

MINUTES OF THE METRO COUNCIL MEETING

September 5, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 4:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

- 4.1 Consideration of the Minutes for the August 8, 1996 Metro Council Meeting and Work Session.

Motion: **Councilor McLain** moved the adoption of the minutes of the August 8, 1996 Metro Council Meeting and Work Session.

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

Discussion: None

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Jon Kvistad declared the minutes approved.

5. INFORMATIONAL PRESENTATION

None.

6. ORDINANCES - FIRST READING

- 6.1 **Ordinance No. 96-654**, An Ordinance Amending the FY 1996-97 Budget and

Appropriations Schedule Transferring \$32,670 from the Support Services Fund Materials and Services to Contingency, Retaining Funding for Legislative Related Activities; and Declaring an Emergency.

Ordinance No. 96-654 was assigned to Government Affairs.

- 6.2 **Ordinance No. 96-655**, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan area Urban Growth Boundary.

Ordinance No. 96-655 was assigned to Growth Management.

7. RESOLUTIONS

- 7.1 **Resolution No. 96-2386**, For the Purpose of Authorizing a Request for Proposals for a Personal Services Contract to Represent Metro Before the 1997 Session of the Oregon Legislature.

The resolution was sent to Government Affairs and was removed from the Council agenda.

- 7.2 **Resolution No. 96-2385**, For the Purpose of Expressing Support for Portland State University.

Motion: **Councilor McFarland** moved the adoption of Resolution No. 96-2385.

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

Discussion: **Commissioner Tanya Collier** acknowledged the State Board of Higher Education and Chancellor Cox for undertaking the task at hand. She clarified that what this resolution does is to request that our region be a part of that planning process. Metro 2040, the Portland Multnomah Progress Board, the Central City 2000, the Oregon Business Council, and the Regional Jobs Initiative are all planning efforts occurring in the region and hinge on having a strong urban university. Portland State University is essential to this planning. Commissioner Collier recharacterized the issue surrounding PSU as an access issue rather than a turf issue. PSU serves more Oregon residents than any other colleges in the state. 84% of PSU students are Oregon residents, 90% of these come from Clackamas, Marion, Multnomah, Washington and Yamhill counties, 97% of the recent graduates report that location was the most important consideration in their decision to attend PSU, obviously because many of these individuals are going to school as well as working at the same time. 90% of the students are commuters, 80% are employed full or part-time. 43% of the undergraduates are over the age of 25 compared with 25% of the other Oregon university students and 23% nationally. 63% of PSU graduate students are older than 30. Commissioner Collier reiterated that access is key to economic development. The whole point of bringing industry into the region is not just for the lower paid positions but to prepare professionals at the upper end of the scale so that there is a good balance of jobs. She concluded that we need the University in order to keep our economic development commitments. The resolution calls for two things; for our region to be an active participant in the restructuring discussions and that we ask the State Board of Higher Education to make significant investments in PSU as they are going through their discussions. She noted that this resolution has passed in Clackamas, is on the agenda in Washington County, has

passed the City of Portland and is in the process of being brought forward to the rest of major players in the region.

Ms Joan Johnson, Chairwoman of the Portland State Advocates, an alliance of more than 600 PSU friends and alumni, supporters of both higher education and PSU. She is here today because her organization is greatly concerned about the proposal to turn over PSU's Engineering School and parts of its Graduate Business School to Oregon State University and the University of Oregon respectively. The organization feels that this proposal undermines the Metro area by removing programs that are essential to the region. The proposal also undermines the University's efforts to attract grants and private funding as well as the economic health of the region by diminishing a strong university presence. If the proposal is approved, there will no longer be a major university but rather bits and pieces of various programs run by different schools. The group also believes that the proposal flies in the face of common sense. Will programs directed from OSU or U of O better meet the needs of the metropolitan area? The issue is not one of quality of PSU graduates, PSU has gain national recognition both as a model urban university and for the quality of its programs. PSU just received a million dollar award from the Kellogg Foundation in recognition of its leadership in higher education reform. The issue is quantity. There is a need for more graduates in Engineering, Business, and Computer Science in the Portland area. In Washington County there is a particular awareness of that need. What is needed are more resources for higher education in the tri-county area. PSU's Engineering School receives only about 1/3 of the funding that OSU's Engineering School receives. Overall PSU receives only about half the funding that OSU and U of O receive. PSU serves more students annually than any other school in the state system, 35,000 to 37,000 full and part-time students working for a degree, those taking one or two classes as well as those enrolled in professional programs. In 1990 the Governor's Commission on Higher Education urged that Portland State University be fully developed as a university to serve the needs of greater Portland. The group believes the time to do this is long past due. She encouraged the Council to pass the resolution before them.

Councilor Washington thanked Commissioner Collier for clarity on access rather than turf.

Vote: The vote was 5 aye/ 1 nay/ 1 abstain. Councilors McLain, McFarland, Monroe, Washington Morissette voted aye, Councilor McCaig voted nay and Presiding Officer Kvistad abstained from the vote. The motion passed.

Councilor McCaig noted that she had no difficulty with the region being a participant in this decision but she does have difficulty with number 2, stepping into the discussion that is going on between the Governor, the Board of Higher Education and the Task Force to make a recommendation about this significant investment. She acknowledged that we don't know all of the needs yet and Metro hasn't participated in the discussion about all of the needs of the State Higher Education. She was unwilling to make that choice at this point without the work being completed by the Governor and the Board of Higher Education. She appreciates the work being done by PSU and understand their role as advocates.

Presiding Officer Kvistad affirmed that his abstention was based on the same points.

8. COUNCILOR COMMUNICATIONS

None.

9. FUNCTIONAL PLAN PUBLIC HEARING (ORDINANCE NO. 96-647A)

Presiding Officer Kvistad opened a public hearing at 3:20 pm on Ordinance No. 96-647A, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept.

Ms. Gussey McRobert, Mayor of Gresham, thanked the Council for allowing her to testify early. She indicated that she would be addressing three titles. Title 1, she supports the target densities for each growth concept design type but, in the process, one of the major things that needs to be resolved under this title was left out, that is, that development would have to comply with the 2040 land use types in the growth concept in RUGGOs. She noted what Larry Shaw suggested, which was, an amendment on Title 1 to add between lines 132 and 136, *for any area designated as town center the plans of implementing ordinances shall not permit a target density equal or greater than the target density for regional centers*. One of the major implementing factors in 2040 is to channel transportation dollars into regional centers and to not allow the development to be focused in there as well would undermine the viability of regional centers. One can not implement 2040 without that change.

She reviewed the Parking Policy. The joint MPAC JPACT subcommittee met several times and included Mr. LeFeber, a representative from Cub Foods, and a representative from Coldwell Banker Realty. At the end of the joint meeting they were in agreement with what was developed in the subcommittee. The retail centers had been grouped with the grocery stores, this gained agreement. Mr. LeFeber acknowledged at the end of the subcommittee meeting that he could live with the recommendations.

The City of Gresham has passed a parking measure which is very similar to this title. It doesn't limit anyone, it is not restrictive. There is an exception process so that if there are individual circumstances these can be handled locally.

Mayor McRoberts reviewed Title 4, Retail and Employment in Industrial Areas. She noted that it is a problem to try to have the same requirements for both, together. The RUGGOs, which is the constitution that should drive what this plan is, separates them. The employment says *limited to size and location intended to serve primary industrial uses*. It does not say anything about 'supportive'. But, it does in the employment center portion, *primarily to serve the needs of people working or living in the immediate employment areas not larger market areas outside the employment area*. So it does make sense to separate those, as has been said before. There is a big difference between very little to support it. This title is really important because it is a loop hole for the retailers to go into cheap industrial land, it is like leap frogging over other development out into the farmland which they do in a lot of other states besides this one. Industrial land does not cost very much. There must be some leverage for these people to build in a regional center. If you are going to allow dissemination retail in the industrial areas is allowed then the regional centers will fail.

She reviewed Title 9, Performance Measures. (Mayor McRoberts distributed packets of recommendations to the Council prior to the work session.) In her packet there is a resolution that the Gresham Council unanimously approved supporting the Urban Growth Management Functional Plan. In the back of this packet she noted Gresham's schedule for completing 2040. Gresham started a year ago because Gresham's 2020 is the same as Metro's 2040. Gresham will be in compliance by the Spring of 1998. She added that no one else had started a year ago. She is concerned that starting the review for compliance three months into 1998, given that Gresham is the only one that will be in compliance at that time much less be able to give Metro a review, is a

problem. She believes no one will have anything done, they are going to submit something that indicates they are not through. The timeline does not work. MPACT supported benchmarks and performance measures but the measures did not get in until after Gresham had passed the Plan off to the Growth Management Committee. MPACT has never seen the measures. She believes that with only two years they will be in a treadmill of reviewing and reporting and not being able to comply with 2040. She respectfully requested that the Council sends this back to MPACT.

Councilor McFarland asked if Mayor McRoberts felt that the time should be adjusted and extended?

Mayor McRoberts agreed. She is not sure what the timeline should be but she believes it should be extended. Councilor McFarland added that it was unlikely that many of the cities would have the staff to be in compliance. Mayor McRoberts felt that possibly the counties and the City of Portland would be able to achieve the goal but the rest of the cities do not have that large of a staff.

Presiding Officer Kvistad closed the public hearing at 3:30 pm and reopened the public hearing at 4:20 pm.

Presiding Officer Kvistad noted that each individual would have three minutes to testify before the Council.

Mr. Morrissey added that written material should be given to the Clerk of the Council.

Councilor McLain announced that there will not be a Growth Management Meeting next Tuesday.

Presiding Officer Kvistad announced that written testimony on the Functional Plan has been extended to September 24th.

Mark Whitlow, representing the Retail Task Force, 222 SW Columbia #1400, Portland, OR 97201, addressed concerns on Title 4. The Retail Task Force appeared before the Council last year urging the Council not to adopt the portion of the RUGGO that is now the spring board for this part of the Functional Plan having to do with regulation of retailing and employment areas. The Task Force urged the Council to reexamine that portion of RUGGO as being regulatory based on a premise that the Task Force does not support. The Task Force has been working with staff and are appreciative of the time received. Staff and the Task Force have reviewed several of the amendments. Four amendments are now before the Council. Of the four, the Task Force is most supportive of amendment dated September 4th. The Task Force asked that the Council focus their attention on this amendment, they believe it has the most promise of any of the amendments with respect to Title 4. The Task Force would like to send the next week with staff working on additional language changes with respect to Title 4 provisions and the related Title 8 provisions. The Retail Task Force will be back on September 12th to provide detailed testimony.

Councilor McLain asked Mr. Whitlow if he was referring the September 4th memo to John Fregonese from Larry Shaw which she introduced at the Work Session. Mr. Whitlow agreed.

Bob LeFeber, represents International Council of Shopping Center (ICSC), 1100 SW 6th #1105, Portland, OR 97204. His comments are the same as Mr. Whitlow's. He believes that they are very close on Title 4 to a resolution that everyone will be happy with. He noted that he had only seen the language this morning and wanted to make sure and get it out to local jurisdictions, who have also expressed concern about current restrictions in Title 4, for their input. He has yet to hear back from these local jurisdictions. He acknowledged that they should have something by the next hearing that can be brought forward that can be agreed upon.

Peggy O'Neill, 1430 Rosemont Rd., West Linn, OR 97068, private citizen. Along with her today in the audience are other private citizens who are here to express support. She noted that at the end of her testimony she will ask for a show of hands from these private citizens so that the Council can see that there are others who agree with her comments in the capacity of private citizens not representing any affiliations. She is here today to express support for the Coalition for a Livable Future position regarding Title 3 of the Functional Plan. It is necessary to protect stream corridors from the environment impacts of development. They believe that development should be restricted in riparian areas in order to protect water quality and fish and wildlife habitat as well as to facilitate flood plain management. As citizens they would like to emphasize that it is absolutely essential to protect the natural areas in our region as we plan to accommodate increased growth. They support retaining the current Urban Growth Boundary accommodating new housing needs by increasing the density within this boundary. She noted that it seems that there are some members on the Council who have received input from citizens who don't want the density increased in their areas and are asking that they would like the Urban Growth Boundary extended. She suggested that perhaps this input is a "squeaky wheel" that the Council is hearing and that there are many citizens who very much agree with the concept of increasing the density, keeping the Urban Growth Boundary the way it is as well as protecting the natural areas within that boundary. Individually, she continued, she lives in the Tanner Basin region of West Linn. Until a few months ago, her house was situated on 4 acres, just outside the city limits but within the current Urban Growth Boundary. She and her husband divided off 2 lots already, increasing the density on their own property. It is their plan to develop the remainder of their property as soon as the Parker Road sewer line and new water facility is put in. Two of her neighbors are also planning on developing their properties. She reiterated that there are people out there who are interested in increasing the density. Ms. O'Neill then asked if the citizens in the audience who would agree with her comments raise their hands. (Approximately 20 individuals raised their hands in support of Ms. O'Neill comments.)

Art Lewellan, 27 SE 74th, Portland, OR 97215, of LOTI, asked to have maps submitted for use by the Council as he testified to assist in understanding his perspective. He did not bring the maps to submitted into the public record. The plan that the Council has before them he has been working on for a year and a half. The plan has evolved, it has been presented to the Council before. He has found that through this kind of work and study in the urban environment, that the concepts of density, to be created in order to preserve our living environments both urban and rural, can accomplish a great deal of what he hopes that we will be going towards in the future. He agrees that the regional concept is a direction that we can move towards, a revitalization of our urban and city dwelling environments. There is one exception which he stressed, that is, where transit centers are incorporated as part of an overall system existing transit corridors be given a good deal of priority. He believes that those kinds of communities can evolve into more livable environments. So he feels that rather than focus on any undeveloped area, to develop regional town center, that existing transit corridors should be focused on. Examples include Gabriel Park and McLoughlin Blvd between Milwaukie and Oregon City as well as the Hillsdale corridor. These should be focused on as regional centers as a revitalization effort to accomplish the same ends of not just creating a new high density more livable environment but a redeveloped higher density environment. He concluded by saying that the Council would be doing more by creating this type of concept, creating a model for future development, not just for the region but for the country by taking areas that can no longer fill the density needs and focusing our efforts into recreating redevelopment. (Maps attached)

Fred Nussbaum, 6510 SW Barnes Road, Portland, OR 97225, private citizen, AORTA member and Washington County resident, resident of District 4, and alumnus of the PSU in Urban Studies. He believes that Functional Plan is moving in the right direction with regard to density requirements and holding the Urban Growth Boundary. He has lived in the Portland area for 37 years, he has lived in areas where lot sizes were 5000 sq. ft in the Hollywood District. He added that the quality of life was great. Right now he lives in a planned development that is 18 years old with 16 houses built on two acres. He has houses on both sides of his and the quality of life is just fine. We can live in higher

density without giving up quality of life. It is going on right now and can continue in the future. Many out there, that live under those conditions, are happy with it. Under Title 1, he is also happy that there is a way to equitably distributing the capacity for accommodating this growth to all the different jurisdictions. Under Title 2, parking requirements, he questions the continuation of minimum parking requirements, it does not fit into the concept of trying to encourage people to use alternative transportation modes. Maximum parking requirements makes some sense, minimums do not. There are other ways of controlling parking so that parking does not spill over into residential areas. Why have minimum parking requirements when we are trying to get people out of cars. On Title 3, he deferred to other groups with more expertise. On Title 4, there are some amendments being proposed, he believes the current language suffices to provide for retail development that would serve the employment area and industrial area and the people that work there. It is important that we don't segregate our land uses. He believes that the amendments open door to big box developments that are inappropriate and should be going to regional centers as others have already said. On Title 5, he deferred to other groups who are more knowledgeable. He noted that he does agree that Metro should be coordinating with neighboring cities in the planning of rural areas. The Boulevard concept is great but some of the design ideas should be requirements not considerations just like the requirements for the neighborhood streets. He believes that the language is a little too soft.

Zephur Moore, 2732 NE 15th, Portland, OR 97212 said that the Urban Growth Boundary should be limited. We are trying to stack as many people as possible into the Urban Growth Boundary which is causing buildings and streets that extinguish native areas and wildlife habitat. Referring the Section 5, Number B of the Fish and Wildlife Conservation areas, those areas will be planted with native vegetation. But the areas not within the jurisdiction of Metro, most private land, those areas are being planted with invasive non-native ivy. This is totally the opposite of habitat. There is a lot of ivy that has been planted and it is destroying native habitat. He asked what is happening in Metro to control ivy and to reverse its tide? He noted that Tryon Creek Park each year loses an acre to ivy. He does not know how to turn this around but what can be done as a region to turn it around? What is being done to stop people from planting ivy?

Councilor McLain responded that as a regional government we are trying to start our plans of ivy removal and that there is a lot of restoration projects where that ivy removal is taking place on a consistent basis with volunteers. This may not be the whole solution but it is being worked on. She added that by letting Mr. Moore come and testify this helps the awareness of limiting ivy planting.

Tim Schauermaan, 20600 NW Quail Hollow, Portland, OR 97229. He was here representing the Tualatin Valley Economic Development Council as a messenger. The group has provided written comment. He wished to make clear that the points made in the written testimony is from the private side of the public/private partnership and are in no way intended to represent the views of the various governments that are part of the TVEDC membership. Their primary concern is that this is a massive undertaking to try and balance conservation, natural and farm resources while maintaining other quality of life issues. Their hope is for the Plan to continue to be dynamic as we learn how it works and to modify it if changes are needed to meet our citizens needs. Mr. Schauermaan then spoke as a private citizen, representing no other entity but himself. He has been involved in affordable housing as a leader of the Habitat for Humanity effort in Forest Grove, has been a developer and is now a reformed developer, not doing it any more. His comments are around those areas. He has also been President of the Forest Grove Cornelius Economic Development Council. He hopes as plans are developed that we understand that outlying cities such as Forest Grove have some needs to balance housing and jobs. For most of the outlying cities, there is a need for more jobs much more than more housing. If we don't get more jobs in the outlying cities we will then be sending a stream of people into the inner-city to find work, clogging freeways and using mass transit more than necessary. He encouraged that the Council look at the balance of jobs and industry in outlying communities. On low cost and affordable housing, the very nature of the undertaking has created some market forces, as we constrain the land and as the growth that is occurring continues

and people clamor to have their piece of land, it is driving housing costs out of reach. Habitat for Humanities prime goal is to provide low cost affordable housing for poor people. They are finding they can no longer do this. Land costs are putting them out of business. Land cost on the low end of housing needs become a much more significant factor of the cost of the housing than they do on the high end. He said that he had no solution but if we are going to constrain the boundaries, he believes this is a serious issue. Finally, he is out of the development business but his experience shows that as we try to push higher density, it forces more local governments to deal with 200 angry citizens who don't want higher density in their neighborhood. He is unsure how this issue will be dealt with but it is a reality.

John LeCavelier, 6300 SW Nicol Rd, Portland, OR 97233, past President of Fans of Fanno Creek. He is speaking as private citizen. He works in Clackamas County and his office is at the head waters of Newell Creek. He believes that this plan moves forward in a direction that is supportive of Newell Creek watershed. He targeted Title 3, Water Quality and Flood Management Protection, in his testimony. He believes that more is known now of the functional and values of intact systems. These are really important. It will be difficult to balance that kind of density increase with those issues, but we must keep that greeninfrastructure. He would urge the Council to continue to think in those ways. The lesson is, human engineered systems must incorporate a wholeistic watershed system approach to resource management. Health ecosystems provide the most cost effective and efficient water quality, habitat and flood control values and functions in our community. The region is looking to the Council for leadership. The public has done their work and the Council is currently doing their work. He urged the Council to adopt the Functional Plan and to hold tight on Title 3 language.

Ross Tewksbury, PO Box 25594, Portland, OR 97298, grew up in Washington County. He believes that Washington County has already undergone extreme over development and all of the problems that go with development. He noted how bad the traffic jams were in the storms of 1996. It has become like a mini Los Angeles. The lightrail project, which he is in support of, will have the effect of cutting a wide swath through one of the less developed areas, it will go from very low density to very high density. He was glad to read in the paper that Washington County was slated for less development. He noted that there is already a huge back log of projects pending in Washington County Planning Office. There are many houses for sale and apartment for rent in Washington County. Most of the new living environments are for high income brackets. Nearly all areas such as Los Angeles, Seattle, San Francisco and San Diego where there has been unrestricted growth, the housing prices are far higher than in this region. One issue of concern is that people who have privately owned farm and forest areas within the Urban Growth Boundaries should not be forced to develop them through zoning or tax laws or increasing taxes on them. These are very valuable open spaces for wildlife and people. Government should be helping to preserve these areas as they are. According to Mr. Tewksbury, in this plan, high density and transportation are the overwhelming high priorities. He believes this is wrong. The natural environment, fish habitat and wildlife should be equally high or higher. This is what makes the quality of life enjoyable in the region. However, this is what loses out. A few conservation areas set aside are not enough. He believes the plan is too narrowly defined. It would mean that every place not called a conservation area could be history. In each development all of the natural habitat, plants, animals and trees are being bulldozed away to make room for buildings and concrete with some non-native landscaping done afterwards. For example, in a West Slope development, five acres of large fir trees were mowed down. This is terrible. We can have both housing and development and keep the natural environment if it is done right. There are plenty of examples in Portland of this. Where will all the birds, bees, plants, animals and trees live? In the area he lives butterflies have declined by about 90% over the past 30 years. This type of development needs to be changed. We need to have an Urban Growth Boundary not an urban sacrifice zone.

Jim Callantine, 12322 SE 147th Portland, OR 97232, a member of the Rock Creek CPO. His views don't represent the CPO organization but are strictly his own. His issues are, primarily the 147th and

Sunnyside area, to bring 147th to 162nd from Sunnyside Road up to Monner Road into the urban study area. He urges that this not be done at this time. His reasoning is that 17 years ago everything south of Sunnyside Road was to be high density, north of that would be medium to low density residential. He believes the roads can't handle the people that are out there right now let alone an additional 1580 houses. The schools can't handle the growth. Emergency vehicles, school buses, TriMet and the fire department aren't able to function up and down this road with just a cut back at the bottom of the hill. You can't increase the density at the top of the road and only plan for change on part of the road. The road won't handle the traffic with this planned growth. The CPO has also looked at green open spaces. As it is now, there are still some animals such as deer that are trying to get down to the Clackamas River and use a corridor. The housing projects have pretty much wiped out the open spaces. He is concerned that if you bring these areas of Sunnyside into the urban studies area without any stipulation on open spaces to get the animals to and from an area you are cutting off the wildlife. Another area that won't take growth due to the roads is Happy Valley. Increasing the density in this area with only two or three roads available will create a lot of congestion. In addition to the limit of roads, there are no sidewalks for kids to walk to schools and to school buses. He is urging that the Council not bring this area from Sunnyside to Monner, from 147th to 162nd into the urban study area at this time.

Presiding Officer Kvistad noted that there will be Listening Posts on the urban study areas in the later part of November.

Bryan Powell, 520 SW Yamhill Suite 300, Portland, OR 97204 of Lane Powell Spears Lubersky, the Public Affairs Chair of the National Association of Industrial Office Properties, NAIOP. NAIOP has assembled a panel of commercial real estate professionals to testify. With permission of the Council, he requested that their testimony be pooled and requested that testimony be delayed until the other member of the group is in the Chamber. NAIOP has been involved in the 2040 process since the beginning, has served on a number of committees.

Mr. Powell addressed an issue dealing with high efficiency parking management provision, this is in Title 2. There is a paragraph which says if users engage in high efficiency parking management alternatives, users who do things with their parking lot to save land such as fleet, valet or structured parking, those users may be exempted from maximum parking standards. Mr. Sackett recommended one change, that is to change the word may to *shall*.

NAIOP supports Metro's goal of conserving land to accommodate growth within the Urban Growth Boundary. However, NAIOP has grave concerns about the interplay between the adoption of the Functional Plan as a means to accomplish the goals that are set forth in Functional Plan as it interplay's with market realities. NAIOP urges the Council to review carefully the 2040 Means Business Committee recommendations and the studies that were done by Hobson and Johnson with respect to available commercial and industrial land supply because by the time the Functional Plan processes are adopted over the next five years, the availability and the current inventory of commercial and industrial land supply will have dwindled to dangerous level. What that will have is an impact not just on the commercial real estate arena but on manufactures, service industries and other businesses that are deciding whether they want to settle in the Portland Metro area.

Local governments are concerned about projects, but with respect to parking, NAIOP does not believe it is appropriate that a local government should be able to preclude the development of a project based solely on parking issues where the user of that project has undertaken to employ one of these high efficiency parking management alternatives. Users should be rewarded as a matter of course and given an adjustment or exemption from the maximum parking ratios. There are several different types of businesses which typically need higher parking ratios, if they engage in one of these high efficiency parking alternatives, conserving land, following Metro's policy, he believes that

those users should be entitled to an exemption. The two types are catalogue companies and high tech firms that have multi-shifts.

Brad Miller, 101 SW Main St. Suite 1100 Portland, OR 97204, of Ball Janik and Novack. NAIOP supports Metro's goals of conserving land for the accommodation of growth within the Urban Growth Boundary. It applauds the hard work of all those who have played a role in creating the Functional Plan. The Functional Plan creates land use framework which makes it possible to accommodate growth within the Urban Growth Boundary and reflects numerous and courageous hard choices. As Councilors you must carefully analyze the provisions of the Functional Plan as its provisions will significantly effect the lives of all the citizens within the region. There are only two concerns that NAIOP has, one related to parking policy. NAIOP is concerned that the parking maximum map for Zone A & B is based on existing plans for transit service rather than existing service. The result is that there are certain areas which are not currently served by adequate transit service which will be subjected to more restrictive parking ratios than NAIOP believes is appropriate at this time. Second, users that conserve land by using higher efficiency parking management alternatives should receive exemptions from maximum parking ratios to reward those users for their efforts in conserving land. Mr. Miller referred to the parking maximum map, for parking ratios to work, there must be affordable, frequent and convenient public transportation alternatives. If you don't have those alternatives, you will get smaller lots but you won't have the alternatives to encourage people to take public transportation. The parking maximum map appears to cover both current service but also some planned service. The proposal that makes more sense which comes out of the exemption process is the requirement that Zone A be scaled down a bit to only reflect areas currently served by public transportation but those area which will be served by public transportation in the future have a process by which excess parking can be converted to future development at the time that public transportation is available.

Jeff Sackett, 15455 Hallmark Dr., Lake Oswego, OR 97035, with Triangle Development Company and President Elect of the local chapter, NAIOP. Mr. Sackett indicated that a good example of the parking situation is out at Amber Glen Business Center where INTEL and NIKE have signed leases. Both tenants have figured how to put more people into less space so that their facility costs are more efficient. Therefore they have a parking requirement of about five per thousand. Under the ratios in Zone A they would not be allowed that much, on the order of 3.4. If it were Zone B it would be 4.1. That is an example of a potential problem to users in our communities which are growing. It is particularly an issue if that area is designated Zone A as is presently drawn on the map but without the present service of TriMet it becomes difficult for those companies to locate there between now and when lightrail becomes available. They are not taking odds with the idea or concept but if there is transit service they can get by with less parking. Now it is a matter of timing. Therefore, NAIOP's position is that if the map shows where there is presently service, great, but that it be updated on an annual basis in lieu of five years as suggested in the document so that as new service is added the map is changed and areas moved from Zone B to Zone A.

Mr. Sackett addressed his recommendation to change the word may to *shall* with respect to high efficiency parking alternatives in Title 2. NAIOP understand that there are concerns about the Portland Central Business District, they would propose carving out Portland Central Business District. What they are focusing on more is the outlying areas. If someone wishes to locate in the outlying areas and they engage in one of the high efficiency parking alternatives, they should get an exemption. Other industries such as the high tech firms, which have made the difference in our economy the last several years, run their plants with several shifts. At the time there is a shift change they need to have parking available for both shifts. If one of these companies are going to engage in land saving devices for parking NAIOP thinks they ought to be given an exemption.

Mike Wells, 200 SW Market #200, Portland, OR 97201, with Crushman and Wakefield of Oregon a commercial real estate broker as well as President of the Oregon chapter of NAIOP. Mr. Wells

indicated he is a fee developer, developing bases for owner/users and investors who have tenants. He is not here to represent any particular business. He can say that some of the businesses he has worked for or had tenants for his clients are companies such as Norm Thompson, Wholesome and Hardy Foods, Wassau Insurance Companies, McMenemy's Pubs and Breweries, Phoenix Electric and Adidas American. He has a broad understanding of what parking needs are from a wide variety of businesses. Every business is economically driven and is therefore not motivated to build or lease more building or parking space than they need. In the Functional Plan parking is often referred to as excessive or unproductive. Any business that built or leased more parking than they need would not be successful or survive. He does support his colleagues in that the Zone B parking requirements for most businesses in Zone B maximums are probably tolerable. The Zone A maximums are marginal especially when sites are located where there is no adequate transit service during the hours that businesses need it. Plans for transit service are nice but businesses operate today with facilities and infrastructure that is in place today. They invest money today, so if they are going to build less parking the transit service must be in place. The most vivid example is a Norm Thompson incoming call center, a 24 hour calling facility that accepts 800 number calls from all over the world. They operate 24 hours per day and they need a lot of parking during their peak times. They are a catalogue sales company that is driven primarily by sales during the Christmas season that starts in September and runs through the end of the year. During those times they need 10 to 12 parking stalls per 1000 sq. ft. of space because they are intensively using their space. It is even more than this at shift changes. This company looked all over the west Metro area for a facility that would work for them and they found one where they could work with the developer and get them a multi-tenant facility. They had about 5 per 1000 parking in the entire building they were in. Fortunately the other tenants were less than heavy parkers so they effectively got 7 per 1000 parking which still wasn't enough in the peak season. They were able to locate their corporate headquarters across the street which provided spill over parking, it just barely works. If they had had to be in their own building, under the current Metro rules, even if there were planned transit facilities out there, they could not have made that work. There is an exception criteria allowed in the Functional Plan but he thinks is ought to be clarified and strengthened so that companies can be allowed to do this and still survive.

Commissioner Linda Peters, 155 N First, Hillsboro, OR 97124, Washington County Board, said that the Board did not pass a resolution but agreed unanimously on the wording of a letter. She read the letter into record. She also noted that the Board invited public comment at its regularly scheduled meeting on September 3rd(the communications received are attached for the record). These communications include letters from Tualatin Hills Park and Recreation District, the City of Beaverton, Judy Skinner, Mr. and Mrs. William Moore, Carol Gearin and Unified Sewerage Agency of Washington County, two things from Peggy Lynch, the Audobon Society of Portland and Sensible Transportation Options for People. Letters that Council has already received have not been included. Additionally, local jurisdiction comments are being considered by the Washington County Coordinating Committee, representative from Washington County cities. She anticipates that the Washington County Coordinating Committee will be forwarding a letter to Council containing comments on issues identified as a county wide interest or importance in advance of the September 12th hearing. She encouraged the Council to address their issues thoughtfully as revisions to the Functional Plan are considered prior to adoption. During the September 3rd discussion, the Board identified several issues that they believe warrant the Council attention. They are as follows, first, transportation performance standards, the transportation system performance analysis that Metro is doing in updating the RTP needs to find its way into the Functional Plan. It is their understanding that part of this work is to test the application of performance standards under Title 6 section 4. It is not clear how this work will be integrated into the Functional Plan. Congestion Management, Title 6, section 4B lists a number of steps that a local government must go through before including a roadway capacity improvement in its comprehensive plan. These requirements seem to flow from congestion management techniques under the ISTEA. It is not clear how this would operate in practice, is this a system analysis done in conjunction with the RTP or with individual projects?

They believe that the appropriate place to do this analysis is at the RTP level and that the Functional Plan should make this clear. Third, compliance procedures, while the Functional Plan provides a number of ways in which Metro will assist government, none of these would seem to provide funds directly to local governments. Title 8, section 2, if requested, Metro would evaluate a local plan and make recommendations on changes but cities and counties would still bear the cost of varying ordinances. The current estimate is that it could cost Washington County in excess of 1 million dollars to update its community plans and development code to implement the Urban Growth Management Functional Plan. On the revenue side, in November voters will decide whether to approve Ballot Measure 47 which could reduce property tax revenue by as much as 20%. If that occurs all jurisdiction will face severe budgetary crisis. They urged the Council to think flexibly in determining how the financial burden of implementing the Functional Plan provisions might be eased. In the area of compliance procedures, it is clear that Metro is the final decision maker in terms of determining compliance with the Functional Plan, what is not clear is the course for local governments on appeal. Are all appeals to LUBA? This should be clarified in Title 8. The Board would like to restate it's views that the development of the 2040 Growth Concept has been productive in helping develop a long term vision for region. They look forward to continued work with Metro to make it a reality.

James Reynolds, 2915 SE Ash St., Portland, OR 97214, addressed his comments to Title 1. He asked that the Council consider incorporating ways within Title 1 to create incentive strategies for the Metropolitan business community to train and hire local low income Portland residents to help fill employment needs into the next millennium additional to new businesses in the areas, recruit from outside this region. Further, he asked for the Council to consider not only new housing starts but plans for refurbishing towards increased density, existing housing in all inner-city areas. This combination of qualitative improvement in wage earnings and living conditions for existing low income Portland residents can go hand in hand with the development, existing and into the foreseeable future. By incorporating low income families into Portland's growth, instead of disenfranchising them, Metro can do a great deal towards decreasing crime. This improving quality of life as we increase the number of lives living here will only make it a better place, a safer place, a happier place for all concerned. There is going to be a lot of people moving here, let us not forget the existing residents as we go into the 21st century.

Peter Wright, 2201 SW Hazel, Lake Oswego, OR 97034. Mr. Wright gave an historical overview of the evolution and extinction of the carrier pigeon, indicating the man's existence and need for food overrode the need for the existence of the carrier pigeon. The relentless assault upon nature continues. Today's mentality is the same, men need jobs, people need houses, if we don't build them the cost of houses will go up. It is time that we learn from history that the cruelty and brutality of men with machines must not continue. We must draw the line and hold that line. Here, with this Functional Plan, we have the benefit of a line having been drawn and the wisdom of what happens when the line is broken. Do we have the integrity, the knowledge and the courage to hold that line?

John Leeper, 11160 SW Muirwood, Portland, OR 97225, spoke as a private citizen. The task before Metro is compounded by state and federal legislation that mandates certain things be done. While the Functional Plan contents will represent considerable planning effort on all jurisdictions in the future, the Functional Plan will not be in stone. He believes that it can be amended in the future if in fact it does not result in the intended or desired results. He supports the Functional Plan as written however he has submitted primarily editorial changes to make it a better plan. This Functional Plan and 2040 could be considered a dilemma wheel. He encouraged all to get off this wheel because the Council is never going to satisfy everyone. He recommended approval. (Written testimony was also submitted).

Peter Finley Fry, 722 SW 2nd #330, Portland, OR 97204 addressed three issues. First, he interprets Central City to include industrial sanctuary areas, parking structures to include roof top

parking as a parking structure type. Retail and industrial areas are tough issues. He noted that the big bucks knocked everyone side ways because retail has always been in industrial areas, i.e. Frans Bakery, Darigold. Most of the distribution manufacturing firms on the east side do sell retail to the entire market. This has been happening for 30 years. He recommends, as the Council looks at regulating big boxes, do not preclude retail that has always been associated with industrial firms as accessory to their primary use. He also recommended not to confuse distribution with retail. Third, Portland's current capacity to far exceed market demand or 2040 expectations. The numbers on section B may be a little high, the low numbers are a little low. For example, inner neighborhoods are 14 persons per acre, so 14 people anticipates no children. Existing density exceed the inner neighborhood numbers by existing development patterns. 250 persons per acre for Central City may be difficult to achieve. Provision infrastructure is critical to achieving these goals. His favorite paragraph in the Functional Plan is on page 1, it says, *Metro will work with local jurisdictions to develop a set of regional wide development code provisions*. He believes this is really critical because what is necessary is a balance of regulations. As you increase intensity planners tend to over regulate because people living closer together working closer together creates lots of problems so we use regulations to separate noise walls, etc. So what happens is, the inner city become burdened with high levels of regulations. He hopes there will be a balance.

David Knowles, Planning Director for the City of Portland acknowledged that the City of Portland strongly supports the Functional Plan. The City is very pleased with the Functional Plan and encourage the Council to adopt the Plan. The City of Portland, its commissioners, its mayor and staff are available to Council to answer questions about how the City is proposing to implement the Plan and how it works on the ground. He noted that the critics have said Portland can't do it, that the 70,000 unit target is simply unrealistic. First, the 70,000 number is in the Functional Plan and it is there in order to indicate a fair share for each jurisdiction to take in terms of development in the future. It is a relative allocation of responsibility for all jurisdictions in the region to do their fair share, to accept development. This is the way it should be viewed. If is not an absolute target. If we don't achieve that target the world will not end. According to the Plan, Portland has been allocated 70,000 units, the total allocation for the region is 243,000 units. The City of Portland is about 28% of that allocation and has about 45% of population of the region. They are not pretending that they are going to maintain the current share of the region's population. With respect to actual production, he would note that the region only produced 10,000 units. The market needs seem to be being accommodated currently. He thinks it is important not to place too much emphasis on the absolute number. The numbers are a reasonable estimate of what the City of Portland will accommodate in 20 years. If every jurisdiction is committed to the Functional plan, if the Urban Growth Boundary stays in place and expansions are kept to a minimum level, if the economy doesn't do something unexpected and has a major down turn, and finally, if the region population growth actually occurs, it will make this projection realistic. What Portland is doing locally to make the Plan happen is to put the zoning in place and the City has been doing that since the Albina Community Plan got adopted three years ago. The City is still doing it in outer southeast and southwest and now in east Portland. He concluded that the City has to also fit their development process and the City is in the process of doing this. All of the plans won't mean anything if people can't get through the process, as Councilor Morissette can tell you. The City has made significant strides in doing this.

Councilor Morissette asked Mr. Knowles if the City is going to match transportation numbers for growth with planning numbers. He indicated he thought the number on the transportation plan with the next 20 years starting in 1994 is 58,000.

Mr. Knowles indicated he would be happy to respond to the question after the public testimony was completed this evening.

Peggy Lynch, 3840 SW 102nd Ave, Beaverton, OR 97005, reiterated that the Council is our regional government, responsible for regional planning, the voters clearly gave the Council that

responsibility. This Functional Plan helps the Council meet this responsibility. Title 1 moves us toward the 2040 growth concept, a previous regional decision and the work done over the last few months connecting the growth concept and minimum density requirements to this section should be supported. Title 2, the Regional Parking Policy, levels the business playing field and acknowledges the State Transportation Rule. Title 3 recognizes that streams and natural areas know no jurisdictional boundaries. Title 4 protects your goal of jobs housing balance. Title 5 reminds us that we are not alone, our neighbors are important to our success. Title 6 assures regional transportation dollars are spent well and wisely and that new problems are not created that might cost the public more dollars. Ms. Lynch commended TriMet on its new project choices, transportation choices for livability that they are beginning. Title 7 acknowledges the need for affordable housing and that affordable housing needs no boundaries and that the jobs/housing balance must recognize the jobs in our community include jobs which pay minimum wages. Those valuable citizens deserve housing too. Title 8 says that we need to know that all 24 cities and three counties must work together, providing a way to work together. Title 9 says that we need the regional yo know that as we are working together that we are meeting those regional goals and that there are methods for adjusting our visionary work as we go forward.

Councilor McLain noted that the Council was here to listen and many times there were comments made that might have been a misrepresentation of language in the Functional Plan. There may have been comments made that there had already been responses to and amendments made but the Council did not make those comments tonight and when you see the final product, the Council will be making their own comments on some of the issues that the public has indicated through testimony.

Presiding Officer Kvistad closed the public hearing at 5:45 pm.

10. ADJOURN

With no further business to come before Metro Council this evening, the meeting was adjourned by Presiding Officer Jon Kvistad at 5:47 pm.

Prepared by

Chris Billington
Clerk of the Council

*Addendum/Attachments:

A copy of the originals of the following documents can be found filed with the Permanent Record of this Meeting, in the Metro Council Office.

Document Numbre	Doucment Originator	Date of Doc.
090596-01	Ordinance No. 96-955	9/5/96
090596-02	Executive Officer Recommendations on Urban Reserves September 1996 Exhibit A	9/5/96

<u>Documement Number:</u>	<u>Document Origination/Originator:</u>	<u>Doc. Date</u>
090596-1	Bob Robinson (2 faxes) 2226 SE 35th Place Portland, OR 97214	9/5/96
090596-2	M Scott Jones 3508 SE Madison Portland, OR 97214	9/3/96
90596-3	John Liljegren 5832 SW 52nd Ave Portland, OR 97221	9/4/96
090596-4	Mayor Gussie McRobert City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030	9/5/96
090596-5	Commissioner Linda Peters Washington County Board of County Commissioners 155 N First Ave., Suite 300 MS 22 Hillsboro, OR 97124	9/4/96
090596-6	Carol Gearin 2420 NW 119th Ave Portland, OR 97229	9/4/96
090596-7	Winslow C Brooks Planning Director City of Hillsboro 123 West Main St Hillsboro, OR 97123	9/4/96
090596-8	Mayor Rob Drake City of Beaverton 4755 SW Griffith Drive PO Box 4755	8/28/96

Beaverton, OR 97076

090596-9	Mayor Craig Lomnicki City of Milwaukie 6101 SE Johnson Creek Blvd Milwaukie, OR 97206	8/20/96
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Written public testimony received on or after September 5, 1996 but prior to the September 12, 1996 Public Hearing.

090596-10	Commissioner Linda Peters Board of County Commissioners 155 North First Avenue Suite 300 Hillsboro, OR 97124	9/5/96
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(Included with Ms. Linda Peters letter were the following letters received by the Board of County Commissioners at their most recent meeting):

090596-11	Ronald Willoughby General Manager Tualatin Hills Park and Recreation District 15707 SW Walker Rd Beaverton, OR 97006	8/30/96
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090596-12	Judy Skinner PO Box 5607 Aloha, OR 97006-0607	9/2/96
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090596-13	Mr. & Mrs. William Moore 8440 SW Goodwin Garden Home, OR 97223	9/2/96
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090596-14	Carol Gearin 2420 NW 119th Avenue Portland, OR 97229	8/30/96
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090596-15	Unified Sewerage Agency of Washington Co. 155 North First Avenue Suite 270 Hillsboro, OR 97124	8/29/96
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090596-16	Peggy Lynch 3840 SW 102nd Ave Beaverton, OR 97005	8/29/96
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090596-17	Audobon Society of Portland 5151 NW Cornell Rd Portland, OR 97210	8/30/96
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090596-18	Sensible Transportation Options for People 15405 SW 116th Ave #202B Tigard, OR 97224	8/30/96
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090596-19	Jon Chandler	9/3/96
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Oregon Building Industry Association
375 Taylor St NE
Salem OR 97303

090596-20	Jay Mower, President Hillsdale Vision Group Inc 6327 SW Capitol Hwy #105 Portland, OR 97201	9/5/96
090596-21	Sheila Ritz City Administrator City of Wood Village 2055 NE 238th Wood Village, OR 97060	9/11/96
090596-22	Kay Engleheart 1414 NE Jarrett Portland, OR 97211	9/9/96
090596-23	Rosemont Property Owner Association Stafford Road Properties (no address)	4/30/96
090596-24	Jane Fortin Housing Specialist Independent Living Resources 4506 SE Belmont St Portland, OR 97215	9/9/96
090596-25	Don MacGillvray (E-mail) MCCI Member	9/8/96
090596-26	Seth Alford 8915 SW Rosewood Way Portland, OR 97225	9/6/96
090596-27	Mayor Lou Ogden City of Tualatin PO Box 369 Tualatin, OR 97062	9/10/96
090596-28	John J Leeper 11160 SW Muirwood Drive Portland, OR 97225	9/5/96
090596-29	Winslow Brooks City of Hillsboro Planning Department 123 West Main St. Hillsboro, OR 97123-3999	7/1/96
090596-30	Amanda Fritz	9/10/96

Planning Commission
City of Portland

090596-31	Randy Bateman, President Hillsboro Area Chamber of Commerce 334 SE 5th Hillsboro, OR 97123	9/11/96
090596-32	Mayor Paul Thalhofner City of Troutdale 104 SE Kibling Avenue Troutdale, OR 97060-2099	9/9/96
090596-33	Mayor Jim Nicoli City of Tigard 3125 SW Hall Blvd. Tigard, OR 97223	9/12/96