

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**104 SE Kibling Avenue**  
**Troutdale, OR 97060-2099**

**Tuesday, March 24, 2009**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**

Mayor Kight called the meeting to order at 7:00pm.

**PRESENT:** Mayor Kight, Councilor Hartmann, Councilor Wand, Councilor Thomas, Councilor White, Councilor Kyle and Councilor Daoust.

**ABSENT:** None.

**STAFF:** Dave Nelson, City Administrator; Rich Faith, Community Development Director; Charlie Warren, Public Works Director; Scott Anderson, Chief of Police; Erich Mueller, Finance Director; Debbie Stickney, City Recorder; and David Ross, City Attorney.

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** February 10, 2009 Work Session, February 17, 2009 Work Session, and March 3, 2009 Work Session.

**2.2 RESOLUTION:** A resolution regarding continuing membership in the City County Insurance Services Trust.

**MOTION:** Councilor Thomas moved to adopt the consent agenda. Seconded by Councilor Daoust. Motion Passed Unanimously.

**3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.

None.

**4. APPOINTMENT:** A motion to appoint representatives to the Public Advisory Board for CDBG funds.

Charlie Warren, Public Works Director, stated we need two representatives to serve on the Community Development Block Grant Policy Board. These are volunteer positions on the board since the City of Troutdale is not eligible for those funds. The Board evaluates projects that will be in our neighboring cities, including Wood Village, Fairview and Gresham. This committee meets several times a year. Previously the public works director and the chief engineer served on this Board. I have volunteered myself and Travis Hultin to those positions, and I am asking for the Council to approve this appointment.

**MOTION: Councilor Thomas moved to appoint the Public Works Director, Charlie Warren, to the Policy Advisory Board and as an alternate, Travis Hultin our Chief Engineer. Seconded by Councilor Kyle. Motion Passed Unanimously.**

**5. PUBLIC HEARING / ORDINANCE (Introduced March 10, 2009):** An Ordinance to amend Troutdale Municipal Code Chapter 2.20, Committees and Commissions, pertaining to the Public Safety Advisory Committee.

Mayor Kight read the ordinance title.

Scott Anderson, Chief of Police, stated at the March 10, 2009 meeting the Mayor and Council considered staff's proposal to expand the Public Safety Advisory Committee (PSAC) from eight to nine members. The new member would be added as an "At Large" position for a total of four citizens at large members. The PSAC provided the recommendation to make this change citing reasons of an increased workload for the committee and to ensure an additional voting member in the event of a tie. During the March 10<sup>th</sup> meeting it was determined that Section 2.20.010A would also need to be amended to reflect the proposed changes. Council directed that these additional changes be made before the second hearing on this ordinance. We have incorporated those changes in Sections 2.20.010A and 2.20.120C into the ordinance before you for adoption.

Mayor Kight stated one of the areas lacking on this committee has been the representation from the school district. Apparently there are now folks from the Reynolds School District who have indicated that they are interested in serving on the PSAC. Can you share that information with us?

Chief Anderson replied I had a conversation with Superintendent Fisher and he has stirred up some interest in people to serve on the committee. There are now four folks who have indicated an interest. If the council passes this ordinance tonight, staff is looking for direction from the council to open up the recruitment process to fill the vacant positions on the PSAC.

Mayor Kight opened the public hearing at 7:05pm.

No public testimony received.

Mayor Kight closed the public hearing at 7:06pm.

**MOTION** Councilor Wand moved to adopt the ordinance. Seconded by Councilor White. Motion Passed Unanimously.

The City Council directed staff to solicit for citizens to fill the open positions on the committee.

**6. RESOLUTION:** A resolution to initiate amendments to the Troutdale Comprehensive Plan and the Transportation System Plan to remove the 242<sup>nd</sup> connector as a future transportation improvement project.

Rich Faith, Community Development Director, stated this resolution comes to you at the request of Multnomah County in a letter dated February 26, 2009 from County Chair Ted Wheeler and Commissioner Diane McKeel (copy included in the packet). That letter speaks to the County's desire to vacate the 242<sup>nd</sup> connector right-of-way. Because the 242<sup>nd</sup> connector is referenced in our Comprehensive Plan and is shown in our Transportation System Plan (TSP) amending these plans to remove the connector is a necessary first step before the County can vacate it. The 242<sup>nd</sup> connector is a segment of the conceptual Mt. Hood Parkway that was first conceived over twenty years ago as a limited access highway linking I-84 and the Mt. Hood Highway, also known as US 26. An extensive public process was conducted in the late 1980's to study potential routes for the parkway. The 242<sup>nd</sup> connector corridor came about as a result of recommendations from several committees involved in the study at that time. This corridor runs across the (mostly undeveloped) County Farm property west of the old Edgefield Manor, now McMenamins Edgefield, and then connects up with Hogan Road at Glisan or Cherry Park Road. Even though the Mt. Hood Parkway has never been built the need continues for a dedicated north/south transportation corridor, or at a minimum, improvement to existing north/south arterials to accommodate increasing demands in the East County area. This corridor would not only serve as a vital link between I-84 and US 26, but would also serve the future urbanized Damascus area. There are three key issues relating to the resolution before you and to the actions related to vacating the 242<sup>nd</sup> connector. The first is whether amending our TSP to remove the connector would make the plan inconsistent with the Regional Transportation Plan (RTP). Consistency between our plan and the RTP is required under Oregon planning coordination rules. However, there are entirely different opinions on this issue. Metro contends that it would be inconsistent while Multnomah County claims that it would be consistent. These opposing opinions are based on each parties reading and interpretation of the applicable, albeit, arcane planning regulations. City staff has not attempted to corroborate which position is correct, and believes that either one could be valid. If the City decides to amend its TSP, Metro appears to be prepared to appeal that decision to the Land Use Board of Appeals (LUBA). Should that occur, Multnomah County officials have stated they stand ready to defend the decision at LUBA. A second key issue tied to the County's request is completing a north/south transportation corridor study to determine the best option among the various candidates. There is a recognized need for better access between I-84 and US 26. The prospect of urbanization in Damascus and other areas to the south and east of Gresham that have been brought into the Urban Growth Boundary (UGB) since 2002 will contribute significantly to the traffic load. This is the reason behind wanting a study of a four arterial corridors here in East County (181<sup>st</sup>, Fairview Parkway, 242<sup>nd</sup> or Hogan Rd. and 257<sup>th</sup> also called Kane Rd.). This study has not yet been conducted. The lack of a corridor study was

one of the principal reasons the City Council did not support vacating the 242<sup>nd</sup> connector when it was last brought to them in 2005. At that time the majority of the Council felt there were too many unknowns about what role the 242<sup>nd</sup> corridor would play in meeting future transportation needs. A related concern of the Council was that 257<sup>th</sup> might become the likely choice of a transportation corridor by default. The majority of the Council believed that until this study was completed it would be premature to vacate the right-of-way. Since the County's unsuccessful effort in 2005, the four East County cities have mutually agreed that it is imperative for this corridor study to proceed. That agreement was formalized among the four cities in a signed Memorandum of Understanding (MOU) that called for Metro and/or ODOT to undertake this study as soon as possible. As you know that has not happened. The absence of this long anticipated north-south corridor study clouds the question of whether or not to vacate the 242<sup>nd</sup> connector, just as it did in 2005. Once completed, the study may conclude that the connector is not viable and that improvements to some or all of the other candidate corridors would be the best option to meet future transportation needs. If that is the finding, hopefully none of the jurisdictions would object to the right-of-way vacation in the future. A third issue, and perhaps the one at the center of the County's request, is money from the sale of the vacated property for the East County Justice Center that was proposed. The County stands to collect \$1.7 million currently being held in escrow from the sale of the County Farm property to MeMenamins and Reynolds School District. Although the County has stated that forfeiture of this money does not necessarily kill the Justice Center project, the Council must nonetheless weigh the risks of jeopardizing that project by not allowing the County's right-of-way vacation. However, even if the Council is willing to initiate this plan amendment and ultimately approves it, there is also the chance that it will not survive an appeal and if it doesn't survive the County will lose the money anyway. As you are all aware, there are a multitude of issues associated with this resolution. After carefully considering the pros and cons of these various issues, staff is recommending that the Council deny the resolution for the following reasons: **1)** When the City Council was faced with an almost identical request by the County in 2005 the majority of the Council voted not to support the 242<sup>nd</sup> connector vacation because they felt that it would be premature to vacate the right-of-way before the completion of the north-south corridor study. That position was echoed by the City's transportation consultant who was in attendance at that same meeting to shepherd the adoption of the City's TSP. The Council's position was further reinforced through the four cities MOU that I mentioned earlier. It is unfortunate that the study has not proceeded as desired, but the delay should not be the cause for the city to abandon its prior position. The corridor study is still necessary and important in identifying the best option for moving people and goods between I-84 and US 26, and between urbanizing areas to our south and the expanding industrial development to our north. It is critical that Metro commit funding to this study in the next round of regional transportation fund allocations in order to put these uncertainties to rest. **2)** The \$1.7 million is not forever lost if the vacation is put off pending the outcome of this corridor study. The 242<sup>nd</sup> connector may prove unfeasible to build because of the steep topography or it may simply be found not to be the best corridor option. Its viability should be established through the north-south study rather than by assuming it will not be feasible to be built. If that proves to be the case, the County should be given the green light to vacate the right-of-way and to sell it to adjacent property owners. Understandably the timing of this transaction likely would not help fund the East County Justice Center, however, this money would help the County fund other important programs or

projects. **3)** This recommendation is consistent with the Council's historical treatment of right-of-way vacations. Over the years the Council has denied numerous requests to vacate city right-of-way when an affected property owner believed a particular right-of-way was not needed and would never be used. The council has typically not bought such an argument and has been unwilling to give up right-of-way. A common refrain of the Troutdale City Council has been that once right-of-way has been vacated, there is no easy way to get it back if it is ever needed. **4)** Finally, both Multnomah County and Metro have presented strong arguments as to why removing the 242<sup>nd</sup> connector would be consistent or not with the current RTP. Staff believes that either opinion could be successfully argued before LUBA. Although the prospect of an appeal has a bearing on the question before you, it was not an overriding factor in the staff recommendation, nor should it be in the Council's decision. As a final note and a reminder, approval of this resolution only initiates the plan amendment process and does not actually change anything at this time. However, all of the relevant arguments for and against the amendment are expected to be made in conjunction with this resolution, so the Council should treat its decision tonight on this resolution just as if it were voting on the amendment.

Mayor Kight stated you indicated that through the four cities signing the MOU back in 2007, that would be the beginning of the study of a variety of different routes. Is there any date certain when that study is going to be funded on the part of Metro?

Rich Faith replied I don't have an answer to that question, but I am sure there is someone here this evening who could answer that question.

Mayor Kight stated you indicated earlier that the history of Troutdale on vacating right-of-way has been not to do it. But is it also not true that on this particular parcel, the 242<sup>nd</sup> right-of-way, that prior to 2005 the City Council in fact did vote to do a vacation on 242<sup>nd</sup>. Are you aware of that?

Rich Faith replied no I am not.

Mayor Kight stated it was a 4-3 vote that was later flipped the other way. Are you aware that this the second study that will be done on the efficacy of having a ramp or some way to get from I-84 south to the top of 242<sup>nd</sup>? The first one was done in 2002 by David Evans and Assoc. Are you aware of that study?

Rich Faith replied I know that there was a study that the County had commissioned to be done. I don't know the full scope of that study and what all of the findings were. I believe that was the study that led up to the suspension of the project.

Mayor Kight stated in the letter submitted by Multnomah County (copy included in the packet) on the bottom of page 3 there are findings from the January 2002 David Evans and Associates study for the purpose of an alternative analysis for NEPA Environmental Assessment for a new road segment from I-84 to Holladay Street and arterial improvements south of Stark. The findings were that the traffic volumes projected for 2020 in the study area were not considered compelling by Multnomah County transportation planning staff and

ODOT staff, to warrant the cost of building the new 242<sup>nd</sup> Avenue extension on the County right-of-way between Holladay Street and Halsey and a new interchange or ramp connections to I-84. It also stated that the no-build and build alternatives did not provide sufficient differences in travel times and levels of service at key intersections to warrant the cost of building the extension using the County right-of-way and the new interchange connections to I-84. Do you have any idea what the cost would be to build a ramp from the top of 242<sup>nd</sup> and connect it to I-84?

Rich Faith replied no.

Mayor Kight stated the projected cost runs anywhere from \$25 to \$35 million. I read your report but I am in disagreement because I have a long history of calling for this vacation.

Councilor Hartmann asked since 2002 have we had any other reports or studies that quantify the increase in population and traffic that is the result of developments that have happened since such time?

Rich Faith replied I don't know that it has been a focus study to look at that question as it relates to this particular corridor. I know that there have been some studies but I don't know if they have looked at that particular issue.

Councilor Wand stated with regard to constructing a street or arterial on the 242<sup>nd</sup> right-of-way, the options are not limited to just a ramp are they?

Rich Faith replied I am not even sure what we mean by a ramp. Are we talking about a ramp that connects to I-84, or are we talking about the road that goes from Halsey up to Glisan?

Councilor Wand stated I was a little confused about that question from Mayor Kight as well. Certainly there are a number of different ways that a road in this area could be constructed.

Rich Faith stated I would imagine that there are.

Councilor Wand stated I have had some conflicting information that is pretty important to the way that I am thinking about this issue and I would like you to clarify it for me. How is 257<sup>th</sup> designated on the RTP?

Rich Faith replied I am not certain but I believe that it is shown as an arterial street as it is in our TSP.

Councilor Wand asked what would be the hallmark of an arterial street? What is the difference between an arterial street and some other kind of street?

Rich Faith stated I am not the expert on that matter but I believe that an arterial street is intended to take the bulk of traffic through a community. In other words you have your local street network which feeds into a collector system which then feeds into the arterial, and the arterial is what gets you to your primary points.

Councilor Wand stated in terms of urban planning, when you are talking about arterials and higher traffic flow roads, when you are conceiving a transportation plan do you as a planner look for areas where you have expected growth but the growth has not yet occurred to place those arterials, or do you look to put those in areas that are already developed with housing, apartments, etc.?

Rich Faith replied I would have to say that whenever there is an opportunity to build a road where there is not already development, that would certainly be preferred for obvious reasons such as it causes the least amount of disruption and it displaces the least amount of people by building in an undeveloped area as opposed to a highly urbanized area.

Councilor Daoust asked in your staff report you say that if the future legislative amendment is successful and the right-of-way vacation is accomplished then the 242<sup>nd</sup> connector is removed from consideration as a possible transportation corridor for meeting increased traffic demand in this area and as a result a long standing battle over this corridor is put to rest. I read that and I am not sure I know what you mean. If we don't have the right-of-way as it is currently drawn on the map, that does not mean that 242<sup>nd</sup>/238<sup>th</sup> won't be one of the four corridors still studied in a north-south study. You didn't mean that 242<sup>nd</sup>/238<sup>th</sup> would automatically go away as one of the four did you?

Rich Faith replied no, I meant that this particular segment of that corridor. 238<sup>th</sup>, as it goes up the hill to Wood Village and turns to 242<sup>nd</sup>, is still on the radar screen as a potential corridor. But that segment that goes across the old County Farm property, if it was successfully vacated, I am saying that alignment is taken off of the table.

Councilor Daoust asked so if we did go down that path and vacate the right-of-way, the north-south study would still study 238<sup>th</sup>/242<sup>nd</sup>?

Rich Faith replied I assume that is the case.

Mayor Kight stated according to the Troutdale TSP 257<sup>th</sup> is designated as a freight route. Is that true?

Rich Faith replied yes. In our TSP it is shown as a freight route or truck route.

Mayor Kight stated so it is actually identified in two different ways; one as an arterial and two as a freight route.

Councilor Hartmann asked did we look at what the cost would be to the taxpayers if we ended up having to take back that land if we did vacate the right-of-way?

Rich Faith stated we are not the ones taking the action to vacate, nor would we take ownership of that property if it is vacated, so no the city hasn't looked at that. That may be of interest to the County.

Councilor Wand stated condemnation is typically a situation where you are spending a lot of money to buy property rights from a homeowner or property owner, is that right?

David Ross, City Attorney replied condemnation is the act of the sovereign acquiring property for a public use and paying fair market value to the property owner.

Councilor Wand stated didn't we recently have an initiative passed by the State of Oregon indicating that the initial offer made by the governing body to the land owner becomes the fixed point and if the land owner beats that in court and gets more money, than that land owner is entitled to recovery of all of their attorney fees incurred.

David Ross replied one of the things that Measure 39 did in addition to prohibiting the use of eminent domain for economic development was to make the initial offer, rather than the 30-day offer the offer that determines whether or not the property owner is entitled to attorney fees if the case goes to trial.

Councilor Wand stated if a public body is looking at condemning or starting the condemnation process they either offer more money than what they really think it is worth to protect against attorney fees, or they take the risk of paying both sides of litigation.

David Ross stated that can be true of any litigation in which attorneys fees are going to be an issue.

Councilor Wand stated our TSP is a city generated document that is adopted by the City Council, is that correct?

Rich Faith replied yes.

Councilor Wand asked is it within our power to make changes to the TSP?

Rich Faith replied yes, provided it is not subject to challenge.

Councilor Wand stated we have obligations to make sure that it matches up with the RTP and Metro guidelines, etc. is that right?

Rich Faith yes.

Councilor Wand asked is there anything in the RTP or in the Metro guidelines that compels us as a city to designate 257<sup>th</sup> as a freight route?

Rich Faith replied I don't recall when our TSP was prepared how that came about, whether it was for consistency with the RTP or not.

Councilor Wand asked does the RTP have a designation of freight routes such that if 257<sup>th</sup> was intended to be a freight route it would say that in the RTP?

Rich Faith replied I believe that is the case but I am not entirely familiar with all of the nuances of the RTP.

Councilor Thomas asked didn't our TSP also have to be approved by Metro?

Rich Faith replied it didn't have to be approved by Metro, but Metro was notified that we were going through the process and had members on the Technical Advisory Committee that reviewed the plan so issues like consistency with the RTP were raised by Metro staff as they reviewed our plan.

Mayor Kight stated there are a variety of transportation improvements that are going to be done to 257<sup>th</sup>. Can you enumerate what those improvement projects are for 257<sup>th</sup> starting from S. Frontage Road to Powel Valley Road?

Rich Faith replied I know there are some improvements, but I am not that familiar with them. I am sure someone from the County could better answer that question.

Ted Wheeler, Multnomah County Chair, stated I appreciate the opportunity to speak tonight as a follow-up to the March 10 work session that was focused on the County's request for the City of Troutdale to amend its TSP by removing the 242<sup>nd</sup> right-of-way between Halsey and Glisan Street. That right-of-way is currently owned by Multnomah County. Since the work session Commissioner McKeel and I have had an opportunity to get back in touch with a number of you and we have sent you some follow-up information on some concerns and questions that many of you raised, as well as provided you with a brief summary of the transportation studies that have been done over the years regarding the north-south corridor. I think we all agree on a number of important points; first and foremost that good transportation systems are vital to the livability and economic viability of our community. I think we also agree that decisions regarding transportation planning need to be done in a thoughtful and strategic manner, and the decisions made should be fiscally responsible as well. The federal, state and local resources for major transportation projects have been squeezed for years. When it comes to funding significant infrastructure investments we really all need to figure out how best to strategically pull together, work together and support what few projects are available to us. This region has made a concerted effort, along with the City of Troutdale, to focus on the resources that we currently have and the infrastructure that we currently have to make sure that we can maintain it as well. Multnomah County, for a number of years, has supported the vacation of the 242<sup>nd</sup> right-of-way. Our first official action in that regard took place in 2005. In 2007 we worked with the Troutdale City Council to request Metro to conduct a corridor study to identify the appropriate strategy for a north-south connector. What we have been doing since then is waiting to move forward on a corridor refinement plan. In the meantime the world has moved on. Multnomah County in fact has been doing a good number of things to be stewards to the citizens and the taxpayers. We have sold surplus properties in the Troutdale area in a manner that we believe is compatible with the economic development pulse of this community. We have worked hand-in-hand with the City of Troutdale to sell the south Edgefield property to entities that fit into the community's long-term vision for that property. We enabled the properties that were sold to McMenamins to return to the tax rolls, which helps the City of Troutdale. We have also

enabled the Reynolds School District to grow its educational system in a location that is both economical and logistically viable for them. Amending the TSP provides the opportunity to vacate the 242<sup>nd</sup> right-of-way in a manner that frees up \$1.7 million in funds that are currently available in an escrow account. There is a great deal of urgency to our request because we have until October of this year to vacate that right-of-way or that \$1.7 million goes away. It will also help the current owners of that property, Reynolds School District and McMenamins, to have clearer certainty about what their options are with regard to development and use of that property. Regardless of what happens, Multnomah County wants to remain a strong partner in working together to have the corridor study go forward. I will, in conjunction with all of our East County partners, continue to work with JPACT to move forward on the north-south corridor study as well as future development in that corridor.

Diane McKeel, Multnomah County Commissioner, stated no matter how you vote this evening I truly look forward to working with all of you to make East Multnomah County an even better place than it already is. I hope that we brought forward the information that you had requested the last time we spoke and that we answered your questions. We are here before you tonight to ask you to begin the process of amending your TSP to allow us to go forward to fulfill the contract that we have with McMenamins and Reynolds School District. If you do vote to amend the TSP and allow us to move forward in our efforts to vacate the 242<sup>nd</sup> right-of-way it will unlock \$1.7 million that I am committed to having dedicated to the East County Justice Center project. This project would generate economic development with new jobs and stimulate the growth of ancillary services. It will create a much needed facility and bring greater convenience to our families. I would like to first address your concerns regarding 257<sup>th</sup>. I do consider Troutdale my home. I live close by, I shop here and I have worked here for many years. I care deeply about the City of Troutdale and want to see you continue to be a desirable location for families and visitors. Therefore, it is not in my interest to advocate for you to do something that would take away from the livability in your city. Many of you have expressed your worry that if we vacate our right-of-way on 242<sup>nd</sup> than 257<sup>th</sup> will become the preferred corridor. Let me speak about a few issues concerning 257<sup>th</sup>. Significant improvements are currently being made on both ends of 257<sup>th</sup>. It is my understanding that the City of Gresham is moving forward with the improvements that they are making on 257<sup>th</sup> between Division and Powell Valley. At the other end ODOT almost has the funding complete, working with the Port of Portland, to make the improvements at the 257<sup>th</sup>/I-84 interchange. I just came from a forum with our state legislators and they were talking about that improvement taking place as well. The Troutdale TSP currently identifies 257<sup>th</sup> as being a truck route while 242<sup>nd</sup> is undefined. The 242<sup>nd</sup> corridor would by many accounts be the most expensive option due to a lack of an interchange at I-84. Our right-of-way gets you from Glisan to Halsey; there is no right-of-way north of Halsey. In addition there are sensitive environmental concerns because of the wetlands north of Halsey. Finally, as we talked before there is the thought of either building below grade or addressing the topography. In many studies the recommendation is a no-build alternative. It is a common thought among some transportation experts that all four of the boulevards will be identified as being needed for traffic connectors. Remember, vacating the 242<sup>nd</sup> right-of-way does not take away the route as a corridor to be included in the corridor study. The County is open to further discussions regarding 257<sup>th</sup>. No matter what the outcome of the vote is tonight, it is imperative that we work together to call for Metro to implement and complete the north-south

corridor study in a timely manner. This has far too long been a divisive issue in East County and it has prevented forward movement in economic development. As Chair of the East Multnomah County Transportation Committee (EMCTC), I will be pushing this study as an agenda item until there is a satisfactory conclusion. I am asking for your help in this endeavor. We need to bring this issue to closure and it should be Metro's responsibility to fund this study, not the local jurisdictions.

Mayor Kight asked what is the reason you believe that there is advocacy for this particular route, and keeping this particular set-aside for the property when it could have such a deleterious affect economically (the \$1.7 million as well as the Reynolds School District and McMenamings)?

Commissioner McKeel replied I believe that the north-south traffic connector route has been something that has been discussed in E. Multnomah County for a very long time. We have all gotten very connected to having this study done so that we know which route will be the best one. I don't know why people are tied to this route over the others. I think that all four routes belong in the study, but I think the most important part is that we need to get the study done. If this is what is holding us up and dividing our cities and our communities, it needs to be done.

Mayor Kight stated 238<sup>th</sup> is a very dangerous road. Are there any safety related improvements that the County is looking at making?

Commissioner McKeel replied I know there are some improvements that are going to take place in this construction cycle, but I will let our transportation expert answer that question.

Councilor Kyle stated I would like to know what improvements are going to be made at I-84 and 257<sup>th</sup> that you referred to.

Commissioner McKeel stated our transportation folks can provide that information.

Councilor Daoust asked who would pay for this north-south study?

Commissioner McKeel replied as I understand it right now Metro has \$550,000 to put into the study and they are looking for matching funds from the county and the cities.

Councilor Daoust asked if a road were to be built here who would pay for the environmental impact statement?

Commissioner McKeel replied I will have to defer that question to our transportation folks.

Councilor Wand stated at the work session I asked for a legally binding assurance that if we vacated the 242<sup>nd</sup> right-of-way that the City of Troutdale would have control over the future development of 257<sup>th</sup>. I appreciate the written response. The long and short of it is that the County would be willing to consider some form of transfer of control over 257<sup>th</sup> but there is no

guarantee and we probably couldn't get a decision of that magnitude in time to save the \$1.7 million. Is that the conclusion that you have come to?

Chair Wheeler replied that is a fair representation.

Councilor Wand stated in addition it is my understanding that the current proposal for the use of the \$1.7 million does not contain any guarantees that a courthouse will be built in or around the Gresham area, is that right?

Chair Wheeler replied the \$1.7 million would be dedicated towards the East County Courthouse, so it would go into the East County Courthouse fund.

Councilor Wand asked is that a dedicated fund?

Chair Wheeler replied yes.

Councilor Wand asked if the courthouse is not built within the next five to ten years would the \$1.7 million just remain in the dedicated fund until one is built?

Chair Wheeler replied that I cannot answer; I don't know.

Councilor Wand asked has any of your transportation department professionals at the County looked at a north-south connection and made a decision or recommendation to anyone at the County as to which route they believe is the most feasible?

Chair Wheeler replied I would like to defer that to the planners.

Councilor Wand stated I understand that at least one of the many reasons why we are here today has to do with the budgetary difficulties that the County has, specifically with regard to one-time expenditures such as construction costs for a courthouse. I am wondering if you can quantify for me the impact that the Portland Development Commission (PDC) has had on the budget of the County and the tax increment financing that goes to the PDC versus money that would otherwise go to the County.

Chair Wheeler replied there are currently eleven urban renewal areas in the City of Portland. Economic studies have shown that approximately 1/3 of all tax increment financing comes from the incremental value of those districts. That total has been estimated at approximately \$20 million per year. Multnomah County supports urban renewal. We believe that tax increment financing is a very powerful and potent job creator and economic development tool when used appropriately. Multnomah County as a matter of record does support the use of that tool when it is used appropriately. The fact of the matter remains that tax increment financing takes tax value that would under ordinary circumstances spin out to school districts and jurisdictions like Multnomah County and reinvests it instead in targeted projects within the urban renewal areas.

Councilor Thomas stated Commissioner McKeel, you mentioned that 242<sup>nd</sup> is divisive in nature. That is not something I have noticed, but I was curious how you came up with that?

Commissioner McKeel replied I meant the corridor study is what I feel has been divisive in nature because it has not been done and it is something that has been very anticipated by all of the cities.

Councilor Thomas stated the MOU for the corridor study was supposed to include 181<sup>st</sup>, 207<sup>th</sup>, 238<sup>th</sup>, and 257<sup>th</sup> in addition to the 242<sup>nd</sup> extension. Fairview was willing to consider 207<sup>th</sup> if we tossed in 242<sup>nd</sup>. There were a fair number of things that happened at EMEA when they came up with this and presented it to all of the cities. How do you propose that we address those? For example, we have cities that basically made some deals to get the MOU done and now we are sitting here looking at, well we don't want to hold up our end of the bargain.

Commissioner McKeel stated 238<sup>th</sup> is still in the study. I guess I don't understand.

Councilor Thomas stated you are taking out the 242<sup>nd</sup> extension.

Commissioner McKeel stated I don't know the agreements that the cities have made with each other. The four cities signing the MOU was not divisive; that was very collaborative, but that was two years ago and nothing has happened in those two years. I think the anticipation was that the study would be started shortly after the signing of the MOU, and that hasn't happened.

Councilor Thomas stated I remember when the County all came out here about three or four years ago when we were looking at the TSP and we talked about widening 238<sup>th</sup> and doing some other things. The improvements that you are talking about doing don't enhance capacity, they just simply make it a little wider and safer, but it doesn't enhance capacity and that is my biggest concern as far as giving up this corridor itself.

Mayor Kight stated Chair Wheeler you identified that there is a date certain on the \$1.7 million that is currently held in escrow at which time that money will disappear. What is that date?

Chair Wheeler replied the middle of October of this year.

Mayor Kight stated once that window closes am I correct that there is no way to recapture that money?

Chair Wheeler replied that is correct. The funds held in escrow would go back to the purchasers of the property.

Mayor Kight stated and the condition of that \$1.7 million, what did the property purchasers have in mind.

Chair Wheeler replied they are here tonight and would be in a better position to address that.

Karen Schilling, Multnomah County Planning Director, stated I want to reiterate one point that Chair Wheeler made, the \$1.7 million is lost if the road right-of-way is not vacated by October. In the staff report Rich said that we could sell that property at a later time if at some point in the future it was determined that the right-of-way was not needed. In fact the property has been sold to Reynolds and McMenamins at this time, so the \$1.7 million is lost. I want to explain why we believe the City's TSP needs to be amended. The Troutdale TSP identifies 242<sup>nd</sup> Avenue as the option for the connector between I-84 and US 26. We need to vacate that right-of-way and because we are handling this as a land use matter that means that the decision to grant street vacations cannot be in conflict with the TSP and the County Comprehensive Plan. We agree with the RTP that a long term need exists for a connection, but the interim improvements listed for the next twenty years do not include the connector project between 242<sup>nd</sup> and I-84. The RTP identifies a number of interim improvements that are needed in the next twenty years. Some of these interim improvements that are underway in East County include: safety improvements to 238<sup>th</sup> Avenue between Halsey and Glisan Street; completion of Hogan Road between Glisan and Stark Street to arterial standards; completion of Kane Road between Division and Powell Valley Road; and improvements to the I-84/257<sup>th</sup> Avenue interchange at the Frontage Roads. Multnomah County supports the need for a corridor refinement study and we agree that all north/south corridors need to be analyzed for future use, not a single corridor. This concept has been endorsed both by the MOU that you and the other three cities signed as well as by the region in the 2035 RTP, which identifies the need for looking at all four corridors. The reality of transportation revenue sometimes dictates what we as local jurisdictions can accomplish to meet our transportation needs. This may be true for the connector route through East County. We need to look at all four of the corridors and ensure that they are all operating as efficiently as they can to serve the growing demand. You have all received the letter with the summary of the relevant transportation studies that have been conducted over the last ten to twelve years. At this point I would like to address some of the questions that Chair Wheeler and Commissioner McKeel left for me to answer. The first question was about the 238<sup>th</sup> Avenue improvements. This project is to improve the sight distance at the entrance coming out onto 238<sup>th</sup> Avenue. That will be a fairly small improvement but a big improvement in terms of sight distance. I cannot speak directly to the I-84 and 257<sup>th</sup> Avenue Frontage Road improvements. I know it is not a whole new interchange but it has something to do with the Frontage Roads and turn lanes. The third question was about the corridor refinement study and who pays for it. It is our understanding from Metro staff that there is \$500,000 from the Metropolitan Transportation Improvement Program (MTIP). Typically Metro has put in an additional \$500,000 for a corridor study but they also look to local governments to provide some matching funds. These projects have typically run around \$1 million. Another question was who would pay for the EIS if we were to build the connector. In 2000 Multnomah County undertook the first step of an environmental analysis on the alternatives to look at how we might connect I-84 to 242<sup>nd</sup> Avenue. At that time Multnomah County did pay for that study. I am sure we would look to our regional partners to do further study on that. Councilor Wand asked a question about the north/south connection and if we had a preferred alternative. Was that your question?

Councilor Wand stated my question was has anyone at the County ever considered the location of a north/south connection and given the Commissioners any opinion about which one the County would prefer.

Karen Schilling stated to my knowledge we have not done that, other than taking a look at the particular corridor in 2000 or 2001 when we started the study. We have never come out with an opinion that one alignment is preferred over another.

Mike Sublet, Multnomah County Facilities Property Management, stated I want to talk about the transaction that we achieved on the sale of the south Edgefield properties. The County was very careful and we were really looking to leave a legacy as we started to unwind East County holdings in Troutdale. With the McMenamings and Reynolds transaction we were looking at community partners with a mix between a private and a public entity. We looked at the uses that would typically come from both of those and they were extremely complimentary with respect to traffic. With McMenamings in the hospitality business their peak is in the evenings, weekends, and summers; the school is the weekdays excluding summers. From the first discussion between the County, McMenamings and Reynolds, the right-of-way was an issue. It essentially dissects the site. The motivation of all of the parties from the beginning was to remove any residual ambiguity that comes with having a public right-of-way over these properties regardless of who owns it. The area outlined in red (on the map shown, but not submitted into the record) is the Pig Farm, or Edgefield north for marketing purposes. In looking at continuing the disposition of County property with the same sort of sensitivity and concern for the community as well as recognizing fair market value, in 2006 we worked very hard to look at a transaction with Centex Homes that would also have an expansion of the McMenamings hospitality component as a part of that. That was obviously when housing was in a different economic state than it is today. Because of the existence of the right-of-way the potential buyers believed that at least 8 acres would be impacted because of the implied continuation of a fly-over or a super roadway potentially being built over this property someday (not because of the right-of-way being on the Pig Farm because it is not, but the fact that there is a right-of-way to the south of Halsey). The potential buyer believed that they couldn't develop it, certainly not for residential purposes because of the disclosures that would have to be made. I think the issue that we want to share is not proceeds to the County, but potential economic development in Troutdale. The intention has always been to take this property off of the public exempt tax rolls and put at least part of it back on the taxable rolls. The very fact that there is this line on the map, not from the transportation standpoint but from the real estate and economic development standpoint, has a very real cost to that and it is locking up the full potential value of that parcel. The Pig Farm is 46 acres, functionally at least 20% of it is taken out by the highest and best use that we were able to identify by the existence of the TSP that has this connector on it. Secondly, I just want to point out that there is also the Animal Control property to the north. So there are 46 acres to the south and 25 acres to the north of the UP tracks. That is 70 acres of potential economic development properties in Troutdale that are impacted and diminished in some way from what we believe is the highest and best use. We are constrained as to potential disposition options that we can bring to the Board just by the very fact that there is this line/road and we don't know what the future of that is. We are doing additional wetlands delineations right now on our remaining properties at the Pig Farm and Animal Control. What

you can see (shown on a map displayed but not submitted into the record) is that on the Pig Farm there is great potential for much of the property, but the most environmentally sensitive parts of it are where the proposed connector would go, on the western part of those 8 acres. There is some potential to possibly incorporate development around the wetlands that might be very beneficial and might actually have some aesthetic appeal, but again we don't know what form the flyover will be. We do know that the MOU calls for a below grade road on the right-of-way portion of this, and as I understand it that would come down the hill and it would keep going to below grade and then it would work into a flyover; that is my understanding of how it will go. Obviously that would have a detrimental impact. The County has a long history at Edgefield (Poor Farm). We view it going forward as a comprehensive district and we worked very hard with the City, both the Council and staff, in order to achieve this. The elimination of this connector route from the TSP, we believe, will free us to bring better and higher uses to this large undeveloped track that has a Town Center Overlay and is considered in your plan as a continuation of your Town Center.

Mayor Kight stated we have been focusing on the transportation component of this but you bring forward another perspective which is the real estate portion. Have you had developers, other than Centex, consider the Pig Farm property, and have they backed out because of the potential of the right-of-way issue?

Mike Sublet replied we have only brought one transaction to our Board, Centex. We were in negotiations with a number of potential developers. Understand that the underlying zoning is Light Industrial so what we were looking to do is create value and to create something that is special and is complimentary to the uses that were going on south of Halsey. What I can share is that in negotiations the connector was a problem. Even though there was a belief or skepticism that it wouldn't be built, it was an issue because of the nature of the disclosures that would have to be made in a residential development. Our Board approved a sale in 2007 to McMenamins and Reynolds and that sale was not completed for a number of reasons.

Mayor Kight stated by virtue of the fact that the property is being considered for a right-of-way, a case could be made that it is less desirable for a developer. Would that be accurate?

Mike Sublet replied yes. Again, there is no right-of-way today, but the fact that it could be subject to condemnation for the construction of a potential road.

Mayor Kight asked is there additional improvements in terms of widening 238<sup>th</sup> Drive that have been considered in the past or will be considered in the future?

Caren Shilling replied not that I am aware of.

Councilor White asked the property that was sold to Reynolds and McMenamins was sold with this potential connector in place, correct?

Mike Sublet replied yes, and with a holdback in which the fee interest and underlined ownership reverts to McMenamins and Reynolds eighteen months after closing.

Councilor White stated if this deal fails and the money gets returned, then later on we get the study and we decide that this connector isn't necessary, what does that do to the value of that property in your opinion?

Mike Sublet replied are you saying that the right-of-way is eventually vacated.

Councilor White replied yes.

Mike Sublet stated if the right-of-way is vacated that cloud or encumbrance goes away and the value would increase.

Councilor White stated we are focusing on the north end of this road. Do we have any drawings that show the south end where it ties back in and what the vision is there?

Caren Shilling replied we do not have any map that shows that. On the maps in the RTP there is a similar line, as in the 242<sup>nd</sup> corridor that connects 242<sup>nd</sup> on the south end to US 26, but it is a broadband that says somewhere in this corridor we need to make a connection.

Councilor Daoust stated relating to the impacts to McMenamins and Reynolds School District, are their plans far enough along that the impacts could be mentioned?

Mike Sublet replied I will defer to Mike McMenammin and Chuck Rhoads to talk about what their plans are.

Councilor Hartmann stated one of the things I have heard from the Commissioners is if we vacate this right-of-way it doesn't preclude us from condemning it down the road and using it for a future arterial. That to me suggests that we would be deceiving those land owners by saying that we are still going to keep it in interest, but we are going to vacate the right-of-way. In other words we are not accomplishing anything for those landowners if we, in the future, exercise the right to condemn it because we now have the information from the study that we needed when we made the decision to vacate it. While we make this decision to let it go, wouldn't there be a much larger economic impact if that ended up happening than if we just look at the loss of residual income.

Mike Sublet replied I think if I understand what you are saying, the vacation of the right-of-way is coupled with the removal of the connector in the TSP. By taking action to remove it from the TSP, than that does not imply that there would be any interest by any of the jurisdictions in going back afterwards. I don't think there would be any deception with that.

Councilor Hartmann stated so previous comments earlier to say that it could still be a viable interest, it is not if we move forward with vacating the right-of-way and it is removed from the regional plan and the TSP; 242<sup>nd</sup> is gone as part of our strategic thinking of future north/south connectors.

Caren Schilling stated let me be very specific here. I don't think that it would remove it forever; people could look at it in the future. But clearly if we had come to that position at this point and time, hopefully we would have made that decision and moved on from there. I want to be really specific that the piece that we are talking about is this piece from 242<sup>nd</sup> to I-84, so the rest of the 242<sup>nd</sup> Avenue corridor, Hogan Road, could still be looked at for improvements to help move traffic through the East County area as part of the study identified in the MOU.

Councilor Wand stated I take it you have been out to Hogan Road, or I call it the S-curve, 238<sup>th</sup> Avenue. As you are heading down the hill north, on the right-hand side there is a considerable slope on the other side of the sidewalk, isn't there?

Caren Schilling replied yes.

Councilor Wand stated and you are also talking about some property that is currently owned by some condominiums where there are residents. I would imagine that a significant slope and high density housing would increase transportation development costs.

Caren Schilling replied yes.

Councilor Wand stated as you get down to the bottom of the hill and you cross over Arata Road heading towards Halsey Street (north) there are also homes on both sides of 238<sup>th</sup> Avenue, and again that increases the costs of transportation improvements.

Caren Schilling stated if there is any development where you want to widen the road or improve an intersection, that would increase the cost by having to acquire the right-of-way.

Councilor Wand stated in contrast the 242<sup>nd</sup> right-of-way that we are talking about is largely undeveloped between Halsey and Cherry Park Road. I understand the idea that in the MOU there is a below grade request that was inserted by Wood Village. How much sense does it make from a transportation prospective, to dig down below grade around Halsey, head south to where a steep slope goes upwards. Is that anything that a transportation engineer would ever conceive?

Caren Schilling replied I am not a transportation engineer, but clearly you don't see that very often.

Councilor Wand stated we certainly wouldn't have that area to the southern end of the right-of-way that we are talking about run into a tunnel of any kind would we? That wouldn't make a whole lot of sense would it?

Caren Schilling replied not in my mind.

Councilor Daoust stated some of the earlier discussion about this route was for below grade construction through Gresham.

Councilor Wand asked you mean along Hogan heading south?

Councilor Daoust stated yes.

Councilor Wand stated that might make sense. I have heard a lot of argument and discussion that transportation and proper transportation routes are critical to economic development. There are certain types of businesses that locate near arterials and truck routes, such as the one we are talking about with the 242<sup>nd</sup> right-of-way. I have seldom heard an argument that the possibility of such a clear, more direct, route would diminish economic development. How big is the Edgefield north site?

Mike Sublet replied 46½ acres.

Councilor Wand stated and you said that because the road dead ends at Halsey the possibility that it could go through impacted about 8 acres, is that correct?

Mike Sublet replied that is correct.

Councilor Wand stated so about 20% of the land. Isn't it the case that depending on the type of development that a person wanted to put into Edgefield north, the existence or non-existence of the arterial in some instances either has no affect or it may increase or decrease their viability?

Mike Sublet replied by our understanding, and by most potential industrial developers who looked at this site, the connector by the time it got that far north it would not have access necessarily to either of these two sites. I certainly accept the premise, as an economist, that yes in fact adequate transportation corridors can lead to economic development, but it might benefit the Springwater area by having this and not necessarily areas that are close to the connector. In fact there can be a negative impact on values and economic values closest to the major infrastructure. On net it is obviously a positive.

Councilor Wand stated is it fair to say that the uncertainty, and resolving the uncertainty in and of itself, can provide potential purchasers and developers with the information that they need. Making any decision will help improve the prospects for Edgefield north because we remove the uncertainty.

Mike Sublet stated it will certainly increase certainty.

Councilor Wand stated I appreciate the reference to our downtown overlay being in the Edgefield north area. It appears that one of the shortcomings, and the difficulties that we experienced in our downtown area, is lack of clear and easy access from the freeway. Our current main exit is the Frontage Road debacle and I would respectfully suggest that if one of these arterials could increase the ease by which potential customers can get into our downtown, that would probably benefit us.

Councilor Thomas asked if we were to keep this as the proposed corridor on the south Edgefield property, isn't it possible that in the interim you could rent the land for use for private businesses rather than letting it sit.

Mike Sublet stated so the 8 acres that would remain in the public right-of-way would be in fee interest by the adjoining property owners. I am going to defer to the County Attorney as to what options there are for the use of the public right-of-way.

Matt Ryan, Multnomah County Attorney's Office, stated what the County does with right-of-way uses is we grant permits depending on whether or not the right-of-way use would interfere with the public's use of that right-of-way, which is even more unique in this situation because it is an un-built right-of-way.

Councilor Thomas asked is it possible to lease the property?

Matt Ryan replied not lease, but we could grant a right-of-way use permit. That County would need to assess the use to see whether or not it would be consistent with the uses that we would generally allow in a similar right-of-way.

Councilor Thomas stated you commented regarding the negative impact. As traffic increases, if 257<sup>th</sup> ends up being the primary corridor, doesn't that create a negative impact on 257<sup>th</sup> by shifting it from what 242<sup>nd</sup> could have handled?

Mike Sublett replied there is not a simple answer for that. Other things being equal, the busier the street, in residential real estate terms, that is a diminishing value for the adjacent homes. I don't know about the premise with respect to whether 257<sup>th</sup> would be the primary corridor.

Councilor Thomas stated having been around families that drive a lot, I understand how truck drivers operate; they take the quickest and easiest route. I also understand that if traffic is heavy people will not get off of that road until there is breathing room on either end of it and that is the part that concerns me. When I travel in other cities if the traffic is really heavy there is no way you are getting me off of that road until I am clear out of traffic, and I don't see too many other people turning off of the road unless they live in the area. My concern is as we reach capacity on these roads, if we take away options for other ways to handle capacity it becomes tougher. How would we address that?

Caren Schilling stated I think that is why we are currently saying we need to look at all four corridors.

Councilor Daoust stated I see that this project is not shown as a funded project in the next twenty years. If it ever were to get funded, how would this compete with a full interchange at 257<sup>th</sup>?

Caren Schilling replied I don't have a good answer to that in terms in how it would compete. It would probably depend upon capacity and safety issues.

Councilor Daoust asked have you heard of any discussion from ODOT or anybody, as to the priority of this project versus a full interchange at 257<sup>th</sup>?

Caren Schilling replied I haven't heard any conversations about that.

Councilor Hartmann asked have you looked at overlaying the problems in East Multnomah County and in our region over some other zone in Oregon or the United States to see how they face these issues? Did they use a strategic plan, did they aimlessly let go and pursue things? What do we do about the fact that we have a lot of landlocked economic centers and we need to get traffic to them. Have you looked at anything like that to give us some bearings?

Caren Schilling replied the County has not looked at anything like that. I would say that is what Metro and the region does in looking at these corridor refinement studies. I think a lot of people around the nation think that Portland is sort of the leader in terms of how we address our problems. I think we are focused and creative with our solutions most of the time.

Mayor Kight called for a break at 8:54pm and reconvened the meeting at 9:05pm.

Chuck Rhoads, Reynolds School District, stated we fully support the request from the County. As we entered into the agreement for the property, I think that most of us looked at this from the prospective that this right-of-way has been there for how many years and it has never happened. Nothing is going to happen on it, it has never been funded and when will it get funded. Looking at placing school facilities, and partnering with McMenamins, it seemed like a very good partnership. We actually are still in the process of siting the schools out there and we again fully support the County's request.

Mike McMenamin, owner of McMenamins Edgefield, stated when we came into this project as partners with the School, we really thought of ourselves as one entity on the south side of Halsey. As a group we can share parking and our uses really complement each other. From our prospective their use has a lot of open space and a lot of kids around and there is a whole lot of fun going on. But we are also going to interact in a lot of ways from a garden, golfing and teaching standpoint; we are going to share our resources. This road would clearly split us up and create some noise issues. Halsey, as it has increased its traffic count, creates a lot of noise now. This connector really hugs our west boundary right now and in fact when it nears Halsey it touches the back side of the Janis House (the spa and pool area) that we just recently developed. It is going to be a major issue for the property. Edgefield has come so far from just a weird little idea twenty years ago to something really special to us. Edgefield really came about because of the efforts of the Troutdale Historical Society, the Council and lots of supportive people in the area. It really sends a bit of a strange message that now after this many years we are going to impact the property in a negative way with some noise and visual issues and with the separation of the property. The rural nature of Edgefield is really what makes it special and I think you have to treasure those places these days. You hate to see the special places go away or deteriorate, or become less than they could be. I kind of equate this whole road thing to an old building, you can either take down

the building to build something new and shiny, or you can work with what you have, improve it and make it better. It seems to me we should just be logical about it and work with what we have and make use of what we have. I appreciate your consideration of this. Please take a hard look at this and all of the different things that it impacts.

Mayor Kight asked if the flyover ramp was to be built, what impact would that have on your outdoor concerts?

Mike McMenamain replied visually it is not a fun thing to have. One of the things that makes Edgefield kind of special for a concert is it is really a primitive site for concerts and not a streamlined modern concert venue. It just wouldn't go with the concerts. The visual of a bridge, the traffic, and the noise will impact it the wrong way.

Mayor Kight stated the two property owners are working in a collaborative effort and a case could be made that if that right-of-way disappears economic development will take place (i.e. two schools, expansion of Edgefield).

Councilor White asked if this connector did go through, do you see any possible benefits servicing your concerts or getting traffic flow to your facility?

Mike McMenamain replied certainly from a visual standpoint if you are approaching the place you might see it where you wouldn't have before, so that could be considered a positive. The downside is you have all of these people watching you while you are eating. What drew us to the property was the separation. I grew up in the area and I never saw Edgefield until I saw an article in the newspaper. Certain businesses would be well-served by the visual nature of that, but is not good for our situation.

Councilor Hartmann stated one of the things that I am really concerned about is the community as a whole. As we discuss and flush out the needs for transportation there is so much at stake, our homes and businesses. What I am struggling with is not hearing a strategic plan to answer the needs for transportation. As you faced questions about operating a school district and Edgefield, you must have weighed the possibility that the land may not be able to be used and that the right-of-way may continue to stay and it might not be a possible place for you to put a new school or to grow the business of Edgefield. Have you looked at alternatives if in fact the 242<sup>nd</sup> right-of-way remains?

Mike McMenamain replied I don't know how tall of a concrete wall you can build. You have to think of ways to deal with the visual and sound issues, and that is a tricky site for that with the huge elevation change.

Chuck Rhoads stated that is an honest answer. If you look at Wilkes Elementary School, the highway department had to put up all of those sound barriers along I-84 for us. It wasn't a small price tag for the state to do that, but the noise level interfered with the education of our children. School districts can't just go buy property and build buildings anywhere, so that was a cost to the state. That was our thought here as well. If this doesn't get vacated then

whoever has the obligation to fund this will have to mitigate the sound from the school system.

Councilor Hartmann stated if the Council decides tonight to go ahead and vacate the 242<sup>nd</sup> right-of-way then we are left with the growing transportation needs. I like your comment Mike about using what we have. I like the idea of 238<sup>th</sup>, it is a natural arterial that if we did expand it, it could very well be a good use of what is existing, but at the same time it is at the cost of homes and families. How committed is this body that is gathered here in favor of letting it go and saying we are going to be committed to making an alternative plan. We are going to let go of 242<sup>nd</sup> but we are not going to let anything else happen. We are going to strategically design a transportation plan for East Multnomah County. I am not seeing that.

Councilor Wand asked during the last couple of months has the School Board taken a fresh look at the \$1.7 million that remains in escrow and made any decisions about what they would do with the money if it came back or whether they would continue to support vacating the right-of-way?

Chuck Rhoads replied the topic has not been fully discussed at our Board meetings. We have been talking about budget reductions and areas of that nature. I think naturally everyone is looking at every dollar they can get. Is this a venue where dollars could flow back into the district? Absolutely.

Councilor Wand asked has there been any discussion at the School Board or at the administration level about selling this piece of property?

Chuck Rhoads replied there has to a minor extent. I think the reality that the Board is faced with is that this is not a seller's market, so I think it was probably a 15-minute discussion.

Councilor Hartmann stated more time to come up with a strategic plan may end up realizing that 242<sup>nd</sup> isn't a viable right-of-way. Would you be interested in seeing some extra time being invested into a viable study to get the answers that we have been looking for so you can understand what designs are being proposed, how they will impact your patrons, school district residents and those sorts of things. Would you be interested in allowing more time to get that study?

Mike McMenamain replied my thought originally was that we took a gamble that the road would never happen because it is not logical. I am not sure what kind of support, or exactly what you are asking for or suggesting.

Councilor Hartmann asked would you be in support of more time to get the answers for the City to make an adequate decision? In other words if we vote no tonight and say don't vacate the 242<sup>nd</sup> right-of-way, we are saying give us more time, we want that study from Metro.

Mike McMenamain replied that is your decision.

Chuck Rhoads stated you pose an interesting question and I can't answer it for you. I think what we can say is what was the past. The past is how long has this plan been laid out. How many dollars have actually been spent on this plan so far? How many dollars has the State of Oregon or Metro or anyone put on this bypass plan? I think that is why we took the gamble because this has been out there for a long time and not one dime has actually been allocated to do anything on it. If this was so important shouldn't there have been some money dedicated for this project. I think if it was that important then folks should have been trying to get some of this stimulus money. It is time a decision is made. More studies? I don't know if you have walked down that area but it is one heck of a drop. If you think that is going to cost just a couple of million dollars to fix that, I think you are sadly mistaken. That is going to cost \$50 to \$100 million or more. When is anyone going to step up with that kind of cash and do this? We entered into this with the honest thought that this was just not going to occur.

Councilor Hartmann asked do you see any economic interest to you, for the school district or McMenamens, in having that study completed?

Chuck Rhoads replied I have looked at this and one of my real concerns for Troutdale is that if we think that is going to draw a lot of business into Troutdale, I think we are all dreaming. They are going to use that road to head to the freeway. We have all talked about the original intent of the bypass, which was to move traffic off of US 26 and off of Burnside and run it through 238<sup>th</sup>/242<sup>nd</sup> to I-84, and it will become a huge traffic issue for this area for all of us.

Rod Park, Metro Commissioner, stated with me tonight is Dick Benner who is part of our legal team at Metro. Dick was the former director of the DLCDC. This is obviously a very difficult decision. We try to ease some of this through what we call the Regional Transportation Plan (RTP) to make long-range decisions so that hopefully things like this are fairly clear to the citizens, property owners, etc. about what the long-term vision is for the region. When I first came to Metro back in 1999, at that time Mayor Kight was on JPACT as well as Multnomah County Commission Sharron Kelly and if they had been successful at that particular time we wouldn't be necessarily having this discussion because the number one priority for Multnomah County at that time was getting 242<sup>nd</sup> built. At least twice, through the MTIP process, they made a request to the region for it to occur. Prior to that, in 1989 I served on the Mt. Hood Parkway Committee and we studied every conceivable route that you could think of between I-84 and US 26. After seven years of a fairly intense battle between the four cities, we finally came up with a proposed route that all four cities signed off on but by the time we got to that point ODOT funded another project. In 2002 when Multnomah County decided to not continue the study of the 242<sup>nd</sup> connector they put it into abeyance with the agreement that they would hold the right-of-way until such time that it was necessary because it was identified as part of the RTP. That was put into place to give everyone a heads-up that long-term planning of this route was being considered. It was not only for the citizens of Troutdale in thinking about what may happen in this particular area, but as mentioned earlier it's about regional coordination and cooperation and for others who rely upon the regional plans to have these connections, the same as Troutdale is relying on regional plans in terms of the improvements on 257<sup>th</sup> and I-84. A question was asked about 257<sup>th</sup> being designated as a freight route. I do know that it is not designated as a national

highway route; that is from 181<sup>st</sup> down Burnside to US 26. The Sunnyside Road improvement in Clackamas County from I-205 to 147<sup>th</sup> Avenue cost approximately \$20 million. The lesson there was that the first \$12 million was to purchase right-of-way because it wasn't planned out and the right-of-way wasn't reserved so they had to purchase multiple homes and I believe a church. Currently there are five corridor studies in the region under consideration with the I-84/US 26 being one of them. One of them has been taken care of which is the high capacity transit study. Councilor Hartmann's question about the strategic plan, I would invite you to go to the Metro website and look at the update of the RTP that is underway now. We hope to complete the next stage by the end of this year. If the Council decides to vacate the right-of-way I asked Mr. Benner to prepare a letter to outline what the procedure is so that you understand the process and how it would go through a peer review by your fellow cities and partners in the region. There are a couple of different ways and Mr. Benner will explain that.

Dick Benner stated I provided each of you with a letter (copy included in the packet) in which I tried to lay out what the legal relationships are between the State Transportation Plan, the Regional Transportation Plan and the City's Transportation System Plan. I also talk about the process if you decide to go ahead with the vacation. There is an Oregon Transportation Plan and there is a state transportation plan rule and that rule establishes a hierarchy in relationships between the state plan, regional plan and the city or county transportation system plan. The state plan talks about state transportation needs and when the state identifies a state transportation need the regional plan has to reflect those needs. If there is a state transportation project that is aimed at meeting that need, the RTP has to include them. The RTP addresses regional needs. During our planning process we identify regional needs and then we identify regional projects that are aimed at meeting those needs and we put that in our RTP. When you do your TSP you have to respond to our regional transportation needs the same way that Metro has to respond to the state transportation needs. So if we identify a regional need and we have a project to address that need, if it is in your jurisdiction your TSP needs to address that. The first paragraph of my letter I point out that in the 2004 RTP this corridor is identified as addressing a regional need and there is a list of five projects that compose the entire corridor. On the map provided with the letter, which is from the 2004 RTP, you will see that the 242<sup>nd</sup> corridor is identified. Also attached to the letter is an appendix to the plan which has a list of all of the RTP projects. Project #2001-2005 are the various improvements included into the RTP. If you decide tonight that you want to respond by beginning the process of changing your TSP, the TSP is a land use regulation so you would go through the process that is set forth in state law. You would need to give 45-day notice of your public hearing to the Department of Land Conservation and Development (DLCD), to Metro and probably a lot of other folks who are interested in what you do. Under Metro procedures within 4 weeks after you give us notice we obligate ourselves to make comments to you about the proposal, whether we have concerns about it, whether we think it is consistent or inconsistent with the RTP. Then you hold your hearing and you make a decision. If there is someone who is unhappy with your decision there are a couple of paths that they can follow. One is the regular land use process which is to appeal the decision to the Land Use Board of Appeals (LUBA). If you are unhappy with LUBA's ruling then you can take it to the Court of Appeals and possibly to the Supreme Court. Under the RTP there is an alternative for that process which is less legal and confrontational and a little more user

friendly. A person who participates in the process in front of you could take the matter to JPACT and ultimately to the Metro Council. Because these projects are in the RTP and they address a regional transportation need, your TSP must reflect that. Without changing the RTP if you were to vacate the right-of-way that would conflict with the RTP. I think Councilor Wand asked about freight routes; there is a map of regional freight routes and 257<sup>th</sup> is not a regional freight route. I think you also asked whether we can compel the identification of freight routes, and in fact if there were a regional freight route in the City of Troutdale than your TSP would need to reflect that.

Councilor Thomas asked would completing the study identified in the MOU give all of us the information we need to make a valid decision that would be good for the next fifty years?

Rod Park replied yes, the corridor study would help. One of the things that occurred since 2002 was the Metro Council brought 15,000 plus acres into the Springwater/Damascus area, which wasn't part of this. Certainly when you get into transportation modeling and you start adding 25,000 residents and jobs, that changes the equation.

Councilor Thomas asked so the plan was adopted in 2002?

Rod Park replied the study on 242<sup>nd</sup> that was done by the County, when they put it into abeyance in January of 2002, was prior to Metro making a decision.

Councilor Thomas stated so none of the projected population growths for Damascus and those areas were included into the study. Did they include the projected population growth for Sandy and that area?

Rod Park replied I don't know if that particular study did, but the Access Oregon project looked at the traffic going up and over the mountain.

Councilor Thomas asked in your opinion, would it be smarter to do the transportation study first before a decision is made on what to do with the right-of-way?

Rod Park replied I think my position on the right-of-way is fairly well known. I believe that based upon what we have seen and what happened on Sunnyside Road, if you talk about least cost planning, this is probably the least cost to the public that you are going to have.

Mayor Kight stated one of the issues that keeps coming up has been the study and the lack thereof. Is there any date certain as to when this study is going to be completed, or even started?

Rod Park stated in 2005 when this issue first came up it took a couple of years of working through the four cities to get to the point where we did finally get an MOU. In that particular time the region started the update of the transportation plan and it was prioritized by the Metro Council and JPACT that the next study should be the high capacity transit, which we are in the process of completing. The plan currently is to look at corridor studies starting this fall. Going by memory, what is in the hopper right now and competing for these scarce

regional dollars is the I-405 loop, 205 south, I-5 south where 205 reaches in, and this particular corridor study for I-84 and US 26. One of the things that the MOU did was allowed this particular corridor study to get into the starting gate.

Councilor White asked when a road is designated a freight route, is that simply a suggested route that shows up on a map?

Dick Benner replied it shows up on a map and there are a couple of policies and requirements in the Regional Framework Plan for the treatment of those routes to ensure their continued availability for movement of freight.

Councilor White asked given the fact that FedEx is coming into this area, does that change the importance of getting this study done, and is there any way we can move that date forward?

Rod Park replied in my conversations with the Port of Portland they are very interested in having the study completed also. The Columbia Corridor Association and others are as well. There is obviously a huge economic impact potential of being able to move people and freight around the region.

Councilor Kyle asked what is the funding source for a study like this?

Rod Park replied the federal government, through the Metro Transportation Improvement Process, provides funds. JPACT divides those funds up.

Councilor Kyle stated although we have an MOU there is still a lot of hate and discontent around this. If there was a better effort to cooperate together who would we lobby to move this up the food chain and get this corridor study started?

Rod Park replied I think some of the players you have are East Metro Economic Alliance, Columbia Corridor Association, Port of Portland, ODOT, County (including Clackamas County) and your state representatives.

Councilor Daoust stated it is interesting to note that these RTP projects are listed as a financially constrained system.

Dick Benner stated that is actually a plus. That means they are a higher priority than the ones that don't get into the financially constrained system.

Councilor Daoust stated all we are talking about here is a 3,000' segment of the Hogan Corridor. The Hogan Corridor runs from I-84 to where it connects to US 26. So the projects from 2000 to 2005, listed independently, are for the whole entire length of that project. Would we necessarily be changing the RTP if we go left instead of right, closer to I-84? In other words, why is it so significant that this 3,000' stretch of the Hogan corridor is labeled the whole thing? Why can't we still be within the RTP and use existing roads? It would not change the RTP if we used existing roads.

Rod Park stated using corridor in its narrow definition, the right-of-way has been identified and it has been put into abeyance. I guess you can make the same case that it is only 3,000' in the middle of the Columbia River Crossing so you really don't need it either. These are all segments, all whole together.

Councilor Daoust stated but there is an existing segment already.

Rod Park stated one of the things that you have identified as well is how that particular segment does not satisfy the safety and capacity requirements due to its slope and narrowness.

Councilor Daoust stated it would have to be reconstructed.

Rod Park stated I guess the question is, for \$1.7 million could you buy the right-of-way that you would need to do what you are suggesting.

Councilor Daoust stated when you look at these RTP projects, the 2000 to 2005, whoever listed them five years ago had some idea of the sequence of when they would occur. It is interesting to note that the RTP program years, which I assume is the sequence in which somebody thought those projects should occur, lists the I-84 Interchange as the third priority. The first and second priority projects for the Hogan corridor are Stark Street to Palmquist first and second is Palmquist to Hwy. 26 preserving the future right-of-way. You have those two projects happening before the timeline suggests anything even starts on the construction of the I-84 interchange.

Rod Park stated I understand the concern. We are not as good as we think we are in terms of being able to predict the future in terms of which projects will rise to the top. Fortunately or unfortunately, no one projected the stimulus package that we have in front of us that will be doing a lot of these projects. Hopefully we position ourselves as well as we can to take advantage when these opportunities come along.

Councilor Daoust stated but the I-84 interchange didn't get selected as a stimulus project.

Rod Park stated that is because there is a timeline commitment that within 120 days there has to be a selection of a contractor. If we were at the end of the EIS process we may have been able to get some funding.

Councilor Daoust stated they wanted a lot of the stimulus projects to get started immediately. But it still begs the question of what is going to happen first. If Gresham is pushing for the first two projects to get done first and trying to get \$40 million to do the southern end of the project, how does that fair for the northern end of the project? I keep hearing things that tell me that this project will never get done. I don't hear anything that tells me that this project is going to get done. Especially when you gave me this list tonight, it just confirmed that. It is lower on the priority list than what Gresham would say on the same corridor.

Rod Park stated I don't know what Gresham would say. In these particular projects you have to have a certain amount of faith and as you continue to whittle away at them you will come up with a way to fund these.

Councilor Wand stated I am reading a book right now called *The Peoples History of the American Revolution* and what it has reminded me of is the importance of government being responsive to the people. I don't think Metro is very close to the people in East County. I think Metro let us down. I was at the meeting when the MOU was discussed and in fact I spoke against it because I felt that the MOU as described by Travis Stoval who said, "We need to make steps and start by getting buy-in and talking about this early and often." What Mr. Stoval told us was that if the four cities came together and signed the MOU that was the buy-in. I didn't want that buy-in because I knew that it was seeking control over my city to somebody who is not very accountable to my citizens. Now we are being put in this position solely because this traffic study hasn't been done. We were told that the timeframe was six to twelve months, that is also in the minutes. My level of outrage is pretty high. We were told that if we cooperated with the four cities and signed the MOU that this study would get done and that would show the cooperation that the Metro Councilors from the three counties would ask us for, magically now we can care about East County again. Well it didn't happen. Once again a government that was not close enough to the people let us down. Now we have Multnomah County, who over the years has been more or less responsive, they are closer to the people and they are coming to us talking to us about a courthouse that has been promised to us for decades asking for one small piece of the puzzle and because Metro let us down we have to struggle through several hours of testimony. I don't know who the people are on JPACT that talked about wanting to have a high capacity corridor study done as opposed to this study that we all agreed to and were cooperating on. I never heard of JPACT before I was on the City Council and started speaking at meetings. Now I find out that this mysterious JPACT has made a decision that a high capacity corridor study is more important than a MOU that was signed two years ago. I don't know how they make that decision. We don't want light rail on 257<sup>th</sup>, our residents don't want that. High capacity transit studies are the types of things that the people in downtown Portland really like and get excited about and that is fine, but that is their community. I don't hear Troutdilians pounding the table saying we want light rail, we want high capacity transit on 257<sup>th</sup>. I do hear a lot of people saying that they want a freeway connection between I-84 and US 26. It is amazing to me that we are still talking about the fact that the major highway going over Mt. Hood to the central Oregon portions of this state are not connected to I-84 or I-205. I can't imagine how anything that is going on with I-205 or I-5 or Highway 26 on the west side, all of which have connections to the major freeway sections in the major portions of the Metro area, how they have a higher priority than Highway 26 to Mt. Hood which has no connection to the freeway system. I would like to know what other studies, besides the high capacity corridor study, took a priority over our study in the last two years.

Rod Park replied first let me respond to the first part of your question about who is Metro and what is Metro. First of all I am directly elected by the same citizens that you are elected by, just more of them. There is accountability back to the citizens. I would invite you to come to a JPACT meeting; they are held at 7:30 on Thursday mornings, generally the second week of the month to see how the region does work with these issues. As important as you believe

that this particular route is, there are other citizens across the region that believe that their route or their priority is just as important if not more important. I understand the frustration. After spending seven years on the Mt. Hood Parkway Committee to finally come up with a plan but not have any funding for it was extremely frustrating and disappointing. Chair Wheeler and Mayor Shane Bemis sit on JPACT, and prior to that Mayor Thalsofer was on JPACT representing this area. You have other regional players that are sitting at the table. No one partner in the region can fund a project by themselves. One of the things that we are very affective at is advocating for the region. We fight like cats and dogs in the region but when we go back to DC we speak with one voice.

Councilor Wand stated I understand and respect that. I am just wondering, this connection between Highway 26 and the freeway system, many of us thought it was resolved in the early 80s and we got light rail instead. That was twenty-five years ago and in those twenty-five years when has this connection been a priority. When have our representatives served us by demanding that the major thoroughfare over the mountain gets a connection to our freeways?

Rod Park stated the Mt. Hood freeway that you are talking about is the connection that came up through Powel; it did not connect between I-84 and Highway 26.

Councilor Wand stated but it connected to the freeway system. Which plans are ahead of ours in terms of corridor studies?

Rod Park replied I can't say any of them are ahead of this particular one. What is in the running is the I-405 loop, I-205 south, I-5 south and I-84/US 26. So it is in competition with three other corridors. I do know that the Port of Portland and ODOT considers this a high priority corridor because of what you just stated; it does not have a connection between two state highways.

Councilor Wand stated you mentioned that during your work on the Mt. Hood Parkway Committee that you looked at every conceivable corridor that you could think of. Did you have discussions with PGE with regard to the power line right-of-way that runs right through Gresham?

Rod Park replied we looked at that. There was a problem with it but I can't remember exactly what it was.

Councilor Wand asked have there been any discussions about revitalizing and re-raising that particular right-of-way as an alternate to 257<sup>th</sup> or 242<sup>nd</sup>?

Rod Park replied no.

Dick Strathern, Gresham City Councilor, read a letter from the Gresham City Council (Exhibit A to the minutes).

Dick Strathern stated as someone new to government, and knowing the importance of strategic planning, when you are dealing with complex issues that complexity needs to be

sorted out through outstanding planning so you can make that strategic decision. As long as we don't have that plan we can sit on our hands from now until doomsday and we are not going to find the solution we are looking for. That planning will give us the information that is going to give us the facts that will eliminate the argument. The beautiful thing that I saw in the MOU was the fact that the four cities got their act together, even though they had these differences they finally saw that this was the best way to move on this issue. The disappointing thing is the plan hasn't happened. The MOU has finally got East County to pull together as an organization and stand on our own two feet and take this thing on.

Ron Papsdorf, City of Gresham, stated I am here to answer any questions you may have.

Mayor Kight stated I would be a very strong advocate for traffic improvements on the southern part of Hogan. You have major traffic problems. You have failure on the intersections of Division and Burnside. Throughout the region there is a lot of competition for transportation projects in multiple counties. If you are going to have limited transportation access, and your problems are with the intersections of Burnside and Division, that is where the money is going to be going. I think that one of the reasons that this traffic study hasn't been done is because it goes from the top of 242<sup>nd</sup> to the freeway. As David Evans and Associates already pointed out there is not enough traffic volume to justify a major expenditure at that point. What do you say to that?

Ron Papsdorf replied I respectfully disagree a little bit with the premise. The work that was done by David Evans and Associates in 2000 through the early part of 2002 looked at a very discrete segment only; it did not look at the entire corridor. I think a lot has changed in terms of land use development opportunities, including redevelopment of the Reynolds Aluminum site and the UGB expansion areas of Springwater and Damascus. I think it was a very limited scope of the project, because it had to be under federal rules. It looked at only that discrete segment, not as part of the larger corridor improvement. I think that limits its applicability today as well as the changing environment for development in this part of the region. I think singling out some bottlenecks in the corridor, which admittedly exist, doesn't quite address the larger overall corridor need to make the connection to I-84.

Mayor Kight stated but this body tonight is only faced with the decision of vacating a section just north of 242<sup>nd</sup>. That is what we are talking about; we are not talking about the entire route of 242<sup>nd</sup>. I would be a very strong advocate for making improvements on the southern portion because that is the area that has traffic problems. It doesn't seem like it is going to be corrected any time soon. I think it will be a very long time, if ever, that you are going to see from the top of 242<sup>nd</sup> a direct connection to I-84. I just don't think it will happen.

Councilor Daoust stated we signed the MOU and we still agree with it. We want the study as much as you do. By us not having this 3,000' segment, you made a statement that it would then preclude that option; I have to respectfully disagree with you. If we didn't have that 3,000' segment, that does not mean that it would preclude the Hogan corridor. Do you believe that if we got rid of this segment that it would actually preclude the whole corridor?

Ron Papsdorf replied yes I do. Given the configuration of the existing 238<sup>th</sup>, the known concerns about the impacts on Wood Village, the viability of straightening out the severe curves on 238<sup>th</sup> and widening that existing section of 238<sup>th</sup> and compare that to using this existing right-of-way alignment that is much easier, and has less of a grade than the existing 238<sup>th</sup>. I think that the existing 238<sup>th</sup> alignment is not a viable option for the north end of the corridor if 242<sup>nd</sup> is selected. Our position is that we are not locked in that 242<sup>nd</sup> has to be the solution, or ultimately will be the solution. But absent the corridor study that we all work on cooperatively and agree with the results around what a solution is, it seems inappropriate to us to take an action that, in our opinion, would preclude one of the four available options.

Councilor Daoust stated the solution may be to make improvements on all four options, in which case improving 238<sup>th</sup> and 242<sup>nd</sup> may be an option that the study comes up with, rather than build a completely new road.

Paul Thalsofer stated you should take an opportunity to stand up for Troutdale and be a regional player and work with Multnomah County on this to pass this resolution which paves the way to vacate the 242<sup>nd</sup> right-of-way. I say that with some trepidation because I did sign the MOU as Mayor of Troutdale. It bothers me somewhat except that we thought something would happen by now; that was two years ago and nothing has happened. I think that piece of ground has been tied up for 14 years. How much longer are we going to let that land be tied up? Nobody has really penciled out how much this will really cost; it would be astronomical. It would come down the hill right next to McMenamins Edgefield, the crown jewel of Troutdale. It is also an economic engine for Troutdale in many ways. To see McMenamins impacted by a five lane concrete ramp, or whatever, careening down that hill with trucks, cars, fumes and noise, it kind of makes me sick to think that would ever happen. 257<sup>th</sup> when it was built was meant to be a north/south corridor from Highway 26 to I-84. We all knew that was going to happen; we have known it for years. Now you say 257<sup>th</sup> is not a good roadway because of the college and high school. I say the college students are impacted by traffic now and they know how to handle it; it is not really a big dangerous situation. The congestion from Reynolds High School is on Cherry Park Road, it is not on 257<sup>th</sup>. There is a light at 257<sup>th</sup> and crosswalks; high school kids are pretty savvy about traffic. I have heard 257<sup>th</sup> is going to divide the city. If it is ever going to divide the city it already has. 257<sup>th</sup> is not going to be made any more onerous than it already is; it is a five lane highway now. 257<sup>th</sup> was built for the purpose of moving freight and traffic and it is only at about 50% capacity now. At some point it will reach its capacity and when it does then we can move on to another alternative. Right now the freight traffic goes from I-84 to 207<sup>th</sup> (Fairview Parkway) to Glisan where it then goes left to 242<sup>nd</sup> and over to Burnside. The Fairview Parkway interchange is underutilized. Glisan is underutilized in that area. The 238<sup>th</sup> stretch is a real problem. It would take some major construction to make that a viable roadway for freight traffic, but it could be widened and made safer for automobile traffic. The truck traffic could use one of the other routes but not the 242<sup>nd</sup> connector which devastates Troutdale. Being a regional player this would also devastate Wood Village, so we need to think about that as we ponder this issue. We have very little land left in Troutdale to develop and you talk about the 70 acres on the Pig Farm and the other part south of Halsey, that is a lot of land for us that could be developed and generate tax revenue that we will need. I was on JPACT for four years and I asked about this study month after month. I want you to be aware that I did sign

the MOU as Mayor of Troutdale. I signed it in good faith that there would be something done within a relatively short period of time; nothing really has been done and I don't foresee it happening in the very near future. Stand up for Troutdale and be a regional player and help Multnomah County in a time when they need the help, \$1.7 million. The courthouse will benefit all of East Multnomah County.

Randy Jones, Public Works Director for City of Wood Village, stated I was asked to come and bring attention to the letter that Mayor Fuller sent you (copy included in the packet). Mayor Fuller points out that the MOU was an important step that was taken and it needs to be accomplished soon. Also he continues on in the letter to point out how he feels that it is unlikely that this corridor will ever become a reality with all of the obstacles in its way. He goes on to make a point as to how important it is to take advantage of the commercial economic development opportunity that is here right now with McMenamins and to not create something, through your decision, that causes them undue difficulty in bringing value to the community. One of the reasons that Wood Village is very concerned about this is the enormity of this thing with all of the traffic and noise right next to Wood Village. Just to the west of this proposed transportation corridor is the Wood Village City Park which is 22 acres. The City of Wood Village has great concerns for the impact that something like this would have on the quality of life.

Mark Clark, Wood Village City Councilor, stated the first thing I thought of was the MOU. I believe we have to defer to our counsel, that the document is no longer, it is now just a piece of history as of January 1<sup>st</sup>. You have new members on your council and you can't make promises of what is going to happen years in advance. I don't see where the MOU would be viable unless we went back to all four cities and requested it to be re-presented to each council to make it a viable document for the next two years. This has been a real learning experience in the sense of how much affect this has on our local areas, as well as Damascus. I see the problem with Damascus growing up and becoming a city on its own, it is not really looking for a road that would be southern going into a freeway. I believe that Gresham has really failed on their part of creating an interconnector between the freeways. I believe that this 242<sup>nd</sup> connector would fail. As soon as you hit an ice storm here, then what are you going to do with all of that traffic that is use to going down there; it would just be a bottleneck looking for another route. This right-of-way just becomes a dead end on the map. This is so typical in Texas, where I moved from, to build a road like this. I would sure hate to see this happen here in Oregon. I used to build roads; I was a director of public works for thirteen years and I dealt with transportation regionally and statewide. I can tell you that you are probably looking at well over \$100 million to put this through.

Mary Becker, resident, stated I would like to request a traffic light at the intersection of Kibling and Historic Columbia River Highway. It is a dangerous intersection.

Mayor Kight stated right now we are deliberating on the issue of the vacation of the 242<sup>nd</sup> right-of-way. I would like to ask you to come back to our next meeting and address us under the public comment item on the agenda.

Councilor Thomas stated since she brought this up tonight, I think we should have the City Administrator assist in getting her in touch with our Public Works Director and at least address her issue since she did take the time to come down here this evening.

Dave Nelson, City Administrator stated I will have Charlie Warren, our Public Works Director, get in touch with Ms. Becker.

**MOTION:** Councilor Daoust moved to adopt the resolution to initiate amendments to the Troutdale Comprehensive Plan and the Transportation System Plan to remove the 242<sup>nd</sup> connector as a future transportation improvement project. Seconded by Mayor Kight.

Councilor Daoust stated I agree with Paul Thalsofer. If you have three mayors (Thalsofer, Fuller, and Kight) saying the same thing I think you need to listen. I don't think this is ever going to get built; there are too many factors lining up against it. There are too many other projects needed for the corridor that are in front of it. It is not funded for the next 20 years. No one has told me it is going to be funded prior to that. There is no connection to I-84. The minute they do the EIS it will be determined that you are going to run into major dollars to construct that portion running north of Halsey through the wetlands. It may stop at Halsey. There is a potential that this may be a segmented project where it does stop at Halsey because the wetland is too expensive to build a road across, or there are some environmental reasons that push it back. We have heard that the traffic volumes don't warrant it according to studies. The alignment doesn't make sense if it does stop at Halsey. There have been recommendations to not build it. It has been on the books for 14 years. It didn't even get any stimulus dollars, granted a lot of projects didn't, but this one isn't a high enough priority to even make the stimulus selected project list. The only explanation I got from Rod Park is that you have to have faith, which is good and I do have faith. But when I look at all of those things lined up, this project isn't going to get built in my mind. There is nothing that tells me it will get built. It is risk management. We all think about what the risk of this being put in would be, and blatantly it is a high risk road. We keep worrying about 257<sup>th</sup>. There will be other factors, other than this 3,000' corridor, that influence the development on 257<sup>th</sup>. This isn't the only thing that will push things to 257<sup>th</sup>. Gresham has already started looking at a project to develop the south end of it; that is going to influence 257<sup>th</sup> way more than this corridor would. When you combine the Port of Portland, FedEx, and all that is going on down there, I wonder whether some day we are going to get a full interchange on 257<sup>th</sup> with the Port of Portland involved. That will influence 257<sup>th</sup> a lot more than this interchange will. The bottom line is I am with Paul Thalsofer and I think we need to listen to him. As a Troutdale City Councilor my allegiances are to: 1) Reynolds School District and their expansion plans; 2) McMenamins as a tourism magnet; 3) Recognition that we have the city and county development control over 257<sup>th</sup>; we have a partnership there already; and 4) Town Center economic development. So as a Troutdale City Councilor I think that is where our allegiances should be. I have heard a lot of us say the same thing in the past where we have supported all of those things. The way to support all of those things is to not have this connector. We don't need this connector. We can

still have a regional transportation plan with four north/south arterials looked at and determine what improvements need to be made. We can still have that without the connector. I don't see why we need it.

Mayor Kight stated you did a very good job Councilor Daoust of articulating my position on this. McMenamins and Reynolds School District have formed this collaborative relationship by virtue that they are neighbors. As Paul Thalsofer pointed out, McMenamins is the economic engine for East Multnomah County. They provide a lot of jobs. As Mike pointed out in his comments, having a swath of cement over and above McMenamins is going to change the whole complexion of that property and once that is done you will never get it back again. Why would you build a ramp right on top of one of the premier destination resorts for East Multnomah County and for the whole State of Oregon? They draw people from all over the United States. I wouldn't want to do anything to destroy what McMenamins has built up, and their expansion. Their faith is based upon action by buying and investing in the former County Jail and adding more rooms to their property because the demand is there. Do we want to see that demand dwindle because there is a five-lane bridge on top of McMenamins? This is not going to be built. Councilor Daoust is absolutely right. I sat for eight years on JPACT and one of the reasons this hasn't been studied is because it makes no sense. There is no efficacy for this particular piece to be built. The other part we have to consider is the school district. They have invested in this property and they want to build schools there. Are they going to build schools if there is a five-lane ramp on top of the kid's heads? It is not going to happen. Chances are they are going to liquidate their interests and sell it off as a loss to get rid of the property. I wouldn't want to have a child go to school with a freeway ramp over their head with the noise, pollution and everything else that would go with it. I think it is a major mistake to keep this right-of-way open. I think improvements need to be made to 238<sup>th</sup>. I think for the money that they would spend to build this ramp on 242<sup>nd</sup>, you could buy a lot of right-of-way on 238<sup>th</sup> and make a lot of improvements just by adding one additional lane of traffic. I am going to support the vacation. The other piece is the \$1.7 million that would go towards the justice center. This would benefit the entire region.

Councilor Thomas stated I have to look at it from the prospective that we talk about banking property for parks. We talk about banking property for other things and we buy it for the future, and we take that into consideration when we increase the SDC's fees in order to buy parkland. I think that it is just as important to preserve transportation corridors that you already have until you have a study that tells you it is not needed. We had the MOU that covers a larger area for the corridor, from 181<sup>st</sup> to 257<sup>th</sup>, if that came back and said we don't need it, I would be the first one to say lets dump this and get rid of the 242<sup>nd</sup> extension. In the meantime, without that information, I think it is imperative for us to at least keep our options open. Whether it gets built (or maybe not) fifty years from now is a question that will have to be answered then. One of the things you have to look at in planning is fifty years down the road, when the people prior to you make the right decisions, then we can make a decision to alleviate traffic situations in the future. That is what I have to look at. Granted, 257<sup>th</sup> may be at 40% to 50% capacity right now, but when it hits 100% plus

what do you do then. That is the real challenge. I understand it is a transportation corridor and when they extend it to four lanes the rest of the way to US 26 we are going to see a traffic impact. But as I talk to my neighbors and others I find that what they are saying is they really don't want any more traffic on 257<sup>th</sup> if it can be avoided. We need to be able to put traffic, and send traffic, where it wants to go which is the most direct way.

Councilor White stated I tend to be on the patient side of things. It doesn't make sense right now to reserve that property, and sure there are some very sound arguments against building anything next to Edgefield, other than allowing them to expand what they have already have. As Paul Thalhofer said, they are a great asset to the community. I just have too many unanswered questions. I can't risk the future of my kids facing traffic jam scenarios and thinking that was our chance or our way out of the situation. I am not saying that it is the way out because the traffic hasn't arrived yet but I think we are getting to the point where we are very close. We haven't seen the impact of FedEx yet. McMenamins developed that property with this dark cloud over their head and it didn't stop them from doing what they have already done. They also entered into a purchase and sale agreement with that cloud over the County property. I want to wait a little longer to get some of these questions answered. I know that it is going to kill the deal, but you can't count money that you didn't actually have, and you don't have the money until the deal is signed. My thinking is that if we can eliminate this dark cloud over this property, than value is going to go up considerably. That might be something for the school district and McMenamins to think about. I think they realize they have the support of this entire council. We are going to do our best to create a ramp that is going to be the least disruptive to their operation. I also feel that it might even alleviate some of the problems that are occurring there when they have a concert; you can't drive down Halsey and there is no place to turn around on Halsey. I think we just have too many unanswered questions. I wish I had the answers so that I could make a logical decision. But it is too important and I think it would be reckless on my part to make that decision.

Councilor Kyle stated this is not a new topic to a lot of us on the council and it was heated when we discussed it previously. The last time we were dealing with this issue was when we were discussing the corridor study and we had some business people here that said that the corridor was going to be important to their future. A couple of those people were truck drivers. We had a lot of testimony tonight but nothing from anyone who I would consider to be a corridor expert. Elected officials are often called upon to make decisions. I admire the people who made this decision years ago because they set out something for our future. That future, maybe that is twenty years from now or fifty years, but I think this is important to us. The other thing that I am concerned about is if we take away this connector, is the region going to look at us as though perhaps we have closed the doors on jobs. Also, the MOU is important. That isn't even two years old yet and a couple of those cities are relying on that MOU and that corridor study. For those reasons I can't support this motion.

Councilor Hartmann stated there is an impact to our crown jewel, as Paul Thalhofer referred to it and to our youthful student body. I agree that we need to be accountable to the future and have a viable answer to our descendants when we say why we do what we do. Generally that requires an educated decision making process to know that we did, in good faith, prepare ourselves for our future and the future of those around us. I grew up over in Aloha and Hillsboro. Beaverton was the complaint to our leadership at the time because they messed everything up. They messed up their school district positioning, they messed up the roads and it made for a very difficult development process for Aloha and Hillsboro. But as Aloha and Hillsboro looked at the subject matter, they said no, we are going to hold on to some key roads. I remember countless times where my dad was complaining about Tanasbourne never becoming anything, they keep holding on and nothing is ever going to happen. Look at it now. They still had to deal with the mess of Beaverton but when you get beyond that and you see what they did, they made wise choices. They thought ahead. I look at that and I look at some of the decisions we have here. The discussions have already been said so I won't go into it again, but I agree that we need to wait and I think that the vacation of the 242<sup>nd</sup> right-of-way would be a mistake at this point until we have further investigation and studies to determine exactly what is to be done. I am very concerned about a flyover; I see that as possibly being detrimental. We have to be creative and go the distance to prove that we are making the right choices.

Councilor Wand stated I think it is important to remember why we are here today. We are here because of the County funding crisis. If there was not a County funding crisis I don't think this would be a big deal. I put that at the feet of people who are not even in the room. It is remarkable that here in Troutdale we are being asked to think about and make decisions that can impact our community for decades and the people who are really responsible, in my mind, for the County funding issues, the failure to build a courthouse for decades, they are not even in the room. I say that to let the people in the room who have a stake in this know that I don't make this decision with any animosity towards the County, McMenamins or the Reynolds School District. You have done nothing except come to us respectfully and treat us with dignity. I have made an effort to respond in kind. When we entered into the work session the first thing that I asked for from the County was for the opportunity to have control over 257<sup>th</sup>. As Paul Thalhofer said, it is only at 50% capacity. I will tell you as a regular traveler of that road, it is extremely busy. There are times when I wait to turn left onto 257<sup>th</sup> for quite a long time. I understand that the County can't promise us 257<sup>th</sup>. I find it interesting the notion that we have any control over 257<sup>th</sup> at all. We don't. Three years ago in this very room right after the MOU was discussed the first time we were talking about the Sedona Park development in 2006. The solution to the Sedona Park fiasco was for the County to allow the new development access right-in and right-out only onto 257<sup>th</sup>. The County said no. I raise that story not to get back at them, that is not the point. The point is at a critical time to the City of Troutdale's development we needed to have control over 257<sup>th</sup>. The result, it cost our general fund \$300,000. Probably a greater percentage of our general fund than \$1.7 million is to the County. Now, we still don't have control over 257<sup>th</sup>. It is at 50% capacity. It is designated a freight route which means we will have double the capacity at some point. I don't think

we can give up another possible route considering what 257<sup>th</sup> is already like and considering the impact that it already has on neighborhoods. I think that it is important to point out the inconsistency that we are considering here. On the one hand we are being told this will never be built so why do we want to keep it. On the other hand we are thinking about flyovers over the top of school children's heads and trucks driving past McMenamins windows. Both of them can't be true. When I look at my responsibilities, my responsibility first and foremost is to the residents of Troutdale. More people are adversely impacted to a greater personal degree on 257<sup>th</sup> than at the 242<sup>nd</sup> Avenue interchange. That is not to say that I am married to building it on the 242<sup>nd</sup> Avenue interchange, I am not. I respect the negatives that Councilor Daoust, Mayor Kight and Paul Thalhofer pointed out. I don't disagree with them, but until we have control we don't have control. Until we are in that position I am simply not prepared to make this decision. We don't have any indication at all that leaving the current right-of-way has a direct or immediate impact on McMenamins. We suspect that if this flyover ramp were to be built it will impact McMenamins, but as of right now with the existing right-of-way, waiting for the MOU, it doesn't impact McMenamins and we have not heard anything from anyone to the contrary. We also recognize that Reynolds School District is almost bankrupt. What we are looking at is a \$1.7 million pot of money that goes to one of two places; either it goes to the County or it goes back to the School District and McMenamins. That is not a difficult choice. As much as I want the courthouse and as committed as I am to that courthouse, the fact of the matter is that between the two, Reynolds need is probably greater. I will fight either route in Troutdale. I don't think either of them promotes livability. I don't think either of them is in our City's best interest. I am very frustrated with Metro for not getting this done and for leaving us hanging in this position. We are a collection of citizens who are being asked to predict what the experts will tell us about feasibility of a thoroughfare. We are flying blind because Metro hasn't come through. We sit here representing our citizens asking for the experts to come forward and give us the information we need to make policy and value judgments and we don't have that information. Until we have that information, I cannot support vacating the right-of-way.

**VOTE: Councilor Thomas – No; Mayor Kight – Yes; Councilor White – No; Councilor Kyle – No; Councilor Daoust – Yes; Councilor Hartmann – No; Councilor Wand – No.**

**Motion Failed 2 – 5.**

## **7. STAFF COMMUNICATIONS**

None.

## **8. COUNCIL COMMUNICATIONS**

None.

**9. ADJOURNMENT:**

**MOTION:** Councilor Wand moved to adjourn. Seconded by Councilor Kyle. Motion passed unanimously.

Meeting adjourned at 11:50pm.

**Jim Kight, Mayor**

**Approved April 28, 2009**

**ATTEST:**

**Debbie Stickney, City Recorder**