

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

September 5, 1996

Council Annex

Councilors Present: Jon Kvistad (Presiding Officer), Rod Monroe, Ed Washington, Susan McLain, Ruth McFarland.

Councilors Absent: Patricia McCaig, Don Morissette.

Presiding Officer Kvistad called the meeting to order at 2:08 p.m.

1. Announcements

Presiding Officer Kvistad noted that anyone at the Work Session that was not able to stay to give public testimony on the Functional Plan until after the regularly scheduled Council meeting would be allowed to give testimony at the end of the Work Session or at the beginning of the regular Council meeting.

2. Overview on Functional Plan

Presiding Officer Kvistad noted that today's Work Session would include an overview on the Functional Plan to orient any Councilors that may have needed further information on the Plan. He asked Councilor McLain, Growth Management Chairperson, to review the Functional Plan for those present.

Councilor McLain reviewed the 7 page staff report from the Growth Management Committee. She noted that Mr. Morrissey had compiled some of the issues, discussion and amendments brought forward. She indicated that Title 4 was still being worked on. Public testimony by retail and industrial individuals received at the Growth Management Committee brought forward issues concerning Title 4. Included in the Growth Management Committee Report packet was discussion of Title 4 and ideas brought forward. Amendment proposals by Councilor Morissette were included in Mr. Morrissey's report. She added that there was an August 1, 1996 memo from Mr. Shaw to her that gave some information and language that she was looking at and an August 6th memo from Mr. Shaw to Councilors Morissette and McCaig which included language that had been recommended by Fred Meyer.

Councilor McFarland asked Councilor McLain to explain to the Council if the language in Title 4 actually did what the Council had intended it to do. What was the Council trying to do with Title 4 and what are the controversial issues surrounding this Title.

Presiding Office Kvistad responded that as the Work Session progressed, that question should be answered.

Councilor McLain asked if she could make summary remarks on Title 4. The focus of Title 4 was to deal with industrial, retail, commercial zoning needs and square footage needs of particular retail and industrial entities. Public testimony had indicated that there may be some problems with this Title. The basic goal of Title 4 was to make sure industrial, retail components of the 2040 Growth Concept met certain performance standards that would create a better use of land and particular type of land use, as it dealt with the transportation system. The desired result was to find where it makes sense to put a certain type of retail. For example, the conflict between industrial transportation, traffic and residential retail commercial transportation. There were some truck and traffic patterns that could cause problems for commercial and retail and vice versa. It was important to pay attention to where industrial, retail and commercial types were placed. It needed to make sense with transportation, market needs, and the needs of the particular individuals or customers being served. There were very specific issues in each one of those areas whether it be transportation, size of facility, etc. The Committee was trying to address the needs of the Plan, making sure it made sense and was a good use of land as well as the retailers and the commercial, industrial property owners ensuring they could do business. The Committee had tried very hard to make sure those individuals were heard. The committee had spoken to many individuals in those arenas, the Columbia Corridor on the industrial side, several groups of retailers and the committee believed those groups and individuals were in the loop. The Committee was aware of their issues and concerns and is trying to deal with them. There were places where there was conflict and disagreement but, by the time the Functional Plan was passed at the Council level, there would be an attempt to address all of those issues and hopefully come to some resolve.

Title 3 on Water Quality and Flood Plain Mitigation had received a good amount of attention. There was a lot of support for Title 3. This title was a bit different in its performance standards than some of the other titles. There had been some questions about the specificity of the language and some concerns about the map for exceptions on some of the goals. They wanted to see the map before certain groups want to “buy on” to this product. Rosemary Furfey from Water Planning and Mark Turpel from Growth Management Planning were sent to talk with some of these groups. The Committee was again dealing with the WRPAC, Water Policy Advisory Committee, language that had been presented to the Committee and was a part of the Functional Plan.

Councilor McLain noted that all seven of the Councilors had heard the presentation on the general Functional Plan concept and particular title goals. She asked for questions.

2. Update and Process

Presiding Officer Kvistad overviewed the update and what the process would be for decisions on the Functional Plan. He noted that the Council had this document for over a month in terms of the Functional Plan. The packet breaks out the Urban Growth Report, the Functional Plan and the Urban Reserves Decision. Today started the first of the work session and public hearings on the Functional Plan. There would be a series of four work

sessions, one today, one on September 26th, October 3rd and 17th so that the technical aspects of the Functional Plan could be discussed and then as the Council moved to a decision it would give time for public input. He announced that the Council would keep written testimony open until September 25th, an additional week or two more than intended. With the interest that had been generated, it was probably in the Council's best interest and helpful to the general public to give them more time for input and understanding. A public hearing would follow today's work session. At approximately 3:30 p.m., the Council could move into the regular Council meeting and public hearing. For those individuals who wished to testify early, at the beginning of Council Meeting, the Council would move directly into a public hearing. The Council would then go into regularly scheduled agenda items and then back into a public hearing. On September 12th there would be an evening public hearing at 5:30 p.m. The Council meeting itself will be at 2:00 p.m. that day. The final vote on the Functional Plan would be on October 24th.

3. Council Information Needs

Presiding Officer Kvistad added that Mr. Morrissey, Councilor McLain, the Executive staff and himself would be available to discuss any part of the Functional Plan that Council felt they needed more information on. They would also be available to put public testimony into perspective. The Council process was laid out but should Councilors have any concerns or questions over the next week following September 5th public hearing, a final determination on whether further discussion or public testimony was needed and could be accommodated. He asked that Councilor McLain and Mr. Morrissey give an overview of each of the titles.

4. Growth Management Committee unfinished business discussion items

Councilor McLain discussed Title 1, Requirements for Housing and Employment Accommodation. One of the very basic comments that was heard was should this be the first Title. There was also a question regarding the capacity as far as the numbers, were the numbers the correct numbers and assumptions to deal with what was being called the livability target. There were a couple of charts mentioned. Chart 1 noted in this Title on page 33. There had been some questions about those numbers and about the actual ability of certain jurisdictions to reach livability targets. This was an issue that would be reviewed along with the language and intent of Title 1. Also an issue was with Section 5, requirement to increase expected capacity which was referred to on page 7 of Section 5. Also looked at were some of the issues of review of public facilities capacities, there had been some comments about the relationship of counties and cities with Special Districts. Currently there is parallel work going on about the Boundary Commission and annexation of HB 102. All of those issues and how those related documents would fall out, were very important to that conversation and should be reviewed.

Title 2 was the Parking Title on page 8, the Regional Parking Policy dealt with both concepts of minimum and maximum on parking policy and performance standard. In Councilor McLain's personal opinion, it had been watered down over the last 2 years and

she was glad that it was still there. She stated that she had not heard of any new language changes or any new concerns regarding this Title.

Title 3 Water Quality and Flood Management on page 10. There was concern about the map, because the finished product had not been completed, but it was in the works and would be coming out shortly. Certain jurisdictions felt that they had already done the work on their own individual plan and wanted to make sure that language of Section 5 did not in any way displace what they thought was better language. They were looking at this intently to make sure that it was going to be basically parallel to some of the goals that they already had. There was some language in this title discussed from a biological standpoint, the necessary buffer for stream protection, there was a number given that was a scientific biological number of a 200 foot buffer. There were some inconsistencies in the present system right now in the different jurisdictions about what they considered to be a buffer, such as where the buffer was being measured from. Councilor McLain stated that there had been no alternative language offered at that point. Section 5, Fish and Wildlife Habitat Conservation area, this was some of the newest work being done in the region. There had not been a lot of work in this area as far as joint agency responsibility or joint agency background work. There was very high interest in looking at Section 5 and the Fish and Wildlife Habitat Conservation area.

4.1 Title: Retail in Employment and Industrial Areas

Title 4 on page 15, retail, industrial, employment, commercial zoning areas. One of the issues here was should this title be divided out and have a title that just deals with employment and commercial retail and a title that deals exclusively with industrial areas. Some of the conversation on that had been what could be done with just simply having better definitions, have both of them under Title 4 but have better definitions for what was commercial retail and what was being talked about regarding industrial. Councilor McLain asked if there were any questions on Title 4 or the amendments.

Council Analyst Michael Morrissey commented that Councilor Morrisette put forward some amendments on behalf of the shopping center group. The main discussion was about some language, whether or not there should be an exemptions map and they also considered raising the size of the retail establishment from 50,000 to 60,000 square feet. There was some conversation about the language, a suggestion to propose language to make it friendly to the notion that there could be some kinds of retail development. There was a memo from Larry Shaw to Councilor McLain, dated October 1, stating that there was a particular amendment proposed accepting the notion of the 60,000 square feet. Also, it spoke to the notion that part of the intent of this was where the people were coming from relative to the use of retail market areas. If there was any retail it should be available mostly for a local use only and not be going from very wide areas. Lastly, there was another memo from Larry Shaw relating to some points that Fred Meyer brought up, the main point being, to not necessarily use the notion of square feet as the limitation for size of a facility but consider the idea of a retail shopping area and where the population came from.

Councilor McLain commented that there was also a September 4th memo to John Fregonese from Larry Shaw regarding a Title 4 proposal and the attached draft proposal would request that Title 4 for Industrial and Employment area section of RUGGOs. She felt this contained some reasonable language which was reviewed by Legal Staff and Growth Management Staff, and believed this supported the RUGGOs and did a good job clearing up some language in this title. She further stated this item was something that would be put forward for clarification of some language and was doing a better job for supporting RUGGOs and the basic goals.

Presiding Officer Kvistad commented that updates would be given throughout the course of the discussions to keep every member updated.

Councilor McLain added a note to the audience that there were Councilors who were willing to discuss amendments and encouraged the audience to feel free to call and discuss any issues or concerns that they might have.

Michael Morrissey informed that the way he summarized these issues, each of those three amendments had some different aspects. The three things that he saw were, what was the purpose and scope of retail in industrial and employment areas. Second, should there be a cap on the size retail facility. Third, should there be a discussion or limitation or somehow could it be categorized from the area from which retail shoppers would come to this area, and was that a better option to use rather than a square footage cap. Finally, should there be a differentiation about how this title was applied to employment areas and industrial areas.

Councilor McLain continued on Title 5, Neighbors, Cities and Rural Reserves starting on page 16. The only comment that she had heard that was considered in the high category of controversy was, what was a rural reserve. There had been some discussion in the past. She believed that the Rural Reserve idea or concept had developed over the last 3 years in the 2040 Growth Concept and it was being addressed in a number of different ways. One of the ways Councilor McLain stated that she would bring this to their attention, was if recalled from Tuesdays Growth Management meeting, Executive Officer Burton indicated that he believed that any of the Urban Reserves that were not designated as Urban Reserves should be designated as Rural Reserves. That would carry out the concept of the 2040 Growth Concept as far as what was being attempted to be done with that terminology. The definition of the Rural Reserve had been questioned several times and was also something that should be looked at as they review Title 5.

Title 6, Regional Accessibility. She commented that the major issue that she heard was, how to define accessibility, how to define congestion and how to rank congestion and Standard Performance as it related to the Regional Transportation Plan. A comment that she heard was the RTP and the Functional Plan paralleled and worked together in such a way that was productive and had protected livability.

Michael Morrissey added that as this recommendation came from MPAC, they emphasized the notion that they had attempted to beef up the concept of mode split so that this did not just speak of cars and buses. They wanted to set some language in there that would highlight the notion of different kinds of transportation.

Councilor McLain continued with Title 7, Affordable Housing. This was one of the issues that people asked how they could be against affordable housing. The basic concept was agreeable, it was just how did this Title fit in with the rest of the Titles as far as the standards. She stated she had not seen any alternative language on Title 7 and the only amendment that she knew about was Mr. Morissette's amendment.

Councilor McFarland commented that she still had a problem with the definition of what affordable housing meant, what was it and for whom was it affordable and at what level. She recognized what Councilor Morissette discussed, the percentage, mean and medium of income. But she would like to see someone address the question of what was really meant when it was stated affordable housing and for whom.

Councilor McLain replied that she felt that was extremely appropriate, even though that was a big task, taking that on as a definition for Title 10. That might give some more ease to some of the communities of what was being headed for.

Presiding Officer Kvistad stated that one of the things to be recognized was that there were two big areas. One was the general policy discussion of the Functional Plan in general. There had been recommendations that had come in from individuals as well as the advisory committees, but the work product and the policy decisions on what the Functional Plan was, belonged to the Council. Second, the Council would be getting into the specific decision about the individual Titles and the specifics and amendments to them.

Councilor McLain stated that on page 23 on Section 3, Affordable Housing, it talked about manufactured housing. The Committee was trying to encourage manufactured housing having a fair and equal playing field. She referred to line 706 requirement A, which stated, requirements for a minimum of 5 acres to develop a manufactured housing park should be reviewed to consider a lesser requirement or elimination of a minimum parcel and/or lot size entirely. That was an issue that did not have clarity at the Committee level, and was something that someone would bring up at the Council level.

Title 8, was pretty much the same as it was. Title 9 was the Performance Standards.

Michael Morrissey interjected that Title 8 was the way that the local jurisdictions had 24 months to change their local regulations. This sets for some a way that exemptions could be processed.

Councilor McFarland asked for an example. She referred to, for instance, if there was an area in the city that had large lots but has an ordinance against flats, and asked if that was like what was being talked about here.

John Fregonese, Growth Management stated that the local jurisdictions had a lot of flexibility in how to meet their density. The Council had to review that plan and determine that they had met the standards contained in there. The facts would be reviewed and their compliance standard would be reviewed. It would be up to the Council to decide if they met the goal.

Councilor McFarland asked if that jurisdiction gave some reasons why they could not put all these people in there, and the Council did not feel good about their reasons, what could be done about it.

John Fregonese replied that the enforcement procedure would entail, first, mediation, then, there would be a hearing before MPAC, MPAC would give its recommendations whether you should proceed with enforcement or whether this was not a significant difference. Whatever the result was, it would come back to the Council, after those steps, a court order would be obtained to require the re-zoning.

Presiding Officer Kvistad commented that Council would make the decision but MPAC would be the one that would act as a buffer to have those discussions. If some of these could be dealt in partnership it would be the best solution.

Councilor McLain stated that she hoped that Section 5, lines 820-833, the Compliance Plan Assistance would not be forgotten. It was stated that if there were disagreements, it had been said that the Committee would try to work through with them and help them to figure out how there was a compromise available that would suit both the Performance Standard and the goal.

4.2 Title: Performance Measures

Title 9, Performance Measures. The Committee agreed that it was important to set out a process of what could be done to make sure that the performance measures were adopted. Title 9 gave some measurements that were listed 1 through 6. There was a very set idea of what those measurements would be. Section D, on the Use of Performance Measures on page 29. This gave a timeframe of how this would work and indicates that by March 1st of every other year, beginning March 1, 1998, the Executive Officer would report to the Council an assessment of the Regional Performance Measures and recommend corrected actions as necessary consistent with the Metro Council policies and the 2040 Growth Concept. He gave a reference of how that would work and keep it consistent with the process in place.

Title 10, Definitions. What had been discovered was that more definitions were needed. It had been requested that some definitions be added.

Presiding Officer Kvistad commented that this would be a place where Councilor McLain would want to spend some time explaining the boundary, all the basics would be discussed in the work sessions.

Councilor McLain commented that the maps and the tables were interesting, and there were a lot of issues about them. The only map that she had heard of recently was looking at the Portland Central Eastside not being on the Functional Plan Title 4.

John Fregonese conveyed that the Central Eastside was part of the Central City Plan and on the big map they had designated the entire Central City as one designation because it was very small and there was a lot of complexity in that plan. For example the industrial area was a few blocks east and a few blocks west of Grand Avenue and MLK.

Presiding Officer Kvistad asked Councilor Washington if he had any questions regarding the first couple of Titles.

Councilor Washington replied that he did not at this point.

John Fregonese commented that the best thing that could be done was to answer specific questions that came up. The areas that had been most controversial were the targets for the cities. There was some dispute as to whether or not they could meet those targets. Those targets were not at this time forecasted for a zoning capacity. He further commented that there would be some refinement debate about the parking, Title 2. It started out as reducing parking minimums and whatever debate there was, if you listen, there isn't much debate that we should reduce parking in this region, that's a ballot regional goal. There was the DEQ issue, in terms of those parking elements, the need to get down to the DEQ level so they could be able to effectively implement their air quality reduction. The parking maximums, there was a debate on whether or not there should be maximums. He further stated there are going to be maximums and where those maximums should be applied. There are some distinguishing areas there. There are a lot of maps available to show specifics during the hearing to see the evolution of the map in comparison with some of the earlier versions. That was going to be a complicated issue. There would be discussion on 20 minute transit and designs types and some maps would be designed to show what the distinguishing areas were.

Councilor McLain commented that people had been getting calmer about that. They want transit service available and they want to make sure that the Committee understood that it was not in their area. It can't work unless that transit service was provided.

John Fregonese commented that it was hard to argue with that point. Title 4 was controversial in terms that one thing that had been portrayed was that some of this was a ban of big box retail and it was not. It was really trying to decide where big box retail should go. There was real consensus that it should not be in industrial areas. He stated that he had not heard a lot of dispute about that. The argument would be over the

employment areas and what the retailers role will be in the employment areas. The concept that was worked on and given to Councilor McLain was starting for the first time to differentiate between industrial areas and employment areas. He felt that was a helpful policy tool to be used in resolving this dispute.

Councilor McFarland asked how to decide what was what. She further asked what the differences were between the employment areas and the industrial areas.

John Fregenose commented that the employment areas were designated because they were not pure industrial, there was a lot of office park use, some retail use, there was some areas that were planned to have more retail and some areas still have retail banned. Some areas have recently moved to take retail uses out of the employment areas. For example Airport Way limited the retail to preserve it for jobs. The big thing about retail is, it can out bid any other competing use. They can pay more for land than office or industrial and they generate 3 to 4 times more traffic than a typical industrial or office use. They also displace land, there was nothing wrong with retail but it's just putting the right use in the right place. It was suggested that local governments should be told that if you are allowing it, continue to allow it as long as you know that you have the facilities for retail. If you plan this for industrial, but it's all going retail, check the facilities and make sure you have the transportation. If you don't allow it, then continue to not allow it unless you really want to change it to retail, in which case again make sure you can provide the transportation if you are going to do that, because it is a much different transportation scenario than if it was all industrial.

Councilor McLain pointed out that Mr. Fregenose left out one of the main messages that he usually gave which was, existing versus future.

John Fregenose concurred that existing was intended to permit retail where there was existing retail.

Presiding Officer Kvistad asked if there was one thing in terms of the Regional Accessibility section where there was some specific or general comments about the performance of these standards, anything that needed to be stressed.

John Fregenose replied that in terms of the Regional Accessibility, it would be important to realize the boulevard design requirement to consider different designs, but does not mandate those designs, and some people misunderstood, this does not mean that you have to put in benches. It means you have to consider all those things when you are doing a design. It does require consideration but it does not require any outcome. In terms of performance measures, the idea that Councilor McCaig had added in there was to tie a trigger between performance and adjustment of a Regional Plan. If that was going to be done it was important that the Performance Measure could be actively measured and could be as objective as possible.

Councilor McLain reiterated that there was a menu, the Performance Standard, and it could be reached in a number of different ways. Either through the design or through a combination of other local actions that would create that particular standard.

John Fregonese expressed some concern not to follow the path of the Benchmarks because it was a very different kind of issue.

Presiding Officer Kvistad asked in terms of Performance Criteria and Performance Options, when they're dealt with specifically, how would those be visualized and utilized to their best advantage. Secondly, how would work be done on the policy side to develop those options and criteria to make sure that they get in place.

John Fregonese replied that in terms of Title 9, it looked at what local governments were being asked to do. Maybe looking at their Urban Growth Reports and saying what do we expect to happen and then asking to be given some examples of things that we could measure and what we would do if we got it to a certain situation if we had more infill than we expected or less infill than expected, and how could that be used to start deciding when the Urban Reserves start coming in. A fairly logical choice and progression could be made going from implementing the 2040 Growth Concept to when the Urban Reserves start being urbanized.

Councilor Washington asked if he would state his toothpaste example again.

John Fregonese replied that the idea was that this was a every two year review of how the capacity of the Urban Growth Boundary had been used. If capacity was thought of as a store shelf, the next step would be to review it and see if it had gone according to plan. As an example it was expected that 42 percent of the employment would go through infill. It was expected 25-30 percent of residential use was to come through infill. The question was raised what if it was 40 percent, maybe then not as much would have to stocked as thought. Densities were expected to be an average of 6,200 square feet. The question was raised, what if one year it was 5,000 square feet, then not as much is needed to be stocked. The real variable there would be what growth actually was, because if fewer people come here you obviously had to stock less, even if you were meeting your plan goals. If more people came here, more would have to be stocked.

Presiding Officer Kvistad commented also in terms of review process, as the Urban Reserves and Urban Growth Boundary were being dealt with, it would try to be done on a two year cyclical review where every single year it would be reviewed and every other year there would be a process or mitigation if it was necessary.

John Fregonese commented the advantage of going to that type of cycle was not having to make such a big admission. If it was put to every 5 years, and it was short, the amount that had to be added was many thousands of acres. If it was done every two years, you could add a smaller amount, you could be more accurate, you could keep the boundaries

tighter so you could run on a closer market. It was a closer tolerance that allowed you to adjust it more finely.

Presiding Officer Kvistad interjected that as things progressed, about a month down the road, that would be part of the Urban Reserve discussion and stated that he would be bringing forward that proposal at that time. There would be a process in place that was not there now that would give some certainty about how to move forward.

Councilor Washington commented to Mr. Fregonese, that if the Council were to do what he suggested, it meant that they would have a very good idea of what was available right now and it would be an excellent starting point that would serve them well. If it could be done, what Mr. Fregonese suggested the Council ought to do, then it would be easier to understand why it could be so sure that it was possible.

John Fregonese replied that since 1990, there had been annual vacant land inventories of the region. Air photos were taken of the entire region, that are now digital, and then measured exactly how much land goes from vacant other uses and can compare one year to another on the computer and see exactly what happened between 1994 and 1995 and so forth. All the building permits could be obtained to place them specifically on the maps so it could be seen how the growth and densities affect an area. It was not perfect, by any means, but it could more accurately determine what was happening in the region. This had allowed the ability to make some of those forecasts, for example the 25 percent infill.

Councilor Washington asked if there was a margin of error there.

John Fregonese commented that the actual vacant land, whether it was buildable or not, there was more a margin of error. Within the whole region it was within 5 percent plus or minus. When you get to the actual building permits, you say the building permits were pretty accurate but they were probably more along 5 to 10 percent if you go to any individual jurisdiction. The building officials had to actively record the data and they had to send it to the Department of Congress right and timely. Some jurisdictions, when they get busy, put off doing that because it was not essential. The accuracy was as good as to be expected and certainly better than any other source.

Presiding Officer Kvistad stated that one of the reasons why computerization had moved so quickly in the Council Department was because the Staff was going to make available to Mr. Fregonese on-line and on his systems the software that would allow him to take a look at those scenarios.

Councilor McLain commented on the last conversation on review and mitigation. That was in it's rawest form of conversation currently. There were a couple of things that were heard from the Executive Officer and also from the Growth Management Committee, when the Urban Reserves were designated, the amendment process and the 5 year review were antiquated. So what was being said was that a process needed to be in

place to make sure that there was way to make adjustments or do mitigation if it was necessary. But if the job was done right and if the standards and capacity that were suggested in the Plan were met, mitigation was not necessary. She pointed out that taking it from a 5 year review to a 2 year review was the idea of not wanting a 'last lot' mentality. They wanted to make sure that there was a process put in place when the other became an antique. It was not to say that more chances won't be given or revisions to the Urban Growth Boundary than in the last 20 years.

Presiding Officer Kvistad interjected that he was dealing with the process itself, the actual discussion on that was outside of the Function Plan. Which was why he was stating that a month from now when this part was finished, he does not want to overlay it with the process work.

Councilor McLain replied that she was indicating that Presiding Officer Kvistad and herself might be a 1 and a 10.

Michael Morrissey commented that Title 9 was originally proposed by the Executive Officer and Councilor McCaig came in and made some changes. Title 9 talked about every other year there would be a report from the Executive Officer and then it talked about recommended corrective actions, if necessary, and what the range of those corrective actions were.

John Fregonese stated that the intention was, when a Performance Measure was adopted, the Council would adopt policies on what to do in certain situations. It was noted that it said, recommended corrected actions were necessary, consistent with the Councils' policies, so that the Council would have some policy decision to decide if something was an appropriate action.

Presiding Officer Kvistad pointed out that was what he was saying, that currently that process was open and those policy decisions were yet to be made but they would be dealt with as the Council moved through these items.

Councilor McLain commented that it also dealt with the concept that master planning had to be there to show that the Urban Reserve was ready and that was another related element.

Presiding Officer Kvistad added that what was talked about when dealing with litigation was a two year cycle. It was possible within the framework, that, the Council might be able to do something proactive by knowing if there had to be a mitigation or a move to have a competition for vast projects or things that would really best represent the total 2040 long-range vision. It was not necessarily that the door be opened and here was where we will land, it gave a framework to be proactive, bring people to the table and build new types of urban forum.

John Fregonese stated that there was a fundamental change that was on the verge. In the 18 to 19 years that the Urban Growth Boundary had been in effect, Metro had been a passive recipient of Urban Growth Boundary amendments. Either now or in the near future, Metro will have to be the proponent of the amendments of bringing in the Urban Reserve. Designating the Urban Reserve is the first step, the second step would be deciding how well it was going and the third step would be actually deciding to do it.

Presiding Officer Kvistad commented that was one thing that the Council was aware of. The shift of the new charter with the powers of decision coming to the Council, going to the 7 people that were sitting at the desk, really do change the dynamics of what the Council is all about. Presiding Officer Kvistad asked if anyone else had any questions or comments. He asked Mr. Cooper to give an overview of the legal process.

Dan Cooper, General Counsel communicated on the amendment process. The Committee recognized that the document was not in final form from their point of view, there was some unfinished business. He knew in all likelihood after the public hearing process some or all of the Council may want to propose amendments. The ordinance the Charter required was that you not adopt it at any meeting at which it was amended. In order to meet a deadline or proposed deadline of adoption of the 24th of October, the amendment process needed to be done by the 17th to be able to put forth a completed version of the Ordinance as amended by the 24th, when final action takes place. For the Committee the General Counsel Office prepared a clarification of what had come out of MPAC. A long series of technical amends were done, trying to make sure the document hung together and was legally consistent from one title to another, and that the titles actually achieve in language what the stated intent was. Further, possible clarifications would be worked on because they most likely would be needed and at the same time the policy amendments that any of the Councilors wanted to propose. They would be encouraged to contact Mr. Cooper or Mr. Shaw and let them draft those amendments so that they were consistent with the rest of the document. If the Council adopts any of those amendments they would be prepared to speedily turn that into the final version of the Plan after the 17th.

Presiding Officer Kvistad reiterated that any amendments would need to be moved forward by the 10th so that there was a week prior to the adoption to make sure they were fully noticed and out so that copies could be made.

Dan Cooper stated that if any of the Councilors had any amendments that were needed to work on for the public hearing process to let him know.

5. Wrap Up

Presiding Officer Kvistad asked if there was anyone present in the public audience who needed to testify now due to time constraints. Presiding Officer Kvistad asked Mayor Gussie Roberts to come forward and testify.

6. Adjourn

Prepared by

Chris Billington
Clerk of the Council

Millie Brence
Council Assistant