchased with TOD Program funds, then sold to a developer at a value established at the "highest and best transit use", with specific conditions for development;
- 5) that the funding source, the Federal Transit Administration, has agreed that a non-standard bid process is appropriate for use on the TOD Program.

**TRANSIT-ORIENTED DEVELOPMENT
IMPLEMENTATION PROGRAM**

Request for Proposals
for transit-oriented developments (TODs) including mixed-use projects
with higher density residential, major transit rider attractors,
and other TOD demonstration projects.

March 1998

Note: All dates assume release of this RFP on March 27, 1998.
If this date changes, other dates will change accordingly.

For Information Contact:
Marc Guichard or Phil Whitmore
Metro Transportation Department
600 NE Grand Avenue
Portland, OR 97232-2736
Phone: 797-1944
Fax: 797-1794

Metro
TRANSIT-ORIENTED DEVELOPMENT IMPLEMENTATION PROGRAM
March 27, 1998

1. **What is it?** A grant from the Federal Transit Administration has been awarded to Metro for a TOD Implementation Program, to acquire development sites for subsequent sale to developers with restrictions, for constructing demonstration high quality transit-oriented development projects. These projects will feature a mix of moderate to high intensity land uses, be physically or functionally connected to light rail stations and include design features that reinforce pedestrian relationships and scale.
2. **Where does the program apply?** Station areas on the Eastside MAX, Westside, and Hillsboro LRT alignment that are physically or functionally connected to the transit stations are eligible for the Program. Although areas within a quarter of a mile radius could be eligible, the initial project sites should be linked as closely as possible to the LRT stations.
3. **Who may apply?** Qualified development teams with track records in public-private partnerships, higher density residential, mixed-use, destination retail or developers with projects that have used innovative building and financing methods to achieve these results are encouraged to apply.
4. **What is the deadline?** The proposals will initially be received in two rounds. The deadline for Round I is April 24, 1998, and for Round II is May 27, 1998. There may be subsequent rounds for proposals depending on availability of funds.
5. **How does one apply?** Complete the pertinent information requested in Attachment A along with supporting documentation and illustrative sketches as indicated.
6. **Who will make the selection of qualified proposals?** A Steering Committee for the TOD Implementation Program comprised of representatives from public agencies will approve the selection within policy guidance provided by the Metro Council. This Steering Committee was used successfully for the award of \$3.5 million of TOD Projects for the Congestion Mitigation/Air Quality (CMAQ) Program and is comprised of representatives of six state agencies (DEQ, Department of Energy, Oregon Housing and Community Services Department, Oregon Department of Transportation, Oregon Economic Development Department and the Department of Land Conservation and Development); the Governor's Office; Portland Development Commission; Tri-Met and Metro. Metro is the Program Manager and is responsible for technical staff support and implementation. Applicants are encouraged to work closely with the Metro Program Manager in preparing their development proposal.
7. **What is the Program looking for?** The Program is looking for projects in which added public investment will yield transit benefits such as transit compatible land uses, density and/or amenities for a TOD that would not otherwise occur, and that improve transit ridership and non-auto use (walk, bike, etc.). The Program is seeking proposals that will translate into real TOD projects in a relatively short time. These TOD projects are to create places and destinations for transit users with the construction of transit

villages with true neighborhoods, vertical mixed-use including residential over retail and office over retail and destination uses/transit rider attractors that are physically or functionally connected to transit. The transit villages are to be characterized by the creation of a “place” with a rich mixture of uses in close proximity to one another, building massing with minimum set-backs and frequent openings to reinforce pedestrian activity and the use of promenades, plazas, and active uses such as cafes, coffee houses and markets that establish a focal point for the project and destination for transit. The other major transit rider attractors may include destination retail that supports transit, entertainment, retail/entertainment or theme retail.

In addition, single use or single building projects may be included if they function as an activity link to a larger area and/or demonstrate new or innovative ways to increase building density in a livable environment and propose innovative methods of financing complex projects.

Proposal evaluation criteria will be the following and are explained in detail in Developer Proposal section:

- Development Team Qualifications (0-15 points)
- Development Program (0-35 points)
- Connectivity To Transit (0-15points)
- Business Plan (0-20 points)
- Timeliness of Developer Performances (0-15 points)

Responsive Proposals also must meet the following minimum qualifications:

- Financial Capabilities
- Federal Funding “But For” Test
- Compliance with Metro’s Functional Plan Parking Ratios
- Realness of Project
- Environmental Justice

OTHER INFORMATION REGARDING PROPOSALS

March 27, 1998

The TOD Steering Committee is anticipated to announce the selected projects within 30 days of the submittal deadline. Selection will be made at the discretion of the TOD Steering Committee.

Proposals will be evaluated on the completeness and quality of content and responses to the selection criteria described herein. If a development proposal is incomplete or does not meet the criteria, the TOD Steering Committee may reject the proposal or request additional written information. Personal interviews with the top-ranked applicants may be conducted as part of the decision-making process. The interview committee's recommendation will be submitted to the TOD Steering Committee for approval.

In the interest of a fair and equitable selection process, other than discussions with Program Management staff, applicants and their representatives are not permitted to make any direct or indirect (through others) contact with members of the TOD Steering Committee, Metro Council and management concerning their proposal, except in the course of authorized presentations. **Violation of these rules may result in disqualification of the proposal.** The members of the TOD Steering Committee are listed in Attachment C.

Since federal funds are being used for eligible activities, during the period from the date of issuance of this RFP to its submission date, the developer should not engage in activities that may be prejudicial to the environmental assessment including **demolition of historic buildings, wetland modification or relocation activities.** Any such activity may disqualify that proposal.

Use of the TOD Program funds must result in projects that are more transit-oriented than would otherwise be without the funds.

Selected development teams are expected to progress diligently to complete contract funding negotiations, pre-development planning and project construction. If a project does not proceed according to the schedule, the TOD Steering Committee may withdraw its funding commitment.

The TOD Steering Committee reserves the right to award for less than the amount requested. Projects for the first round of funding must be "real" private development projects which are well along in the pre-construction process; have site control either by Memoranda of Understanding, option or ownership; a development program; design concept; and a qualified developer. Unless otherwise provided, TOD Program funds not expended within one year of the date of the letter of commitment from Metro may be transferred to other projects of the program.

GENERAL INFORMATION FOR PROPOSALS

1. Additional Information/Clarifications

Metro may require additional information or clarifications needed to understand the selected team's project. Any changes will become part of the final contract.

2. Right to Reject or Cancel RFP/Public Records

The Program Manager reserves the right to reject any or all applications upon a good cause findings if it is in the public interest and to not be liable for any cost incurred while preparing or presenting the developer's proposal. All proposals will become part of the public file without financial obligation of the Program Manager, Metro, FTA and other agencies involved in the TOD Implementation Program. The Program Manager reserves the right to cancel this RFP upon good cause finding it if is in the public interest.

3. Right to Modify Subsequent Issues of This RFP

The Program Manager reserves the right to change the details of the criteria in subsequent RFPs providing the criteria categories as shown are retained.

4. Protests Regarding the Selection Process

Protests concerning the developer selection process must be delivered in writing to the Program Manager within five working days of the postmarked date on the notice of the award. The written appeal must describe the specific citation of law, rule, regulation, or procedure upon which the appeal is based. Metro's appeal procedures will be followed and the outcome of the process is final. Disagreement with the judgement exercised in scoring by evaluators is not a basis for appeal.

5. Use of Recyclable Material

Applicants must use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document.

DEVELOPER PROPOSAL

(THIS FORM IS AVAILABLE AS A WORD PROCESSOR FILE)

Project Summary

Project Location

site address:

city, st., zip

Station Area:

Project Data

parcel size in acres or square feet (attach map):

proposed total cost of development project:

_____ \$ _____

proposed value of land to be purchased by Metro:

\$ _____

proposed value of land sale to developer:

\$ _____

net funds requested from TOD Implementation Program

\$ _____

1. Development Team Qualifications (15 Points)

The goal is to have an experienced development team capable of producing the product described in the proposal. Please provide the following information:

Development firm:

contact:

address:

city, st., zip

phone:

fax:

Architect and/or Engineer:

contact:

address:

city, st., zip

phone:

fax:

General contractor

contact:

address:

city, st., zip

phone:

fax:

Lender

contact:

address:

city, st., zip

phone:

fax:

Supporting documentation:

Please provide not more than three pages (8 ½" x 11"), including photos, on the developer's qualifications and track record in public-private partnerships, higher density residential, mixed-use, destination retail, and information on projects that include innovative building and financing methods to achieve results.

2. Development Program (35 Points)

The goal is to create one or a combination of the following:

- Transit Villages that establish "places" through design that include a strong pedestrian environment, transit supportive mixed-use, and higher density residential. A strong pedestrian environment can be achieved with site layout, building massing and street or sidewalk amenities. Ground floor retail, markets, cafes, numerous door and window openings and balconies along the pedestrian areas can help create a transit village, as will pedestrian scaled architectural forms, eye level detail, fountains, promenades, benches, trees, removal of architectural barriers, and other architectural devices.
- Other transit attractors that increase transit ridership and the efficiency of the transit system such as retail, entertainment, retail/entertainment and theme retail;
- Single use buildings that link adjacent development and/or demonstrate innovative ways to increase density at low costs.

Respond to the criteria as indicated. Please note that bonus points are given for density, building height, affordable housing, and transit ridership incentives. Theoretically, a project could score more than 100 points.

1) Describe how the project creates a transit village, a transit attractor, or a single use building, any of which are to be transit oriented.

2) Residential Components of the Project:

Total number of dwelling units in the proposed project within ¼ mile of station: _____

Total net useable acreage of site: _____

(if less than one acre describe in square footage)

Units per net acre*: _____

(bonus of up to three extra points if 50 d.u. acre on residential or 40 d.u. if MXD)

If the project has multiple buildings, the highest density achieved by one or more buildings: _____

Maximum building height (in feet): _____

Number of stories including fractions*: _____

(up to two bonus points above three stories with an additional point for projects five and above)

Parking ratio (units/parking space): _____

(see Metro Regional Parking requirements, Exhibit 1; points scored for lowest ratio)

*indicates bonus points

3) Commercial Components of the Project:

Total building square footage: _____
Square footage by use (i.e., retail, office, employment, etc.): _____
Parking ratio by use: _____
(projects receive points for lowest parking ratio)
Site area: _____
Building height and number of floors: _____
FAR: _____

4) Vertical Mixed Uses: If the project contains vertically mixed uses, apartments over retail for example, please describe.

5) TOD Innovations: Describe any innovative design features that will be employed to increase building and parking density, create MXD, or financing innovations that will assist in providing for financing of complex mixed-use projects.

6) Linkage: Describe any relationships of the project to a larger TOD or links to adjacent development.

7) Provision of Affordable Income Housing* - Defined as 100% of medium income for sale or lease units. These funds must be provided from other programs (In addition to scoring on this section for any affordable housing, up to two additional bonus points for units 80% of medium income and one additional bonus point for 60% medium income.)

8) Provision of Daycare: Describe the design, size and facilities of the proposed daycare facility.

9) Transit Ridership*: As part of scoring of this section, Metro will evaluate the proposed project's transit ridership potential, with the highest overall ridership gained at the lowest cost per induced rider being factors in this evaluation. Metro will use its own modeling for this evaluation; no additional project information is necessary. Up to two bonus points for transit ridership incentive programs the developer works out with Tri-Met (discounts on monthly passes or promotion of the TOD project on transit advertising, for example).

3. Connectivity to Transit (15 Points)

The goals are to increase transit modal split, improve conveniences to the transit patron, and create transit as a focal point of the development. The development project by federal statute for the grant funds is to be physically or functionally connected to transit. Physical is physical; functional is connected by activity. The project must be within ¼ mile of an LRT station, but the program initially is seeking those projects that are adjacent to a station. Functional connectivity can be established with the provision of pedestrian oriented activities, design, and amenities; examples are provided in the previous section under the description of a transit village.

Provide the following information as applicable.

Proximity of project to transit station platform:

Walking distance station to nearest edge of development project (in feet): _____

To furthest edge (in feet): _____

Describe how the building mass and site layout establish the connection to transit.

Describe any active uses that are proposed along pedestrian corridors (ground floor retail, cafes, markets, etc.)

Describe any other physical connections and devices that will be employed to establish the connection to transit. (plazas, promenades, eye level detail, etc.)

4. Business Plan (20 Points)

The goal is to receive the most value for the least dollar expended in responding to TOD Program criteria, to leverage private money with the grant program, to include funding and/or support from other public agencies in the project, and to help Metro meet its local match obligations of the federal grant (10.27%).

FTA's grant to Metro is for acquisition of development sites and sale to developers, with specific conditions for construction of TOD projects, to a land value determined by the "highest and best transit use." This value will take into consideration extraordinary costs, if any, for achieving transit supportive land uses, higher density, mixed-use and good connectivity to transit. Net grant fund expenditures from the TOD Program may be in the form of land value write down and/or funding the "carry" on the land costs for the project. Public funding from the grant is to go for aspects of the development the market would not otherwise support including higher density, mixed-use and improved pedestrian environment. For example, if the market will provide two stories, the Program is interested in three; if it will provide three, the Program wants four, etc. The intention of the TOD Program is to provide funds for these elements and/or types of transit supportive development that would not otherwise occur, not to provide economic incentives to bring overvalued property in line for more conventional, less transit-supportive development.

Project sites will be considered that are already owned and/or optioned by the developer, providing the developer has not completed that action in anticipation of the TOD Program. The Developer may be required to sign a statement attesting the above.

Provide the following information, if applicable.

1) Financial

Developer's estimate of gross costs of land acquisition for the project (Actual value to be determined by independent appraisal completed by Metro)	\$ _____
Estimated land sale proceeds to Metro: (Actual value by independent "highest transit use" appraisals)	\$ _____
Estimated net project costs:	\$ _____
Gross cost of all development	\$ _____
Anticipated Amount of Mortgage Financing	\$ _____
Developer's Equity	\$ _____
Other Public Funds - Subject to verification:	
Local Government (specify source and type)	\$ _____
State	\$ _____
State Housing Bond Financing	\$ _____
Local Match Contributions to Metro - donation of portion of land, eligible planning, environmental and preconstruction activities, etc. Describe:	\$ _____
Return to Metro, if any, of future position in project for later use in Metro Revolving Fund	\$ _____

2) Land Carry: What are the dates of Metro's "carry" on the land, or the length of time from acquisition by Metro to sale and close of escrow to the developer.

3) Describe other collaboration with local governments and attach related documentation such as development agreements or letters of support.

5. Timeliness of Developer Performances (15 Points)

The goal is to have the project under construction as quickly as practical and the developer must be willing to commit in writing to his proposed schedule.

1) Developers Proposed Schedule From Date of Selection:

Submission of Preliminary Plans (site plan, building elevations, typical floor plan, short form of specifications)	_____ days
Submission of Construction Plans	_____ days
Proof of Equity Capital and Mortgage Financing	_____ days
Start of Construction	_____ days
Completion of Construction	_____ days

In addition to the above criteria of 1) Development Team; 2) Proposed Program; 3) Connectivity; 4) Business Plan; 5) Timelines of Performances, it is assumed that proposals meet the following minimum qualifications (which may be verified subsequently) for a responsive proposal: A) financial capabilities (can this project be financed with this developer and this Business Plan?); B) meet the "But For" test for federal funds (are TOD Program grant funds really needed for this TOD Project to move forward? What is specifically gained by the TOD Funds?); C) Compliance with Metro's Functional Plan Parking Ratios; D) Realness (How real is this project and what is its current status regarding site control: option, memorandum of understanding, ownership, property owner as partner?); E) Environmental Justice - (Does the project enhance transportation options for people of all income levels, including existing or future local residents?).

All development proposals selected by the TOD Selection Committee will be evaluated in response to the criteria included in items 1-5 above in the RFP. In addition, Metro will evaluate each of the "initially selected" proposals of the Selection Committee in a Technical Report on Memorandum on Response to Criteria, as required by the grant (See Exhibit 2). The initial selection of the Selection Committee, the Technical Report on Response to Criteria, pertinent environmental site specific environmental studies, if any, the independent acquisition appraisal, review appraisal if required, and the independent "highest and best transit use" appraisal, all will be submitted to the Federal Transit Administration for its approval. Initially selected projects will proceed subject to appraisals, environmental studies and conditions, if any, including Hazmat, wetlands and traffic, and execution of a Development Agreement/Financial Participation Agreement between Metro and the developer.

DESIGN SKETCHES

A maximum of four (4) illustrative drawings not larger than 11" x 17" may be submitted to depict the proposed development. These may include site plan, elevations, and illustrative sketches depicting ground level detail, connection of project to transit, street scene activity, pedestrian amenities and other concept drawings for the proposed TOD.

Table 2 - Regional Parking Ratios (parking ratios are based on spaces per 1,000 sq. ft of gross leasable area unless otherwise stated)			
Land Use	Minimum Parking Requirements (See Central City Transportation Management Plan for downtown Portland stds)	Maximum Permitted Parking - Zone A:	Maximum Permitted Parking Ratios - Zone B:
	Requirements may Not Exceed	Transit and Pedestrian Accessible Areas ¹	Rest of Region
General Office (includes Office Park, "Flex-Space", Government Office & misc. Services) (gsf)	2.7	3.4	4.1
Light Industrial Industrial Park Manufacturing (gsf)	1.6	None	None
Warehouse (gross sq ft; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	.05
Schools: College/University & High School (spaces/number of students and staff)	0.2	0.3	0.3
Tennis/Racquetball Court	1.0	1.3	1.5
Sports Club/Recreation Facilities	4.3	5.4	6.5
Retail/Commercial, including shopping centers	4.1	5.1	6.2
Bank with Drive-In	4.3	5.4	6.5
Movie/Theater (spaces/number of seats)	0.3	0.4	.05
Fast Food with Drive Thru	9.9	12.4	14.9
Other Restaurants	15.3	19.1	23
Place of Worship (spaces/seats)	0.5	0.6	0.8
Medical/Dental Clinic	3.9	4.9	5.9
Residential Uses			
Hotel/Motel	1	None	None
Single Family Detached	1	None	None
Residential unit, less than 500 sq ft per unit, one bedroom	1	None	None
Multi-family, townhouse, one bedroom	1.25	None	None
Multi-family, townhouse, two bedroom	1.5	None	None
Multi-family, townhouse, three bedroom	1.75	None	None

¹ Ratios for uses not included in this table would be determined by cities and counties. In the event that a local government proposes a different measure, for example, spaces per seating area for a restaurant instead of gross leasable area, Metro may grant approval upon demonstration by the local government that the parking space requirement is substantially similar to the regional standard.

At the time of execution of the Development Agreement, a written Memorandum on Response to Criteria will be prepared that evaluates the proposed TOD project within the following criteria: a) location of the land parcel relative to transit; b) existence of a *physical or functional link* between the development and transit; c) ability to *enhance the effectiveness of an existing transit system* (this should examine the proposed benefit to the transit system in terms of overall increased ridership from the project, non-peak demand ridership, and reverse flow ridership); d) costs per induced rider, with the goal that the joint development project is at least 50% more cost effective in costs per induced rider than the transit project which it is to enhance; e) cost penalty of the public purposes of the project determined and an appropriate public finance tool identified to undertake the project (this may be included in the reuse appraisal); f) ability to move the project forward in a timely manner; g) present value of added farebox revenue relative to public funding, less recapture from sale proceeds, if any; h) ability for the project to manage regional growth - the **regional significance** of the project and its effect on congestion mitigation, air quality, and implementation of 2040 goals and objectives; i) leverage of public monies to private monies; and j) opportunity for the project to serve as a model for the region. A specific TOD project need not comply with every criteria; however, the Memorandum on Response to Criteria must examine each criterion. If different from the EA, Metro will review the EA to resolve differences.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 98-2619 FOR THE PURPOSE OF AUTHORIZING START-UP ACTIVITIES FOR THE TRANSIT-ORIENTED DEVELOPMENT (TOD) IMPLEMENTATION PROGRAM AT METRO

Date: February 27, 1998

Presented by: Andrew C. Cotugno

PROPOSED ACTION

It is recommended that the Metro Council authorize the following Transit-Oriented Development (TOD) Implementation Program start-up activities:

1. Approve the Transit-Oriented Development Program (Exhibit A) and authorize the Executive Officer to implement the Program consistent with the provisions of this resolution.
2. Adopt findings (Exhibit B) that Program activities warrant using Request for Proposals and authorize release of a Request For Proposals (RFP) -- subject to the Federal Transit Administration (FTA) issuing a Finding Of No Significant Impact (FONSI) on the Program's Environmental Assessment -- to solicit development proposals. The competitive evaluation criteria of the RFP includes: a) quality and experience of developer team; b) proposed program; c) connectivity of TOD to light rail; d) business plan; e) timeliness of performances; and certain other minimum qualifications and restrictions for a responsive proposal.
3. Designate the CMAQ/TOD Steering Committee for broader representation and oversight of the TOD Implementation Program to meet FTA requirements, with a Metro Councilor added as a liaison between the Steering Committee and Council.
4. Authorize the Executive Officer to execute Development Agreements with developers on TOD projects initially selected through the above-referenced RFP and subsequently approved by the Steering Committee and by FTA, and also to execute Purchase Agreements to acquire sites physically or functionally connected to light rail stations approved by the Steering Committee and FTA.
5. Authorize execution of Intergovernmental Agreements (IGAs) with Oregon Department of Transportation (ODOT) and the Portland Development Commission to transfer administration of the existing CMAQ-TOD Program to Metro.
6. Authorize execution of an agreement with the Oregon Transportation Infrastructure Bank (OTIB) for \$2.0 million of transit account funds, as a reservation for up to five years, to be drawn down as loans for specific TOD projects.

7. Require ongoing review of the TOD Implementation Program by the Transportation Planning Committee.

FACTUAL BACKGROUND AND ANALYSIS

Metro's pioneering TOD Implementation Program is the first in the United States to use federal transit funds for these purposes. In mid-January, Metro received the actual grant document from the Federal Transit Administration for the TOD Program. Although the grant is approved, funds have been obligated, a federal project number assigned, and a final certification from the Department of Labor has been issued, certain grant-funded activities cannot commence until completion of a programmatic environmental assessment. Therefore, the release of an RFP for development proposals is subject to the FONSI.

The programmatic EA process is complete. A draft EA document was submitted to FTA; FTA approved the EA for public and agency review on January 21, 1998; the EA was sent to 98 public agencies and others for comment; and a public hearing was held on February 19, 1998 to receive comments. On March 23, 1998, the Federal Transit Administration issued a Finding of No Significant Impact (FONSI).

Request for Proposals

The Request for Proposals (RFP) is to solicit development proposals for TOD projects that create places and destinations for transit by the construction of transit villages with vertical mixed-use including residential over retail, developments that are transit rider attractors, or single building projects that demonstrate new or innovative ways to increase density in a livable environment.

Criteria to be used for project selection will include the following: 1) quality and experience of developer team, 2) proposed program, 3) connectivity to transit, 4) business plan, 5) timeliness of performances. Minimum qualifications for a responsive proposal will be the following: 1) financial capabilities, 2) meeting the "but for test" for federal funds -- are these TOD funds really needed for this TOD project to move forward?, 3) compliance with Metro's Functional Plan Parking Ratios, 4) Realness -- is the project real and has site control been secured?, and 5) environmental justice.

Project Selection, Development Agreements and Land Purchase Agreements

Under this resolution, the initial selection of projects will be subject to approval of the existing TOD-CMAQ Steering Committee which consists of representatives from Metro, Tri-Met, Portland Development Commission (PDC), and State of Oregon agencies including Transportation (ODOT), Environmental Quality (DEQ), Housing and Economic Development, Land Conservation and Development and the Governor's Office. Prior to award of the TOD

grant to Metro, FTA indicated that there be a serious effort and mechanism to include Tri-Met and others in the TOD Program. FTA accepted the above Steering Committee as a means to achieve this. It is recommended that a Metro Councilor be added for strong liaison and coordination between the Steering Committee and Council, that the name be changed to TOD Program Steering Committee, and that PDC become a voting member.

TOD projects with developers and sites available from property owners will be initially approved by the Steering Committee, upon recommendation of Metro staff. As soon as practical, the Executive Officer will provide written notification to the Metro Council of potential TOD projects and the Council will have seven (7) days to notify the Executive Officer of a request to review a proposal in executive session. The Executive Officer will execute Development Agreements on the remaining projects when the Metro Council has approved criteria for an RFP; an RFP process to developers has been completed; the TOD Committee has approved the project; an acquisition appraisal has been completed by an independent certified appraiser with a maximum value paid not to exceed the Fair Market Value as established by the FTA; site-specific environmental studies have been completed to satisfy NEPA requirements; a Memorandum on Response to Criteria has been completed by the grant; a "highest and best transit use" appraisal completed by an independent appraisal to determine the re-use value of the property with the TOD development conditions in place (the property shall not be sold for less than this appraised value as determined by the independent appraisal); and the Federal Transit Administration has approved the project. The Executive Officer will execute Purchase Agreements within a Fair Market Value as approved by the FTA, on sites that are physically or functionally connected to transit, enhance an existing transit system and represent an opportunity to demonstrate TOD Program objectives, when approved by the Steering Committee and FTA. These sites, purchased directly from the property owners that do not yet have developers, will then be planned and parceled, if necessary, and sold for development with specific conditions for TOD projects at a value determined by an independent economic analysis or appraisal at the "highest and best transit use" method in accordance with guidance by FTA as currently published in the Federal Register, March 14, 1997.

Metro Assumption Of Existing TOD-CMAQ Program

The CMAQ-TOD Program was the region's first effort to directly influence TOD projects with the use of Congestion Mitigation/Air Quality funds. Initiated in 1994-95 with \$3.48 million in federal funds, it has resulted in a number of successful projects including Belmont Dairy, Fairview Village, Steele Park, Orenco Station, Gresham Central, 172nd and East Burnside, Buckman Heights, the Round at Beaverton, and Gresham Civic Neighborhood. Six of the above projects have executed Agreements and are completed or underway, with the funding for the last three, Buckman, the Round, and Civic, committed but still pending execution of Financial Agreements. Uncommitted funds total less than \$100,000.

Funding for the program was from Federal Highway Administration (FHWA) to ODOT, with DEQ the program sponsor. Project selection was determined by the Steering Committee discussed earlier. Staff for the program was by contract with the PDC because of its background and expertise in public-private development projects. Due to cutbacks in staff, PDC can no longer manage the program and has recommended that Metro assume administrative responsibility for this existing CMAQ/TOD Program since Metro has expertise in TOD Program issues and federal funding requirements. This is acceptable to ODOT and DEQ and the proposal is currently being circulated among the other members of the Steering Committee.

Work remaining includes successfully implementing the remaining projects of the Round and Gresham Civic (Buckman is underway), meeting federal requirements for the grant, resolving issues of eligibility as they arise, meeting reporting requirements and producing a summary and analysis of the CMAQ/TOD Program to date.

Oregon Transportation Infrastructure Bank (OTIB)

A draft proposal has been submitted to Oregon Transportation Infrastructure Bank to reserve \$2.0 million of transit account funds for up to five years for use by the TOD Program. The OTIB program is a low interest loan program funded through ISTEA, one of ten in the United States. Adding this additional tool to the TOD Program will increase leverage of the available FTA funds and will increase the number of projects that may be undertaken. In addition, it will broaden participation in the program by adding OTIB as a partner. The draft proposal is that security for the OTIB loan will be limited to the value of project sites acquired. Funds for individual projects would then be drawn down from the \$2.0 million in specific amounts with specific payback schedules for each project. Interest and principal payback obligations would not occur until funds for specific TOD projects using OTIB funds were released by the OTIB.

Consultant Selection

Metro staff has completed its RFP/Q selection process in accordance with Metro contracting code to establish a pool of consultants. Professional services in ten disciplines from appraisals to technical studies now includes 50 qualified consultants to provide services on a "task order basis" for the TOD Program.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Metro Resolution No. 98-2619.

ENVIRONMENTAL ASSESSMENT

**TRANSIT-ORIENTED DEVELOPMENT
IMPLEMENTATION PROGRAM**

March 1998

Prepared By:
David Evans & Associates
and
Metro Transportation Department

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ABSTRACT

This Environmental Assessment (EA) evaluates Metro's proposal to implement a Transit-Oriented Development (TOD) Program in station areas along the Banfield and Westside-Hillsboro light rail corridors. The Program will fund land acquisition for eligible TOD projects. Metro will sell or lease the land to developers with conditions for construction of transit-supportive development. These projects will exhibit a mix of moderate to high-intensity, transit-supportive development, a physical or functional connection to the transit system, and design features that reinforce pedestrian relationships and scale. The Program seeks to increase transit ridership, to lessen the risk and costs associated with the construction of TOD projects, and to meet the design and density goals outlined in the Region 2040 Growth Concept. To meet these objectives and ensure the highest and best transit use, it may be necessary to sell the parcels at a price below the fair market value. Metro has received funding from the Federal Transit Administration (FTA) to assist in the Program. This EA provides a broad review of the Program's potential environmental impacts and has been prepared in accordance with FTA procedures. Additional environmental analysis will be performed as individual TOD projects are identified.

LIST OF ACRONYMS

ACOE	Army Corps of Engineers
ASA	"archaeologically sensitive" areas
BMPs	Best Management Practices
CBD	Central Business District
CNEL	Community Noise Equivalency Level
CO	Carbon Monoxide
DEQ	Oregon Department of Environmental Quality
dBA	A-weighted decibels
du/a	dwelling units per acre
EA	Environmental Assessment
FEIS	Final Environmental Impact Statement
FTA	Federal Transit Administration
JWC	Joint Water Commission
LRT	light rail transit
MAX	Metropolitan Area Express
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places
ODFW	Oregon Department of Fish and Wildlife
OGI	Oregon Graduate Institute
OHSU	Oregon Health Sciences University
PMSA	Primary Metropolitan Statistical Area
RFP	Request for Proposals
RTP	Regional Transportation Plan
SHPO	State Historical Preservation Office
TOD	Transit-Oriented Development
UGB	Urban Growth Boundary
VMT	Vehicle Miles Traveled

1.0 INTRODUCTION

The Transit-Oriented Development (TOD) Implementation Program will fund land acquisition for eligible TOD projects in station areas along the Banfield and Westside-Hillsboro light rail corridor. Metro, the directly elected regional government serving the three counties and twenty-four cities in the Portland metropolitan area, will sell or lease the land to developers with conditions for construction of transit-supportive development. These projects will exhibit a mix of moderate- to high-intensity land uses, a physical or functional connection to the transit system, and design features that reinforce pedestrian relationships and scale. The Program seeks to increase transit ridership and lessen the risk and costs associated with the construction of TOD projects. To meet these objectives and ensure the highest and best transit use, it may be necessary to sell the parcels at a price below the fair market value.

The purpose of the Environmental Assessment (EA) is to comply with the requirements of the National Environmental Policy Act (NEPA), Federal Transit Administration (FTA) guidelines, and other regulations regarding environmental permitting and approval for the proposed TOD Implementation Program. Additional analysis will be completed as individual TOD projects are identified.

2.0 NEED FOR & DESCRIPTION OF THE PROPOSED ACTION

2.1 Background

TOD projects have three fundamental characteristics that enhance transit ridership:

- A mix of moderate to high intensity land uses;
- A physical or functional connection to the transit system;
- Design features that reinforce pedestrian relationships and scale.

The Portland region has long recognized the potential of mass transit and TODs to influence land use patterns, produce more bicycle and walking trips, mitigate traffic congestion, improve air quality, and preserve urban livability. Metro's 2040 Growth Concept and Tri-Met's Strategic Plan both speak to the importance of locating new jobs and housing within walking distance of high quality transit service.

In the past, the region assumed that the presence of a light rail station combined with a station area planning program would be sufficient to ensure that the full potential of transit was realized. However, except for several notable projects in central Portland, few TODs have been built to date.

2.2 Need for a Program

In spite of their appeal to public officials and planners, TODs have not been widely embraced by the development community. One reason is that TODs are complex products to design, finance, construct and sell. Compared to typical suburban developments, TODs present significant challenges including:

- Designing retail spaces that are oriented to transit users but do not exclude customers who travel by auto¹;
- Financing projects that have little track record, no secondary financial market, and higher equity requirements than more typical products;
- Constructing mid-rise buildings that, in order to be profitable, require strategically mixing building materials and deftly coordinating subcontractors;
- Marketing new development products to property owners, investors and end users.

Land use economics are another important factor contributing to the challenges facing TODs. In suburban station areas,² where vacant land is more likely to be found, real estate market conditions do not provide strong enough rent or sale premiums to counteract “cost penalties” that may be inherent to TODs. Fire and seismic building codes governing mid-rise buildings, building over parking or structuring parking, and pedestrian improvements including plazas and promenades are three examples of cost penalties associated with TODs in suburban station areas. These added costs can make a TOD financially less attractive than a typical suburban development that could be built in the same location and generate the same rents or sale price. Sometimes the financial difference makes a proposed TOD completely infeasible.

2.3 Location of the Proposed Program

The TOD Implementation Program will operate within one-quarter mile of light rail stations in the Portland, Oregon metropolitan region. Grant funding has been approved for possible projects in station areas of the Banfield, Westside and Hillsboro LRT lines. Figure 1 shows the location of these station areas within the metro area.

The Banfield LRT line, the first developed in the region, starts in downtown Portland, crosses the Willamette River and terminates at the Cleveland Avenue Station approximately 15 miles to the east. Its station areas include land within the City of Portland and the City of Gresham. The Westside LRT includes downtown Portland on the east and terminates 12 miles to the west at the Willow Creek Transit Center. The Westside station areas include land within the City of Portland, the City of Beaverton, and unincorporated Washington County. The Hillsboro line is entirely within Washington County and its station areas include land within the City of Hillsboro and unincorporated Washington County. The LRT line begins at the Willow Creek Transit Center and terminates six miles to the west at the Government Center Station in downtown Hillsboro (18 miles west of downtown Portland). All three LRT lines are connected and are entirely within the Urban Growth Boundary (UGB). LRT stations are listed by corridor in Table 1 below.

¹ Even with a transit modal share of 20%, the majority of retail customers within suburban station areas travel by auto.

² “Suburban station area,” with respect to the TOD Implementation Program, refers to land located within the City of Portland’s outer neighborhoods, suburban cities, or unincorporated areas that is also within one-quarter mile of a light rail station platform.

Table 1: Light Rail Stations by Corridor

Banfield LRT	Westside LRT	Hillsboro LRT
Galleria/SW 10th/9th Ave.	Civic Stadium	Quatama/NW 205th Ave.
Pioneer Square North/South	Kings Hill/SW Salmon	Orenco/NW 231st Ave.
Mall/ SW 5th/4th Ave.	Goose Hollow/Jefferson St.	Hawthorn Farm
Morrison St./SW 5th Ave.	Washington Park	Fair Complex/Hillsboro Airport
Oak St./SW 1st Ave.	Sunset Transit Center	Washington St./SE 12th Ave.
Skidmore Fountain	Beaverton Transit Center	Tuality Hospital/SE 7th Ave.
Old Town/Chinatown	Beaverton Central	Hillsboro Central/SE 3rd TC
Rose Quarter TC	Millikan Way	Hatfield Government Center
Convention Center	Beaverton Creek	
NE 7th Ave.	Merlo/SW 158th Ave.	
Holladay Park	Elmonica/SW 170th Ave.	
Hollywood TC	Willow Creek/SW 185th	
NE 60th Ave.		
NE 82nd Ave.		
Gateway/NE 99th TC		
E 102nd Ave.		
E 122nd Ave.		
E 148th Ave.		
E 162nd Ave.		
E 172nd Ave.		
E 181st Ave.		
Rockwood/E 188th TC		
Ruby Junction/E 197th Ave.		
Gresham City Hall		
Gresham Central TC		
Cleveland Ave.		

Source: Tri-Met 1997

2.4 Description of the Proposed Program

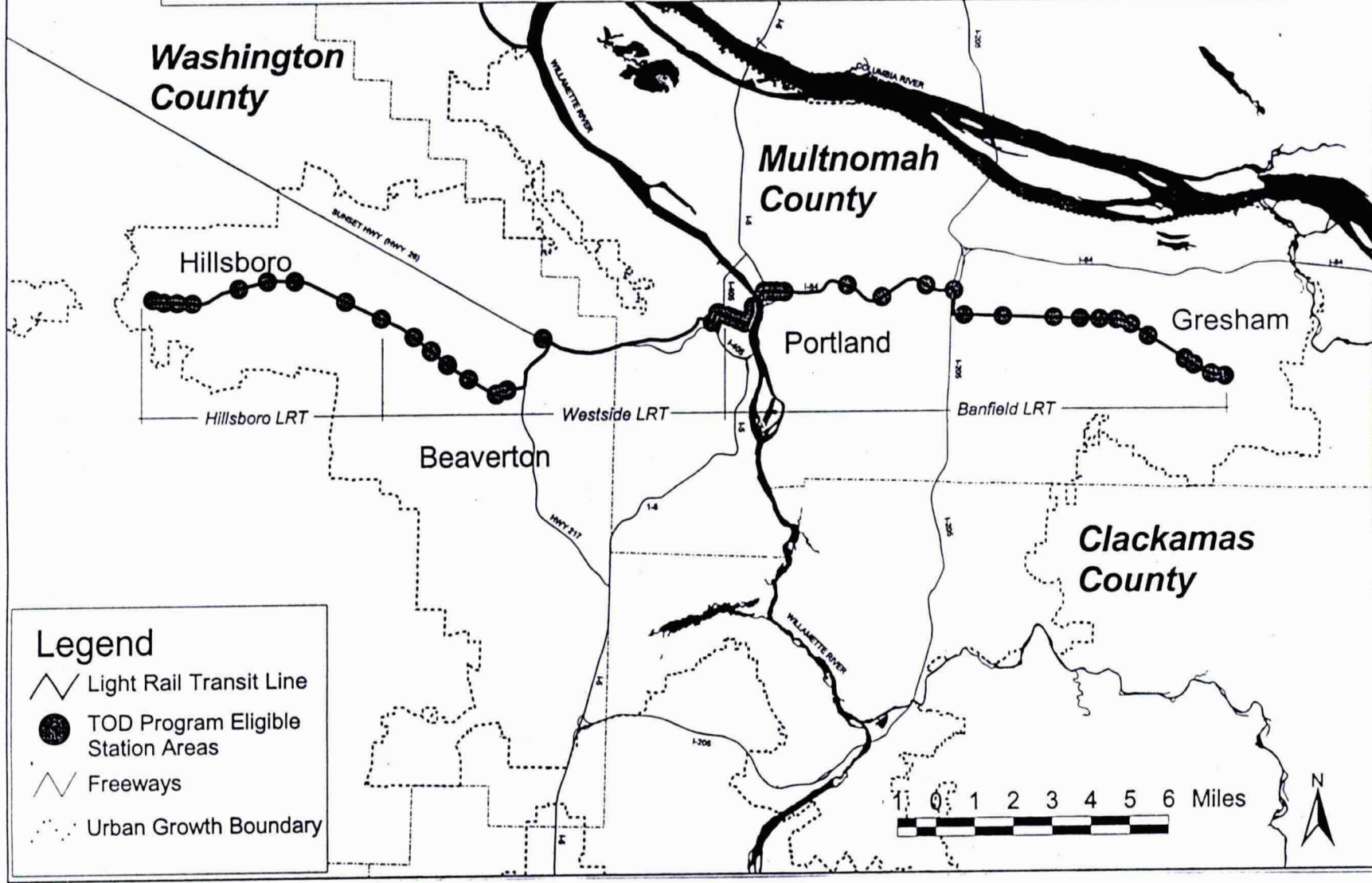
The purpose of the TOD Implementation Program is to ensure that some new development in station areas is transit-oriented and promotes density and design goals outlined in the Portland Region 2040 Growth Concept.

2.4.1 Program Objectives

Specific Program objectives include:

- Forming partnerships with the private sector to construct higher density housing, mixed-use projects (i.e. apartments over retail, office over retail), and destination uses that have a physical and functional connection to transit.
- Developing suburban building types with the lowest reasonable parking ratios and highest reasonable floor area ratios (FAR's).
- Increasing the modal share of transit and pedestrian trips within station areas while decreasing reliance on personal automobiles.
- Leveraging and focusing public expenditures within station areas to support Metro's 2040 Growth Concept.

Figure 1: TRANSIT ORIENTED DEVELOPMENT IMPLEMENTATION PROGRAM
 Metro Regional Government, Oregon



2.4.2 Program Administration

Grant approval for Metro is to acquire property physically or functionally connected to light rail stations to encourage TODs. Initial acquisitions will be within station areas of the Banfield, Westside, and Hillsboro LRT lines. The property will then be sold or leased in parcels with specific restrictions and conditions to private developers for construction of transit supportive development/livable community projects. The funds from the sale or lease of the development sites will be used to establish a revolving capital fund that will maintain an on-going transit-supportive development site acquisition and improvement program.

The TOD Implementation Program will use joint development to address the risk and feasibility issues currently dissuading developers from constructing TODs. Joint Development refers to a collection of public and private sector partnership techniques, strategies, and development “tools” that can be used to link development to the transit stations to increase the efficiency of a mass transit system. The increase can take the form of new ridership (caused by the construction of TODs), new revenue to a transit agency, or a combination of both. Specific joint development tools that may be used include:

- Site Control (land acquisition and sale) to ensure design and density of a TOD can be determined before the land is developed.
- Pre-development Activities to assist in making environmental and programmatic determinations including financial analysis, conceptual design and permit acquisition. These activities do not include the preparation of architectural construction documents.
- Request for Proposals (RFP) to ensure the competitive offering of development opportunities.
- Development Agreements to establish a set of performances by both parties and to protect public interests in the sale or lease of TOD sites.
- Public and Private Co-use of transit station structures or land to reinforce the connection of a TOD to the Transit System.
- Air or Subterranean Rights to increase the density, urban character and/or feasibility of a TOD.

Land sales to the private sector may include a “write-down” of land value, if needed, to assist in offsetting cost penalties associated with higher density, mixed-use, and/or strong pedestrian amenities. The write-downs will be determined by an independent appraisal or economic analysis utilizing the “highest and best transit use” approach. The FTA recently approved this approach for joint development. The proceeds from land sales will return to the Program for use on another TOD project.

2.5 Related Laws and Programs

The TOD Program supports Metro’s regional planning responsibilities and responds to federal, state and local plans, policies, and programs. These include:

- Region 2040 Growth Concept and Regional Framework Plan
- Regional Transportation Plan
- Light Rail Station Area Plans
- Transportation Planning Rule
- Tri-Met Strategic Plan Land Use Goal

3.0 ALTERNATIVES TO THE PROPOSED PROGRAM

Two other alternatives were considered before arriving at the proposed TOD Implementation Program. All of these options were evaluated against criteria measuring their ability to implement the Program objectives outlined in Section 2.4.1. The following alternatives were considered.

3.1 No Action Alternative

In this alternative, Metro would take no action. Land within 0.25 miles of light rail stations would develop according to market conditions, current zoning, and development regulations. There would be no revision of comprehensive plans or development codes nor would joint development tools be employed.

3.2 “Planning Only” Alternative

Under this alternative, Metro would initiate, support and advocate transit-oriented planning and other actions such as amending comprehensive plans and development regulations, instigating design review, or providing technical assistance to local jurisdictions and the development community.

Each jurisdiction with planning authority over the station areas would be encouraged to adopt policies and development regulations to encourage transit-supportive development. For example, jurisdictions could provide priority assistance, such as expediting land use and permit approvals and supporting rezoning or other land use actions, to developers who are building projects that meet transit-oriented development principles. Parking requirements could be reduced and higher density and intensity development could be permitted. Regulatory incentives such as density, height, and FAR(floor area ratio) bonuses could also be offered.

A TOD program based on aggressive regulatory requirements, such as relatively high minimum density requirements, prevents an undesirable development from being constructed, but does not cause desired development. This alternative does not reduce the added financial cost and risks associated with TODs nor provide financial incentives to stimulate developer interest.

3.3 Comparison of Alternatives to the Proposed Program

The following chart shows the transformation of the TOD Program objectives, described in Section 2.4.1, to program performance measures and possible performance ranges for all three alternatives.

TOD Program Objectives	Derived Performance Measures	Performance Range (outside of CBD)
1) Forming partnerships with the private sector to construct higher density housing, mixed-use projects (i.e. apartments over retail, office over retail), and destination uses that have a physical and functional connection to transit	▪ Project Density Residential Commercial	0-80 du/ac 0.25-1.5 FAR
	▪ Transit Trip Generation (ability to attract destination land uses to station areas)	high, low, none
	▪ Connection to Transit (level of certainty)	high, low, none
	▪ Vertical & Horizontal Integration (level of certainty)	high, low, none

TOD Program Objectives	Derived Performance Measures	Performance Range (outside of CBD)
2) Developing suburban building types with the lowest reasonable parking ratios	<ul style="list-style-type: none"> ▪ Parking Ratios <ul style="list-style-type: none"> Commercial Residential 	2.0-5.0 spaces/1KSI ² 0-2.0 spaces/du
3) Increasing the modal share of transit and pedestrian trips within station areas while decreasing reliance on personal automobiles	<ul style="list-style-type: none"> ▪ Modal Splits <ul style="list-style-type: none"> Non-Auto trips Transit trips 	9-20% 3-15%
4) Leveraging and focusing public expenditures within station areas to support Metro's 2040 Growth Concept	<ul style="list-style-type: none"> ▪ Leveraging and focusing public funds (level of certainty) 	high, low, none

Density measures the intensity of a project's land use. Residential density indicates the number of households within a project and is commonly expressed as a dwelling units per acre(du/ac). Commercial density is discussed in terms of Floor Area Ratio (FAR). FAR measures the usable floor area of the building to the amount of site area the building occupies. Transit ridership is directly related to project density.

Transit Trip Generation represents the extent to which a project generates total transit trips and non-peak time transit trips. If destination land uses such as arenas, regional shopping centers, stadiums, libraries and colleges are located in station areas, they can generate a significant number of transit trips. Non-peak trips can occur during peak times but in the non-peak direction, or during non-peak times in any direction. Projects that generate non-peak trips add farebox revenue to the transit system without impacting operating costs.

Connection to transit describes the extent to which a project is physically or functionally connected to the transit station. Projects with high levels of connectivity make transit ridership more convenient and thus increase ridership.

Vertical or Horizontal integration indicates the extent to which a project has a mix of uses. A mix of uses can increase project density, non-auto modal splits and generate non-peak transit trips. In addition, ground floor retail functions to enhance street level activity and the pedestrian trip.

Parking ratios for residential projects indicate the number of parking spaces per dwelling unit. In commercial projects, parking ratios indicate the number of parking spaces per 1,000 square feet. of usable floor area in the building. Parking ratios are generally inversely related to transit ridership because devoting land to parking reduces the amount of land available for transit supportive land uses. Abundant parking also creates a disincentive for people to use transit.

Based on experience from public private partnerships, a transit-oriented joint development program can result in projects with residential densities ranging from 35-80 du/ac, commercial FARs from 0.5 to 1.5. parking ratios ranging from 1.3-1.6 spaces per dwelling unit, and high levels of certainty that projects will have a connection to transit and be vertically or horizontally integrated. Furthermore, joint development tools such as development agreements and intergovernmental agreements, increase the Program's ability to pursue the siting of destination uses in station areas

and to focus other public funds on TODs. The No Action Alternative or Planning Only Alternative is likely to yield lower than joint development levels of multi-family residential density, and the ratio of commercial floor space to site size is likely to be half as high as with the proposed joint development program.

With the Planning Only Alternative instead of the No Action Alternative, parking ratios can likely be lowered by approximately one space per dwelling unit or per 1,000 square feet of commercial space. However, a joint development program offers an opportunity to lower the parking ratios by almost an additional space per unit or per 1,000 square feet. While non-auto trip modal splits for a joint development program are similar to those of the Planning Only Alternative, transit modal splits can double. Additionally, a joint development program provides greater certainty that projects within station areas will have a connection to the transit system and be vertically integrated.

Table 2 is a summary of projected performance by Program Alternative.

Table 2: Projected TOD Implementation Program Performance by Program Alternative

Program Performance Measures	Joint Development Program	No Action Alternative	Planning Only Alternative
Density			
Multi-Family Residential	35-80 du/a	17-24 du/a	17-30 du/a
Commercial	0.5-1.5 FAR	0.28-0.40 FAR	0.4-0.6 FAR
Parking Ratios			
Residential	1.3-1.6 spaces/du	2.0-3.0 spaces/du	1.8-2.0 spaces/du
Commercial	2.0-3.5 spaces/1KSF	4.0-5.4 spaces/1KSF	3.0-3.4 spaces/1KSF
Modal Splits			
Non-Auto trips	9-20%	8%	9-11%
Transit trips	7-15%	3%	4-7%
Transit Trip Generator (ability to attract)	high	none	low
Connection to Transit (level of certainty)	high	none	low
Vertical & Horizontal Integration (level of certainty)	high	none	low

Source: Metro (1997)

du/a = dwelling units per acre

FAR = floor area ratio 1KSF = 1,000 square feet of floor area

4.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL IMPACTS

This chapter describes the existing social and natural environment within one-quarter mile of stations on existing light rail lines. The discussion provides an understanding of the environment in which the TOD Implementation Program site-specific projects would take place and identifies significant sensitive resources in the light rail station areas. Information from the Final Environmental Impact Statements for the Banfield Transitway Project, Westside Corridor Project, and Hillsboro Extension of the Westside Corridor was used to prepare this section, therefore the discussion is grouped by corridor.

4.1 Land Acquisition & Displacements

4.1.1 Existing Conditions

The Program is designed to be implemented within 0.25 miles of light rail stations. Most TOD sites are less than 12 acres in size and are either vacant land or land that is available for redevelopment, such as abandoned or condemned buildings.

4.1.2 Impact Analysis

Overall the program will require few relocations. Follow up documentation will be necessary on a case-by-case basis to determine the impacts of specific TOD projects.

4.1.3 Mitigation Measures

- Any relocations made necessary by TOD projects will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

4.2 Land Use, Economic Activity & Zoning

4.2.1 Existing Conditions

The economy of the Portland region is shaped by the Pacific Rim economy and is experiencing considerable growth in population, employment and housing demand. Regional population and employment are concentrated in Multnomah County with the balance of regional population shared almost evenly between Clackamas, Washington and Clark Counties. The areas east of the Willamette River are extensively developed. Close-in, land is dominated by industrial and commercial uses. Further out, land is predominately residential with pockets of industrial and commercial land uses. Within in entire eastside area, some development and redevelopment is converting land to more intense uses. Land within eastside station areas is zoned by local jurisdictions to allow transit-oriented development.

Areas west of the Willamette River are expected to capture between 40% and 50% of the region's growth over the next 20 years. The current demand includes commercial, office, industrial and residential uses. The station areas within the Westside and Hillsboro light rail projects have undergone Station Community Planning to ensure that transit-oriented development is encouraged and allowed.

4.2.2 *Impact Analysis*

The TOD Program is consistent with local zoning and land uses, implements local and regional land use plans, and will have not significant impacts on land use or economic activity.

During construction of a TOD project, a short-term increase in construction-related jobs would occur and would benefit local businesses and materials suppliers. The proposed TOD Program could have long-term benefits for the local and regional economy since it would make more efficient use of prime urban land. In addition, overall public costs may be reduced because urban sprawl would be inhibited. Additional public revenues may be generated as a result of higher assessed value of developed sites as well as increased light rail farebox revenues as a result of increased ridership.

4.2.3 *Mitigation Measures*

- Because no negative impacts are anticipated, no mitigation measures are necessary. To verify this conclusion, however, additional analysis will be conducted as individual projects are selected.

4.3 **Air Quality**

4.3.1 *Existing Conditions*

The Environmental Protection Agency (EPA) redesignated the Portland/Vancouver metropolitan area to attainment for ozone in April 1997 and for Carbon Monoxide (CO) in October 1997. The redesignation includes 10-year maintenance plans to address population and transportation growth to protect public health and avoid future air quality violations.

4.3.2 *Impact Analysis*

Analysis indicates that TOD Implementation Program projects will locate land uses within walking distance of transit and each other, lower parking ratios, and decrease Vehicle Miles Traveled (VMT). Therefore, TOD projects are expected to improve regional air quality, as compared to the effects of typical development projects in the metropolitan area. The intensity of land uses associated specific TOD projects, however, could led to a localized CO violation.

4.3.3 *Mitigation Measures*

- A CO hot spot analysis will be performed on intersections within TOD projects that operate at Level of Service (LOS) D, E, or F, or at intersections that would change to LOS D, E, or F due to the construction of a proposed TOD project.

4.4 **Noise & Vibration**

4.4.1 *Existing Conditions*

All the light rail station areas are within urban areas. Because the light rail lines parallel arterial and railroad lines, noise levels in the LRT corridors frequently exceed the exterior daytime Community Noise Equivalency Level (CNEL) standard of 65 A-weighted decibels (dBA). Decibels, the units used to measure noise intensity, are weighed in order to approximate the response of the human ear.

There is intermittent vibration from the operation of light rail trains and traffic on adjacent arterial. Noise and vibration levels of light rail operation and rail and motor vehicle traffic on adjacent rail

lines and highways were examined and documented in the Final Environmental Impact Statements (FEIS) for the Westside Corridor Project, Hillsboro Extension of the Westside Corridor, and Banfield Transitway Project.

4.4.2 Impact Analysis

Short-term noise levels will increase during construction of a TOD project. Noise levels from each development will vary with the type of activity and equipment used. However, TOD land uses are unlikely to produce significant long term impacts. This conclusion will be confirmed with site specific analysis when specific projects are proposed.

4.4.3 Mitigation Measures

- Construction activities shall be limited to the hours between 7:00 AM and 10:00 PM.

4.5 Earth (soils & geology)

4.5.1 Existing Conditions

All of the TOD sites and the light rail lines are within the Portland UGB and is zoned for urban development. There is no land zoned for exclusive farm use within the UGB. Figure 2 shows areas of Class 4 soil within the UGB. The National Soil Survey Handbook defines Class 4 soils as those having “very severe limitations that restrict the choice of plants or require very careful management, or both.”

Western Oregon is potentially subject to earthquakes. Typically young unconsolidated silt, sand, and clay deposits such as those underlying the TOD sites along the Hillsboro LRT line are associated with greater earthquake damage through amplification of shaking, settlement, liquefaction, and landslide effects.

4.5.2 Impact Analysis

In order to avoid damage and loss of life, geologists have determined that buildings in western Oregon should be designed to withstand an earthquake in the range of 5.5 to 6.0, with shaking duration of 10 to 20 seconds and an epicentral distance to the site of six miles.

4.5.3 Mitigation Measures

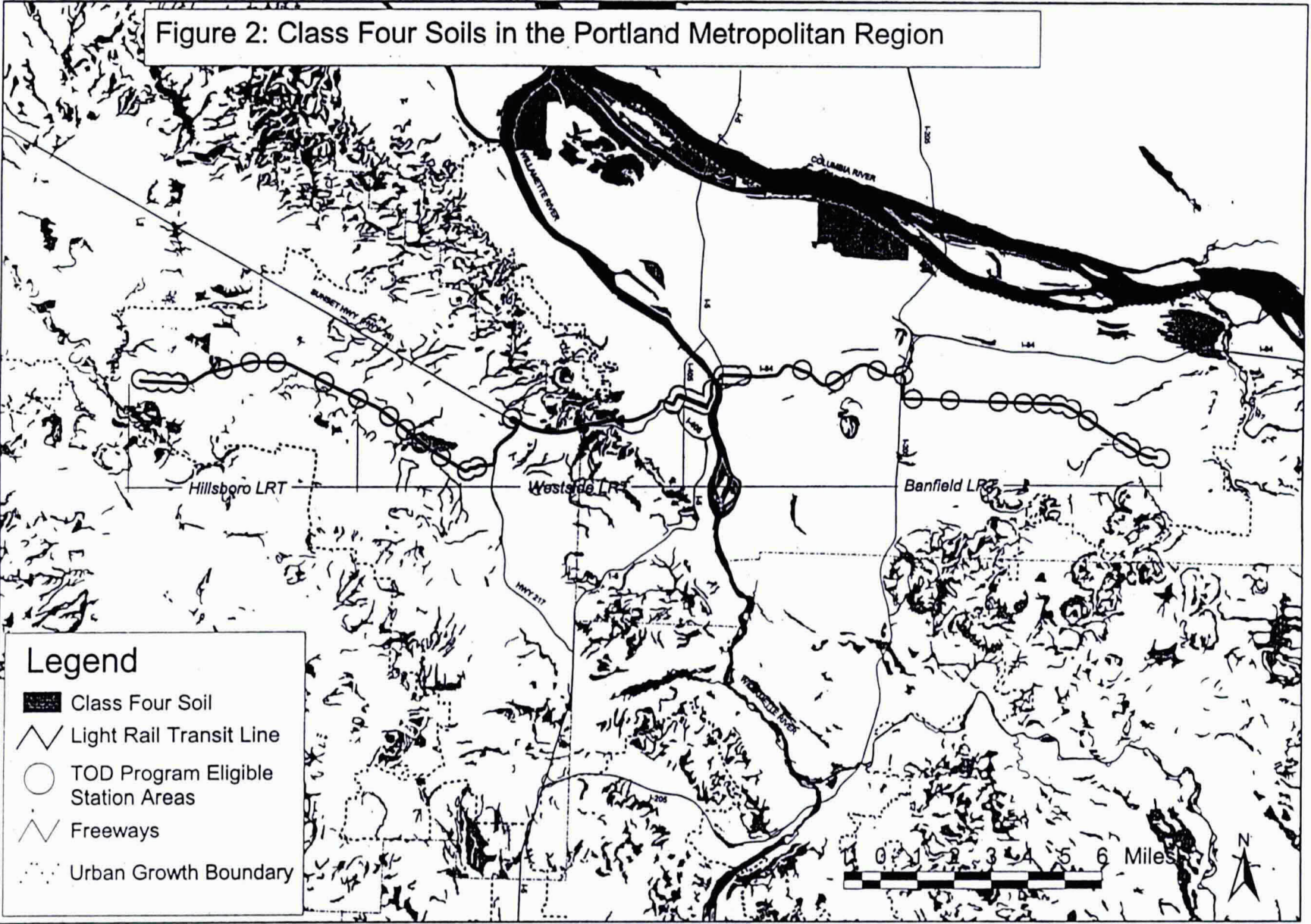
- Buildings shall be designed to withstand an earthquake in the range of 5.5 to 6.0 with shaking duration of 10 to 20 seconds and an epicentral distance to the site of six miles.
- If a project is located on Class 4 soil, a permit will be obtained as required by local jurisdictions and the Farmland Preservation Act.

4.6 Water Quality

4.6.1 Existing Conditions

Most of the light rail station areas are served by public storm drainage systems, not natural channels. The Westside light rail station areas lie within the Willamette River drainage basin that can be divided into two primary sub-basins: an urban basin and a suburban basin. Approximately one-quarter of the light rail station areas drain directly into the Willamette River via the stormwater system maintained by the City of Portland. Water quality in the urban basin is typical of that found

Figure 2: Class Four Soils in the Portland Metropolitan Region



in most urban areas in the United States. Oil, grease, nitrates, phosphates, sediment, and heavy metals have been detected in urban stormwater runoff. The suburban basin is located west of the divide created by the Tualatin Mountains.

Water quality in the Tualatin River and some tributaries is affected by high levels of bacteria and excessive algae growth, especially during warm weather. The algae growth, due largely to excessive nutrients (namely phosphorus), depresses dissolved oxygen levels and adversely affects aquatic life, aesthetics, and water-contact sports. Other existing water quality problems in the vicinity include some elevated levels of heavy metals, pesticides, organic chemicals, and suspended solids in certain streams, creeks, and rivers. The Oregon Department of Water Quality (DEQ) has identified Beaverton Creek, Rock Creek, Bronson Creek, and Willow Creek as having water quality limitations.

4.6.2 Impact Analysis

The majority of the TOD sites will be served by public storm drainage systems. Several of these public storm drain systems discharge into natural drainageways such as the Willamette River and the Tualatin River. All stormwater shall be treated in accordance with the local jurisdiction's stormwater treatment regulations prior to discharge into either a stormwater system or a natural drainageway. This is to prevent impacts to the water quality of receiving streams.

4.6.3 Mitigation Measures

- All stormwater shall be treated in accordance with the local jurisdiction's stormwater treatment regulations prior to discharge into either a stormwater system or a natural drainageway.
- Water, sewer, and storm drainage systems serving each TOD development shall be designed to comply with all federal, state, and local standards.

4.7 Wetlands

4.7.1 Existing Conditions

The light rail station areas on the Banfield LRT cross at least 14 wetland areas consisting of three cover types, including palustrine emergent, palustrine shrub, and palustrine forested wetlands. (The term "palustrine" refers to freshwater wetlands dominated by trees, shrubs, and emergent vegetation.) Eight of the identified wetlands are associated with permanent or intermittent streams, and six occur in isolated depressions or roadside ditches.

Twenty-three wetland areas have been identified within the Westside and Hillsboro light rail station areas. Most of the wetlands are associated with permanent or intermittent creeks within the Beaverton Creek Drainage. Many of the creeks are within or near the City of Beaverton and have been channelized, diverted, culverted, and surrounded by development.

4.7.2 Impact Analysis

In addition to the wetlands identified, there is a possibility for additional wetlands to be located on vacant lands within the one-quarter-mile station area. Wetland impacts and required mitigation will be further analyzed for each site specific TOD site. A wetland reconnaissance will be performed on all potential TOD sites on vacant land within a station area to determine if wetlands are present.

Federal and state policies addressing the protection of wetlands share a common policy objective of achieving protection and conservation of wetland resources. Federal policy specifies that a “no net loss” standard should be used in federal permit decisions. This policy aims to achieve no overall net loss of the nation’s remaining wetlands base, as defined by acreage and function, and to restore and create wetlands, where feasible, to increase the quality and quantity of the nation’s wetlands resource base. Oregon policy extends beyond the federal policy to integrate statewide planning goals and local comprehensive plans to promote protection, conservation, and best use of wetland resources.

Several federal and state laws and policies governing regulation of wetlands specifically define the term “mitigation” and identify the range of appropriate and acceptable mitigation for impacts to wetlands. Federal laws and policies include Section 404 of the Clean Water Act, the Section 404(b)(1) Guidelines, and accompany memorandums of agreement and regulatory guidance letters. Oregon laws and policies include the Oregon Removal-Fill Law and the Oregon Freshwater Wetland Compensatory Mitigation Rules.

Mitigation as defined by these policies, means the reduction of adverse impacts to a proposed project by considering, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree of magnitude of the action and its implementation;
3. Compensating for the impact by replacing or providing substitute resources or environments.

For unavoidable loss of wetlands, mitigation will be conducted in accordance with the Oregon Freshwater Compensatory Mitigation Rules. Mitigation ratios contained in the Rules are as follows:

- Restoration projects -- 1.0 acre for each one acre of impacted wetland;
- Creation projects -- 1.5 acre for each one acre of impacted wetland;
- Enhancement projects -- 3.0 acres for each one acre of impacted wetland.

Wetland creation means to construct a new wetland in an upland (non-wetland) area. Restoration means to re-establish wetland hydrology to an area that was formally a wetland. Enhancement means to improve an existing degraded or low-quality wetland.

4.7.3 Mitigation Measures

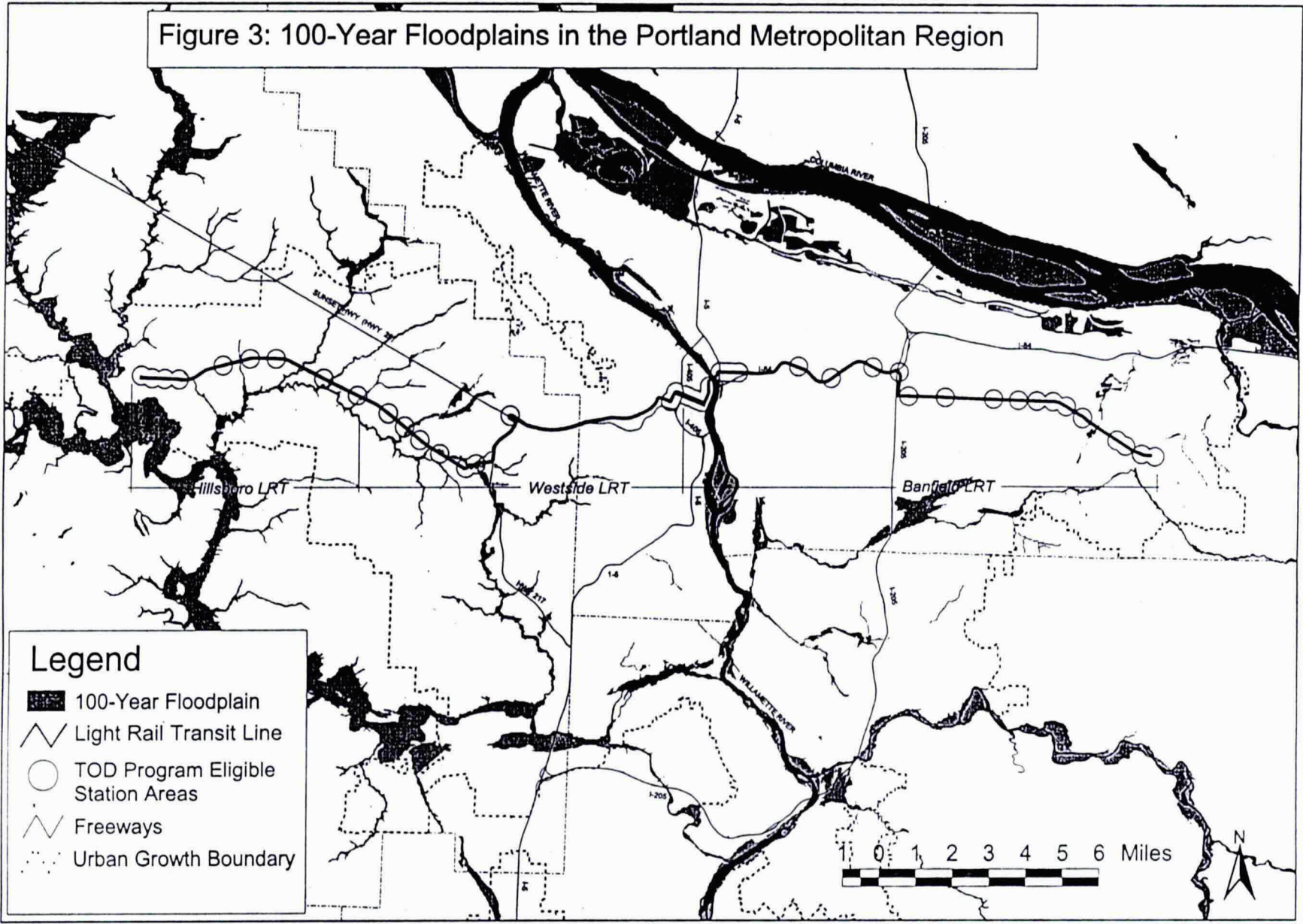
- A wetlands reconnaissance shall be performed on all undeveloped or vacant sites.
- For unavoidable loss of wetlands, mitigation shall be provided to comply with Oregon Freshwater Compensatory Mitigation Rules.

4.8 Floodplains

4.8.1 Existing Conditions

Water resources in the metropolitan region are dominated by the Columbia and Willamette Rivers. Natural drainage patterns in the region are wholly tributary to these two major channels. One hundred year floodplains for the Portland Metropolitan Region are shown on Figure 3.

Figure 3: 100-Year Floodplains in the Portland Metropolitan Region



The Tualatin Basin is subdivided into the Rock Creek and Dairy Creek sub-basins. From east to west, the light rail station areas cross the following tributaries to the Tualatin River: an unnamed tributary to Beaverton Creek, Bronson Creek, Rock Creek, and unnamed tributary of Rock Creek, Orenco Creek (also known as Hawthorn Hollow), Dawson Creek, and Turner Creek. Within the Rock Creek subbasin, the light rail station areas cross three designated 100-year floodplains. Groundwater is generally encountered at shallow depths with seasonal fluctuations between approximately five and 20 feet.

Drainage in the eastern portion of the Banfield light rail station areas is generally to the north. The only two well-defined surface flows present are Fairview Creek and Burlingame Creek. Fairview Creek flows north into Fairview Lake adjacent to the Columbia River, near McGuire Island, with a total drainage area of 5.8 square miles. The drainage area where Fairview Creek crosses Burnside Road near 202nd Avenue is about 2.2 square miles. Burlingame Creek is a tributary to Beaver Creek, which flows northeast into the Sandy River at the eastern edge of the study area. Near First Street and Burnside Road in Gresham, the creek has undergone extensive modification as development has progressed. The creek is contained in culverts in the corridor, with no open channel flows. West of I-205, surface water runoff is channeled to the Willamette River via storm sewers. Drainage from the Banfield Freeway is achieved by a storm sewer located in the center of the facility.

4.8.2 Impact Analysis

As areas develop, the area coverage of impervious surfaces increases, which results in more surfacewater runoff and less recharge into shallow and medium-depth aquifers. This increase in surfacewater can alter the base flows of streams, causing them to become deeper and wider and more prone to flooding. Surfacewater detention/retention facilities should be constructed to local and federal regulations in order to prevent any increase in runoff rates beyond those for the 25 and 100-year storms on the site before development.

4.8.3 Mitigation Measures

- Culverts shall be installed in sufficient size, number and location, and at appropriate elevations to maintain natural stream flows and avoid either flooding or draining of wetland and riparian areas.
- Surfacewater detention/retention facilities should be constructed to local and federal regulations in order to prevent any increase in runoff rates beyond those for the 25- and 100-year storms on the site before development.
- Floodplain permits, if required by local jurisdictions, shall be obtained.

4.9 Navigable Waterways

No navigable waterways or coastal zones would be affected by the proposed project.

4.10 Ecologically Sensitive Areas

4.10.1 Existing Conditions

In biological terms, the light rail station areas are located within the Urban Growth Boundary and can be classified as "urban" habitat, with the relative intensity of urbanization decreasing west and

east of downtown Portland. The existing natural environment has largely been shaped by human use of the land, and humans are everywhere the ecologically dominant species. The existing pattern of vegetation, surface features, and fauna is the result of human modification of the local environment.

Significant wildlife habitat in the Westside light rail station areas includes Sunset Canyon, Tualatin Hills Regional Nature Park (St. Mary's Woods), and Nike Woods. Sunset Canyon is composed primarily of coniferous and mixed forest providing valuable wildlife habitat areas. The Sunset Canyon wildlife area is bisected by the Sunset Highway and bordered by residential development and park facilities with extensive non-native plant species. Tualatin Hills Regional Nature Park, approximately 180 acres located south of the Burlington Northern-Santa Fe Railroad tracks near SW 158th Avenue, is composed of upland mixed, deciduous and coniferous forests, as well as forested and scrub-shrub swamp and emergent marsh habitats. Nike Woods, approximately 100 acres located west of SW Murray Boulevard and north of the Burlington Northern-Santa Fe railroad tracks, comprises oak and ponderosa pine with pockets of forested, seasonal wetland occurring in slight depressions throughout the area. This area provides valuable habitat because of its proximity to Beaverton Creek and the mixture of neighboring vegetative communities, including grassland and oak/ponderosa pine forest.

The Beaverton Creek Drainage serves as a conduit for several creeks within the Westside light rail station areas. The Beaverton Creek Drainage is characterized by poor water quality and minimal stretches of natural stream channels and floodplains. In general, the Beaverton watershed offers a poor habitat for fish species due to its lack of suitable spawning gravels, high flow fluctuation, high temperature peaks in summer, lack of overhanging vegetation, lack of instream cover, and poor water quality.

Logging, agriculture, and urban development have significantly altered the original coniferous forest, oak/ponderosa pine woodlands, and grasslands in the region. Although large expanses of the area are occupied by residential and commercial development, significant natural areas still remain. Thirteen major habitat areas have been identified within the area. Nine are upland habitats and four are wetland habitats.

Resident salmonids, mainly cutthroat trout, are still found within the creeks in the light rail station areas. In the past, Rock Creek was stocked with winter steelhead trout and coho salmon fingerlings, but no fish have been stocked in this area for at least ten years. In addition, there are no indications of significant populations of these species currently using the creek. Several of the streams within the affected area, including Bronson Creek, Rock Creek and Orenco Creek, contain fair to good fish habitat. However, all of the streams in this area are affected by generally poor water quality due to heavy sediment loading from upstream areas.

The light rail station areas include a wide variety of mammal, bird, reptile, and amphibian species, commensurate with the various habitat types found within the light rail station areas. Relatively high numbers and diversity of mammals are likely to be found in the forest and shrubland habitats, such as those within and surrounding the Oregon Primate Center. Also, floodplains along stream channels such as Dawson Creek are likely to have a relatively high diversity of mammals where good cover is available. A diversity of vegetation within the corridor provides habitat for a relatively large number of bird species adapted to living in an urban environment. As with the mammals, the forested and shrubland areas are likely to have the greatest diversity of birds. In addition, grassland

areas provide habitat for several types of raptors, and streams and wetlands provide habitat for waterfowl. Reptiles and amphibians within the corridor are likely to be less diverse than either mammals or birds, although the wetlands and riparian zones provide some suitable habitat.

The original vegetation communities (coniferous forest and a mosaic of ravines associated with grasslands) on the east side of the Willamette River have been highly disturbed by human activities such as logging, agriculture, and urban development. Still, a variety of vegetation is found within the light rail station areas. Six distinct upland vegetation cover types have been identified in the light rail station areas, including grassland, shrubland, deciduous forest, mixed coniferous forest, landscaped urban land, and agricultural fields.

Very few areas of natural habitat remain within the Banfield light rail station areas. Three principal categories are present: barren lands, grasslands, and trees/shrubs/woodlands. Barren lands are defined as those lands which prohibit plant growth, such as areas occupied by buildings or paved surfaces. No food is produced on barren lands, making them the least valuable ecologically. Grassland habitat includes lawns, weedfields, and other broadleaf ground covers. Trees and shrubs are characteristic of many residential areas, where they are closely intermingled as a product of landscaping activities. The existing species in the corridor are a mixture of naturally-occurring remnant individuals and numerous introduced species. Both grassland and tree/shrub habitats, transitional between downtown Portland and the less urbanized east Multnomah County area, occur in relatively small units and support little faunal diversity. East Multnomah County represents more productive habitat, with larger and more clearly defined habitat units supporting more diverse fauna.

4.10.2 Impact Analysis

With the exception of wetlands, there will be no effect to any habitat identified as a significant natural feature. The only impacts would be associated with creek crossings or wetland impacts. Potential wetland impacts are discussed with Section 4.7.2 of this EA.³

4.10.3 Mitigation Measures

No mitigation measures are necessary.

4.11 Endangered Species

4.11.1 Existing Conditions

No federally listed sensitive, threatened, or endangered species are known to occur within the light rail station areas. However, species referenced in the Oregon Natural Heritage Database are shown in Table 3.

³ This direct reference to the wetlands impact analysis has been added to the draft EA at the request of the Oregon office of the US Fish & Wildlife Service.

Table 3: Species of Concern in the Light Rail Station Areas

Corridor	Name	Common Name	Federal Status	State Status
Westside	<i>Rana aurora aurora</i>	Northern red-legged frog	species of concern	sensitive-undetermined
Westside/Banfield	<i>Antrozous pallidus</i>	pallid bat	N/A	sensitive-vulnerable
Westside/Banfield	<i>Plecotus townsendii townsendii</i>	Pacific western big-eared bat	species of concern	sensitive-critical
Westside	<i>Chrysemys picta</i>	painted turtle	N/A	sensitive-critical
Westside/Banfield/ Hillsboro	<i>Clemmys marmorata marmorata</i>	northwestern pond turtle	species of concern	sensitive-critical
Westside/Banfield	<i>Aster curtus</i>	white-topped aster	species of concern	listed threatened
Westside/Banfield	<i>Cimicifuga elata</i>	tall bugbane	species of concern	candidate

Source: Oregon Natural Heritage Database

4.11.2 Impact Analysis

TOD developments will have no effect on any listed threatened or endangered species or suitable habitat.

4.11.3 Mitigation Measures

No mitigation measures are necessary.

4.12 Access & Transportation

4.12.1 Existing Conditions

All potential TOD sites are within walking distance of light rail station platforms and can access the local and regional street network. Connections to other transportation networks (bicycle, pedestrian, and vehicular) vary from frequent on the Banfield Corridor and within the downtown station areas of Portland, Beaverton, Hillsboro, to relatively infrequent in suburban station areas of the Westside and Hillsboro LRT.

4.12.2 Impact Analysis

The proposed Program will help create strong pedestrian connections between the transit system and land uses within station areas and de-emphasize auto orientation. This decrease of auto orientation will result in less land devoted to parking and vehicular access, slower vehicular speeds, and increased opportunity for safe and efficient trips by transit, walking, and bicycles. In suburban station areas, the high intensity of land use associated with TODs could result in specific projects generating locally higher levels of traffic than if those station areas developed solely in response to market conditions. Thus, individual traffic and parking impacts will need to be analyzed as specific projects are proposed.

4.12.3 Mitigation Measures

- Prior to development of any site-specific TOD project, a traffic-added impact study shall be prepared in accordance with local regulations.

4.13 Cultural, Historic, and Archeological Resources⁴

4.13.1 Existing Conditions

According to the State Historic Preservation Officer (SHPO), there are 904 Inventory Properties and 275 National Register Historic Places (NRHPs) possibly within the light rail station areas. Inventory Properties are potential National Register eligible properties. According to the state archaeologist, no documented archaeological sites exist on the east side of Portland or within Gresham, however, several sites may exist in the Westside area. An inventory of African American Historical sites was compiled by the Bosco-Milligan Foundation. Twenty-nine sites are located within the light rail station areas. Portions of the Rose Quarter, Convention Center, 7th Avenue, and Lloyd Center station areas are located in or near the Eliot and Irvington Local Historic Districts which were identified in the 1992 City of Portland Albina Community Plan. The Beaverton Downtown Historic District, which encompasses the downtown Beaverton station areas, is listed in the National Historic Register.

A survey of archaeological resources determined that there are no known resources that could be affected by the Hillsboro light rail station areas. Several areas were identified which appear to be archeologically sensitive areas (ASAs), meaning that while no archaeological materials have been confirmed in these areas, a reasonable possibility exists that archaeological materials could be encountered during construction. ASAs include shorelines of draws and creeks, the land around natural springs, wetlands areas, flood plains, land under existing historic buildings on pier foundations and small parcels of apparently undisturbed land.

The Final EISs for the Banfield Transitway Project, the Westside LRT and the Hillsboro Extension of the Westside LRT identified significant historic properties within each station area.

4.13.2 Impact Analysis

Development that disturbs the ground to a depth greater than 12 inches at a TOD site may turn up archaeological evidence. In the event that cultural materials are found during construction, all work in that area would cease and the Oregon State Museum of Anthropology, The Federal Transit Administration, and the Oregon State Historic Preservation Office would be notified. Any such archaeological discovery would be evaluated and appropriate and appropriate mitigation measures would be completed before construction resumes. In addition, if any burial sites are found during construction, work would cease and the appropriate agencies would be notified.

For each potential TOD project a reconnaissance survey for archaeological, cultural, or historic resources with the project's area of potential effect will be performed. If potentially significant resources are found, no TOD project may proceed until they are evaluated and a plan for their protection is approved by the SHPO, the FTA and the Advisory Council on Historic Preservation (ACHP). This evaluation will include a background and records search as well as a site visit to collect the documentation required to address Section 106 (as explained in the March 1997 SHPO memorandum regarding Minimum Requirements for Project Proposal Documentation for Non-Archaeological Sites or for Standing Structures).

⁴ This section has been revised in response to comments received from the Oregon State Historic Preservation Office.

4.13.3 Mitigation Measures

- When a National Register listed or National Register eligible property is identified within a TOD project's area of potential effect, a protection plan will be formulated and approved by SHPO, the FTA and the Advisory Council on Historic Preservation.

4.14 Scenic Resources (Visual and Aesthetic)

4.14.1 Existing Conditions

The principal scenic resources in the light rail station areas are the mountains surrounding the region (Mount Hood, Mount St. Helens, the Coast Range, the Tualatin Hills, Mount Tabor, Rocky Butte, and Mount Scott); the region's major rivers (the Willamette and the Columbia); and city views (mainly of Portland).

Visual assets in the Westside light rail station areas represent a wide range of urban and natural elements. Downtown Portland offers a diverse urban landscape, including high-density development, street furniture, and historic structures. The Beaverton light rail station areas are dominated by Highway 217, but provide some views of the distant Tualatin Valley and Cooper Mountain.

The eastern Hillsboro station areas are surrounded by suburban planned developments which are usually fenced, allowing views only of the house roofs and indistinct ornamental landscaping. The Orenco area is a historic district of craftsman-style houses and tall trees. The rapidly-developing area to the west consists of large, one-story concrete and glass structures housing organizations like Intel and the Oregon Primate Center. The flat or gently rolling terrain affords views of the Tualatin Valley. The final three light rail station areas are located in downtown Hillsboro, which contains a mix of historic and contemporary buildings and prevents long-range views.

In Gresham, the light rail station areas are characterized by single-family homes and apartment complexes interspersed with commercial strips with advertising signs at major intersections. At the City Hall and Gresham Central stations, land uses intensify: primary uses are industrial and commercial. Mount Hood is prominent from some station areas.

4.14.2 Impact Analysis

Scenic resources will not be impacted because all three alternatives will result in development at a particular site. Specific TOD sites will be assessed later. All TOD sites will be designed to appropriate urban design standards.

4.14.3 Mitigation Measures

- All development shall comply with local design guidelines and development regulations intended to protect scenic resources.

4.15 Hazardous Materials

4.15.1 Existing Conditions

In most cases, TOD projects will be built on urban land that has been used for many years, therefore some sites can be expected to be contaminated with hazardous substances. Redevelopable

industrial sites may contain hazardous materials, for example asbestos in insulation material and hazardous chemicals in underground storage tanks. Sites of major contamination have been identified and clean-up plans prepared if not executed. Additional information on the Westside and Hillsboro station areas is available in the Hazardous Materials Mitigation Plans of the Final Environmental Impact Statements.

4.15.2 Impact Analysis

All potential TOD sites will be required to have an Environmental Site Assessment performed. Each identified site will be evaluated to assess potential human health, environmental, and liability risks. Hazardous material clearance will be obtained prior to construction of a TOD.

4.15.3 Mitigation Measures

- A Level 1 Environmental Site Assessment shall be conducted for each TOD site to determine the presence of hazardous materials. Sites containing hazardous materials will go through appropriate remediation and obtain clearance from DEQ prior to development.

4.16 Environmental Justice

4.16.1 Existing Conditions

On February 11, 1994, President Clinton issued the *Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Executive Order 12898). This order requires consideration of the different effects of a proposed action on low income, minority, and disabled populations. Any disproportionate adverse effects on these populations must be mitigated by redesign of the projects.

U.S. Bureau of Census 1990 data was used to examine census tracts within one-quarter mile of the light rail stations to determine if minority populations exist. Guidance on the executive order identifies census tracts as acceptable areas for this analysis. The list of tracts is shown in Appendix C. Of the total 1,239,842 people in the Portland Primary Metropolitan Statistical Area (PMSA), nine percent, or 113,100 people were of a minority race/ethnicity. Areas must be identified where either a minority population consists of 50% or more of the total population or where the percentage of a minority population is significantly higher than the group's representation in the greater region. There was only one tract within the three corridor areas which contains a minority population over 50%. Multnomah County Tract 22.02, containing the Rose Quarter Station on the Banfield line, had a black population of 117 people, 53% of the total. The PMSA black population was three percent. Tracts also are identified where the total minority population (the summed population of all of the minority groups) was significantly higher than in the greater region. Table 4 indicates the census tracts in the region with minority populations significantly greater than the regional average. (Significant is determined to be double the PMSA average.)

The Hispanic population in the PMSA was 42,912, or 4% of the total population. In 1990, there were four census tracts in which the Hispanic population significantly exceeded the PMSA percentage. Census tract 22.02 (Rose Quarter) in Multnomah County had a 27% Hispanic population, and census tract 324.03 in Washington County, which contains the Orenco/NW 231st and Hawthorn Farm stations, had a 33% Hispanic population. Tract 22.02 (Rose Quarter), as noted above, was the only tract with a single-group minority population over 50%; it was also the tract, among the light rail station areas, with the highest poverty rate. In 1990, 54% of the residents in the

tract had incomes below the federal poverty level. Multnomah County tract 51, which contains the Old Town/Chinatown station and parts of many downtown Portland station areas, had a 52% poverty rate. Tracts within the light rail station areas with significant poverty rates are shown in Table 5; all but tract 314.02 are in Multnomah County. The data are from the U.S. Census Bureau General Profiles on Income and Poverty. Poverty status in 1989 was 10% in the PMSA.

4.16.2 Impact Analysis

During construction of TODs (as with development under the No Action and Planning Only alternatives) there may be minor (non-significant) effects on minority or low-income populations. However, there would be both short-term and long-term socioeconomic benefits from implementation of the Preferred Alternative. These benefits would extend to the minority and low-income families in nearby communities. Development at TOD sites would not result in the dislocation of any businesses or residents because the sites identified will be on vacant or redevelopable land. Thus, the Preferred Alternative is not expected to result in, ". . . disproportionately high and adverse . . . effects on minorities or low-income families."

Table 4: Census Tracts with Minority Population Greater than Regional Average

Location/Tract	Minority Group	Tract %	PMSA %
Washington County			
325.00	"Other"	10%	1%
313.00	Asian/Pacific Islander	10%	4%
324.03	All	23%	9%
324.03	Hispanic	33%	4%
Multnomah County			
29.02	All	18%	9%
	Asian/Pacific Islander	16%	4%
28.02	Asian/Pacific Islander	8%	4%
23.02	All	26%	9%
24.00	All	23%	9%
55.00	All	23%	9%
22.02	Black	53%	3%
22.02	Hispanic	27%	4%

Source: 1990 US Census

Table 5: Poverty Rates by Census Tract

Census Tract	Total Population	# of Persons Below Poverty Level	Percentage of Population Below Poverty Level
21	2,166	546	25%
22.02	220	118	54%
48	2,722	609	22%
49	2,910	989	34%
50	580	254	44%
51	1,643	860	52%
52	3,363	815	24%
53	1,873	824	44%
54	864	204	24%
55	1,407	360	26%
78	1,609	323	20%

Census Tract	Total Population	# of Persons Below Poverty Level	Percentage of Population Below Poverty Level
98.01	2,812	632	23%
314.02	1,065	219	21%

Source: 1990 US Census

4.16.3 Mitigation Measures

No mitigation measures are necessary.

4.17 Construction Impacts

There may be short-term water quality impacts during construction. Degradation of water quality may occur due to erosion, sedimentation, and the release of oil and grease from construction equipment. The Oregon Environmental Quality Commission provisions address erosion control in the Portland Metropolitan area during construction, and currently requires contractors to use BMPs to control soil erosion. Typically, this includes the use of silt fencing around the perimeter of a construction site to trap sediment at the site and covering of disturbed areas and gravel entrances. For the Tualatin Basin, Oregon Department of Environmental Quality (DEQ) requirements are that no eroded material leave the construction site.

Short-term noise levels will increase during construction of a TOD project. Noise levels from each development will vary with the type of activity and equipment used. However, TOD land uses are unlikely to produce significant long term impacts. This conclusion will be confirmed with site specific analysis when specific projects are proposed.

In the event that cultural materials are found during construction, all work in that area would cease and the Oregon State Museum of Anthropology, The Federal Transit Administration, and the Oregon State Historic Preservation Office would be notified. Any such archaeological discovery would be evaluated and appropriate and appropriate mitigation measures would be completed before construction resumes. In addition, if any burial sites are found during construction, work would cease and the appropriate agencies would be notified.

4.17.1 Mitigation Measures

- Construction activities shall be limited to the hours between 7:00 AM and 10:00 PM.
- Each project shall prepare and implement an erosion control plan in compliance with DEQ regulations and local standards to prevent soil from leaving the site and to protect water quality in nearby streams.
- During construction, BMPs shall be implemented to minimize erosion, sedimentation, and spills.
- BMPs for construction would include the use of silt fencing, barrier berms, temporary sediment detention basins, vegetative buffers (hay bales), plastic covering for exposed ground, and by timing construction for dry weather. Further requirements might include diapering of all dump trucks to avoid spillage, cleaning of heavy equipment tires and tracks before they are allowed to leave construction sites, and the temporary use of rock in drive entrances.
- Construction in wetlands adjacent to streams shall be conducted during the ODFW's recommended in-water work window.
- Excavated material shall be kept out of wetlands where practicable, and, where not practicable, the material will be placed on construction fabric to facilitate removal and restoration with

minimal impacts.

- The following sediment control practices shall be incorporated around creeks or streams during construction:
 - Construction equipment shall be kept out of the creek;
 - All refueling will be done outside of wetland and creek areas;
 - Construction shall be conducted during the ODFW recommended in-water work period;
 - Spill control BMPs shall be implemented;
 - Creek banks shall not be disturbed;
 - Exposed soils will be kept covered;
 - Re-vegetation of disturbed areas shall begin during or immediately after construction;
 - Water quality shall be monitored during construction to assess turbidity and total suspended solids (or total settleable solids);
 - Silt or construction fences shall be placed around wetland areas and adjacent to streams and their associated riparian areas to reduce erosion impacts on these areas and prevent construction equipment from inadvertently entering these areas; and
 - All areas that will be left bare for more than 15 days within and adjacent to wetland buffers and streams shall be covered with plastic, compost, or straw mulch, and a temporary seeding. A permanent ground cover will be started on these areas within 15 days of completion of final grading.

4.18 Cumulative Effects Analysis

Cumulative effects are the impacts on the environment resulting from incremental impacts of proposed actions when added to past, present, and foreseeable future actions by other agencies, and in adjacent areas. Because the density which may be achieved by the TOD Implementation Program is planned for by the Region 2040 analysis and allowed by local comprehensive plans and development ordinances. No further cumulative effects are anticipated.

5.0 LIST OF AGENCIES & ORGANIZATIONS CONSULTED⁵

Advisory Council on Historical Preservation
AORTA
Arbor Lodge Neighborhood Association
Ardenwald/Johnson Creek Neighborhood Association
Arlington Height Neighborhood Association
Association for Portland Progress
Beaverton Committee for Citizen Involvement
Beaverton Library
Beaverton Neighborhood Office
Boise Improvement Association
Bridgeton Neighborhood Association
Brooklyn Action Corps
Centennial Neighborhood
CENTER Neighborhood Association
Central Beaverton NAC
Central Northeast Neighbors
City of Beaverton
City of Gladstone
City of Gresham
City of Hillsboro
City of Milwaukie
City of Oregon City
City of Portland
Clackamas County
Clark County Board of Commissioners
Columbia Corridor Association
Columbia Crossings
Corbett/Terwilliger/Lair Hill Neighborhood Association
CPO 1 - Cedar Hills, Cedar Mill
CPO 10 - Laurel, Blooming, Scholls, River Road
CPO 3 - West Slope, Raleigh Hills, Garden Home
CPO 6 - Reedville, Cooper Mountain, Aloha
CPO 7 - Sunset West, Rock Creek, Bethany
CPO 9 - Hillsboro, Orenco
Division of NEIS Affairs
Downtown Area Neighborhood Program
Downtown Community Association
Downtown Neighborhood Association
East Portland District Coalition
Eastmoreland Neighborhood Association
Environmental Quality Activities
Federal Emergency Management Administration

⁵ This list includes agencies, organizations, and interested parties listed in Draft EA Mailing List presented at the public hearing on February 19, 1998. It represents a complete list of agencies, organizations and interested parties contacted during the scoping, drafting, and public review period of the Draft EA.

Federal Highway Administration
Federal Railroad Administration
Federal Transit Administration
Federal Transit Administration - Region X
Five Oaks Neighborhood Association
Forest Park Neighborhood Association
Glenfair Neighborhood Association
Goose Hollow Foothills League
Hazelwood Neighborhood Association
Hillsboro Library
Hillsdale Neighborhood Association
Historic Oldtown Association
Hollywood Neighborhood Association
Home Builders Association of Metro Portland
Hosford-Abernathy Neighborhood Development
HOST Development, Inc.
Humboldt Neighborhood Association
Interstate Avenue Business Association
Irvington Neighborhood Association
Johns Landing Condo Association
Kenton Neighborhood Association
King Neighborhood Association
Laurelhurst Neighborhood Association
Lloyd District Community Association
Lombard North Business Association
Lower Albina Council
Macadam Business Association
Madison South Neighborhood Association
Maplewood Neighborhood Association
Montavilla Community Association
Multnomah County
Multnomah County Library
National Marine Fisheries Service
Neighborhood Green
North Portland Neighborhood Office
Northeast Coalition of Neighborhoods
Northeast Workforce Center
North-Northeast Business Association
Northwest Gresham Neighborhood Association
Northwest NWDA
Old Town/Chinatown Neighborhood Association
Oregon Association of Railway Passengers
Oregon Community Foundation
Oregon Department of Agriculture
Oregon Department of Environmental Quality
Oregon Department of Fish & Wildlife
Oregon Department of Forestry
Oregon Department of Land Conservation & Development

Oregon Department of Transportation
Oregon Department of Water Resources
Oregon Division of State Lands
Oregon Economic Development Department
Oregon Environmental Council
Oregon Fair Share
Oregon Geology & Mineral Industries Department
Oregon League of Conservation Voters
Oregon Office of Energy
Oregon Parks Foundation, Inc.
Oregon State Historic Preservation Office
Oregon State Library
Oregon State Parks & Recreation Department
Overlook Light Rail Committee
Overlook Neighborhood Association
Partners for Smart Commuting - Oregon Department of Energy
Pearl District Neighborhood Association
Pedestrian Program CAC/WPC
Peninsula Neighbors, Inc.
Piedmont Neighborhood Association
Port of Portland
Portland Chamber of Commerce
Portland Community College
Portland Development Commission
Portland District Corps of Engineers
Portland French School
Portland Garden Club
Portland League of Women Voters
Portland Organizing Project
Portland Public Schools
Portland State University
Public Utilities Commission
Raleigh West-Denny Whitford Neighborhood Association
Reed Neighborhood Association
Rockwood Citizens Neighborhood Association
Rose City Park Neighborhood Association
Sabin Community Association
Sellwood-Moreland Improvement League
Southeast Uplift Neighborhood Program
State Soil and Water Conservation Commission
State Water Resources Board
Sustainable Urban Neighborhood
The Trust for Public Land
The Wetlands Conservancy
Transition Projects
Tri-Met
Triple Creek Neighborhood Association
U.S. Army Corps of Engineers

U.S. Department of Agriculture
U.S. Department of Commerce
U.S. Department of Energy, Region X
U.S. Department of Housing & Urban Development
U.S. Department of Interior
U.S. Department of Transportation
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
Upper Sandy Business District Association
Urban Studies & Planning Department
Washington Cooperative Library Services
Washington County
Willamette Pedestrian Coalition
Woodland Park Neighborhood Association
Woodstock Neighborhood Association

6.0 REFERENCES

- Barnack, Anthony, State of Oregon Department of Environmental Quality. Personal Communication. September 16, 1997.
- Bosco-Milligan Foundation. August 1995. *Cornerstones of Community: Buildings of Portland's African American History*. Portland, Oregon.
- City of Portland Bureau of Planning. October 1990. *Scenic Views, Sites, and Corridors ESEE Analysis and Recommendations: Panoramas—Volume I, Views of the City—Volume II, Views of Mountains—Volume III, Views of Bridges—Volume IV, Scenic Sites—Volume V, Scenic Corridors—Volume VI*.
- Fletcher Farr Ayotte, PC. July 1995. *Draft TOD Implementation Program Final Report*.
- Metro and Tri-Met. February 1994. *Hazardous Materials Mitigation Plan: Hillsboro Extension of the Westside Corridor*.
- Metro and Tri-Met. February 1994. *Wetlands, Floodplains, Water Quality and Storm Water Runoff Mitigation Plan: Hillsboro Extension of the Westside Corridor*.
- Metro and Tri-Met. March 1994. *Noise and Vibration Mitigation Plan: Hillsboro Extension of the Westside Corridor*.
- Metro. Fall 1996/Winter 1997. *Metro 2040 Framework Update*.
- Metro. June 1996. *Capital Grant Application: Regional Revolving Fund*.
- Metro. September 1997. *Metro Regional Data Book: Portland-Vancouver Metropolitan Area, 1997 Edition Population & Economic Handbook*.
- Metropolitan Service District. September 1992. *Land Use and Economic Impacts Results Report: Hillsboro Corridor Alternatives Analysis*.
- National Climate Data Center, National Oceanic and Atmospheric Administration. Personal Communication. September 22, 1997.
- Natural Resources Conservation Service, National Soil Survey Handbook, title 622 (Washington, D.C., U.S. Government Printing Office, December 1997).
- Oregon Department of Transportation. 1980. *Banfield Transitway Project Final Environmental Impact Statement Preliminary Draft Volume IV: Supplemental Technical Reports*.
- Portland Bureau of Planning. February 1992. *Historic Districts in the Albina Community Plan*.
- State of Oregon and The Nature Conservancy Natural Heritage Program. September 1997. *Data System Search for Rare, Threatened, and Endangered Plant and Animal Records*.

Tri-County Metropolitan Transportation District of Oregon (Tri-Met). February 1991. *Westside Corridor Project Environmental Impact Statement: Land Use and Economic Development Technical Memorandum #20A*.

Tri-Met. June 1997. *Station Area Development Profiles*.

U.S. Department of Agriculture Natural Resources Conservation Service. December 2, 1995. *Multnomah County Area, Oregon Comprehensive Hydric Soils List*.

U.S. Department of Agriculture Natural Resources Conservation Service. December 2, 1995. *Washington County, Oregon Comprehensive Hydric Soils List*.

U.S. Department of Agriculture Soil Conservation Service (now Natural Resources Conservation Service). August 1983. *Soil Survey of Multnomah County, Oregon*.

U.S. Department of Agriculture Soil Conservation Service (now Natural Resources Conservation Service). July 1982. *Soil Survey of Washington County, Oregon*.

U.S. Department of Commerce Economics and Statistics Administration Bureau of Census. September 1996. *Current Population Reports Consumer Income P60-193 Money Income in the United States: 1995*.

U.S. Department of Transportation Federal Highway Administration National Highway Institute FHWA-HI-93-038. April 1993. *Project Development and Environmental Documentation Student Workbook*.

U.S. Department of Transportation Federal Transit Administration, Tri-County Metropolitan Transportation District of Oregon, and Metro. March 1994. *Final Environmental Impact Statement: Hillsboro Extension of the Westside Corridor*.

U.S. Department of Transportation Urban Mass Transportation Administration and Federal Highway Administration, and Tri-County Metropolitan Transportation District of Oregon. August 1991. *Final Environmental Impact Statement: Westside Corridor Project*.

U.S. Department of Transportation, Federal Highway Administration and Urban Mass Transportation Administration. August 1980. *Banfield Transitway Project Light Rail Transit Line and Banfield Freeway Improvements: Final Environmental Impact Statement*.

7.0 RESPONSE TO COMMENTS

7.1 Urban Design Committee of AIA Portland Branch

7.1.1 Summary

The Committee believes that public-private partnerships are essential to achieve higher density and mixed-use development at light rail stations and supports the TOD Implementation Program as proposed.

7.1.2 Response

No response necessary.

7.2 City of Gresham

7.2.1 Summary

The proposed Program supports the City's downtown plan and the Gresham Civic Neighborhood District Plan.

7.2.2 Response

No response necessary.

7.3 Tri-Met

7.3.1 Summary

Tri-Met is confident the proposed Program will help pursue a number of goals, plans and policies including the Land Use Goal, the Transportation Planning Rule, and station area community plans adopted during the construction of the Westside MAX.

7.3.2 Response

No response necessary.

7.4 Portland Development Commission

7.4.1 Summary

PDC recognizes the need to focus public energy and resources to encourage transit-oriented developments to fully realize the potential of the region's light rail system, supports adoption of the EA, and is confident the proposed joint development program represents an effective use of transit funds to support regional and local land use and transportation objectives.

7.4.2 Response

No response necessary.

7.5 State Historic Preservation Office

7.5.1 Summary

Since numerous above-ground historic resources have been identified along the corridors, it would

be helpful if the cultural, historic, and archaeological impact analysis (page 20) addressed the potential impacts to these resources in addition to archaeological sites. Generally, SHPO recommends that newer developments avoid identified National Register-eligible and listed properties, or be designed in a way that is compatible with the character-defining features of the individual historic properties or district. SHPO recommends that surveys and consultation with the SHPO be implemented early in the site evaluation process, rather than as mitigation for the project to ensure that the widest range of feasible alternatives are open for consideration.

The terminology on page 20 referencing “National Historical Register Properties,” is inaccurate. The correct phrase is properties listed or eligible for listing in the *National Register of Historic Places* should be referred to as “National Register listed” or “National Register eligible” properties.

7.5.2 *Response:*

Each site specific TOD site will have a cultural and historic resources reconnaissance performed. This programmatic EA assess the potential impacts that could be caused by implementing the TOD Program. There are no known archeological sites identified on proposed TOD sites. Site specific evaluation will include background and records search as well as a site visit to collect the documentation required to address Section 106 (as explained in the March 1997 memorandum regarding Minimum Requirements for Project Proposal Documentation for Non-Archaeological Sites or for Standing Structures). This information will be submitted to SHPO early in the site evaluation process to determine opportunities and constraints on the development. The proposed development will try to avoid identified National Register eligible and listed properties, or be designed in a way that is compatible with the character-defining features of the individual historic properties or district to the greatest extent possible.

The terminology on page 20 has been corrected and refers to “National Register listed” or “National Register eligible” properties.

7.6 U.S. Fish & Wildlife

7.6.1 *Summary*

Section 4.10.1 concerning the existing conditions of ecologically sensitive areas mentions the existence of wetlands but the following impact analysis section does not include potential impacts to wetlands.

7.6.2 *Response*

Potential impacts and mitigations concerning wetlands are presented in Section 4.7 “Wetlands” of the EA. A reference directing readers to that section has been added to the EA.

7.7 City of Beaverton

7.7.1 *Summary*

Pages 26-27 list agencies and organizations consulted, but the list does not contain the City of Beaverton or its recognized Neighborhood Association Committees (NAC).

7.7.2 *Response*

The list printed on pages 26-27 in the draft EA was incomplete. The list has been updated and now accurately reflects all agencies and organizations contacted during the scoping, preparation, and comment period of the draft EA, including the City of Beaverton and City of Beaverton NACs.

APPENDIX A: HEARINGS OFFICER REPORT

The following is a reduced photocopy of the hearings officer report.

BEFORE THE METRO HEARINGS OFFICER

In the Matter of Metro's Transit Oriented)
Development Program - Draft Environmental) February 19, 1998
Assessment) Metro Regional Center
) Room 370

Metro took public comment at a public hearing on a Draft Environmental Assessment for Metro's Transit Oriented Development Program at 1.00 p.m., February 19, 1998.

Although a hearing is not strictly required for this Draft Environmental Assessment, Metro Transportation staff requested that a hearing be held following the procedures outlined at 23 CFR 771.111 (h)(2)(v), and the Metro Code. The hearing participants were read the criteria contained in 23 CFR 771.111 (h)(2)(v).

A staff report was given by Susan Cunningham. She outlined three program alternatives: (1) joint development program, (2) no action alternative and (3) a planning only alternative. Jon Baker, Tri-Met Real Property Acquisition Manager explained land acquisition guidelines for the project and relocation requirements under federal law.

Four individuals testified on Metro's proposed Transit Oriented Development Program:

George Crandall submitted a letter from the Urban Design Committee of the American Institute of Architects of Portland in support of the program.

Shelly Parini speaking on behalf of Max Talbot, Community Development Director of the City of Gresham read a letter of support from Mr. Talbot into the record.

Michael Kiser representing the Tri-County Metropolitan Transportation District of Oregon testified in support of the program and submitted a letter for the record.

Connie Lively, on behalf of the Portland Development Commission, testified in support of the program.

Before the public hearing on Metro's Transit Oriented Development Program closed, the participants were informed that the public comment period would remain open until March 6, 1998. Thereafter, the public hearing was closed.

After the public hearing, but before the end of the public comment period, two additional letters were received by the Metro Transportation Department.

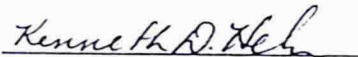
Felicia L. Trader, Executive Director of the Portland Development Commission submitted a letter in support of the program.

Liz Carter, Preservation Specialist for the State Historic Preservation Office, a division of the Oregon Parks and Recreation Department, submitted a comment requesting more information on potential cultural, historic and archaeological impacts connected to Metro's proposed program.

Mike Matteucci, Public Involvement Coordinator for the City of Beaverton, submitted a letter commenting on the city and neighborhood involvement in the Draft Environmental Assessment review.

The public comment period expired on March 6, 1998 with no further comments submitted to the hearings officer or Metro Transportation staff.

Signed this 18th day of March, 1998


Kenneth D. Helm
Hearings Officer

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