

MINUTES OF THE METRO COUNCIL MEETING

September 12, 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 2:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Mike Burton noted he had attended the Railvolution Conference. He presented Jennifer Sims, Metro's CFO, with an award for excellence. Metro has been awarded a Certificate of Achievement in Excellence in Financial Reporting given by the Government Finance Officers Association in recognition for the excellence of Metro's financial report for FY 1994-1995.

4. METRO AUDITOR'S FRANCHISE MANAGEMENT REPORT

Alexis Dow, Metro's Auditor, thanked the Council for the opportunity to present the recent review of the Regional Environmental Management Department's Franchise Management. She acknowledged Mr. Leo Kenyon, Lead Auditor covering Solid Waste issues. She noted that Metro is currently administering 21 franchises and licenses for privately owned solid waste processing facilities. These facilities receive solid waste, process it for recovery and transfer the unusable waste to landfills for disposal. Franchise and licenses for additional facilities are pending. These franchises can have a significant financial impact on Metro's transfer stations, solid waste review fund and the general fund. Staff have estimated that four new recovery facilities could cost Metro \$2 million in lost revenues annually. This review was part of the annual audit plan. The Auditor's objectives were to evaluate how well the franchise and license provisions of Metro's Code serve Metro's policies, identify any changes that need to be made to Metro's Code to eliminate inconsistencies and to evaluate the administration of franchise and licenses by Metro various departments and divisions. The Auditor's Office found several areas in need of improvement. (She noted the handout, enclosed in the permanent record, that lists the findings of this audit.) She reviewed the findings indicating that the franchise provisions of Metro's Code need to be overhauled; that questions regarding vertical integration need prompt resolution. that franchise transfer provisions in the Code need clarification and that franchise oversight provisions need revision. To address these issues the Auditor's Office has developed the following recommendations, that Metro Code's Franchise Provisions be comprehensively revised, that the Council reaffirms or modifies franchise provisions relating to vertical integration and strengthening the regulation system of Metro authorized facilities

including development of oversight procedures for them. She added that these regulations were first adopted in 1981 and many of them remain unchanged. There has been a need for the past five years for revision of the Code provisions covering the facilities to reflect changes which have occurred since that time. The existing Code provisions are adequate for approving the current applications if the Council continues to grant variances to the Code. However, a comprehensive update of this Code is in order.

She acknowledged that the department staff are committed to revising the provisions and they intend to develop these revisions while discussing policy issues with Council and other effected parties. Of particular concern to Metro is the potential negative effects of vertical integration in the solid waste industry. Vertical integration is the control by a private firms of two or more of the functions in the solid waste system, i.e., collection, processing, transfer, hauling and disposal. There was a fear that through vertical integration a single company could dominate the solid waste industry adversely effecting the public through higher than market prices, deteriorated services or both. The advisability of continuing this policy has been brought into question. The new Regional Solid Waste Management Plan, which was issued in January of 1996, suggests the policy may need to be changed to help developed mix dry waste recycling facilities (MRFs). Several Metro officials have agreed with this observation and question whether the reason for the prohibition against vertical integration is still valid and whether or not the provision in the Code concerning this should be modified or eliminated. Variances to vertical integration have been granted and several franchise applications contain requests for the same variance. Some concerns have been raised about granting these variances. There is a potentially adverse effect that the vertically integrated facilities may have on prices and services, on the solid waste system and Metro's revenues.

The Auditor is recommending that the Executive together with department staff promptly present findings, conclusions and recommendations to the Council seeking resolution to these questions on whether or not variances to the vertical integration Code provision should be continued. Related to this issue is the need to clarify transfer provisions in Metro Code. At least one change in a franchise ownership resulted in an acquiring company becoming much more vertically integrated because it controlled all of the primary functions of the solid waste system. According to Metro's Legal Counsel, the franchise between Metro's and the franchisee had not been transferred or assigned, therefore, the consolidated company was not obligated to file a new application which would have required Council review and approval. Metro's General Counsel and several of the Regional Environmental Management Department staff told the auditor that it may be desirable to review changes in franchise ownership to prevent harmful aspects of vertical integration. General Counsel said that franchise agreements could stipulate that a change in ownership requires Council approval. The Auditor recommends determining if franchise agreements should require changes in franchisee ownership to be treated as transfers under the Code and thereby necessitate review and approval by the Council. If this is the decision, both the franchise agreements and the Code should be clarified.

Lastly, the review addresses the oversight of the existing franchises. Oversight has been lax. Problems have included insufficient levels of review which lessen the assurance that franchisees and licensees comply with the terms of their agreements and in attention to administrative detail which has caused some franchises agreements to lapse and has caused bills for franchisees to be submitted late. The Department staff is working on correcting this problem including several field inspections, investigations and analysis of financial data. The Department does not yet have a comprehensive program for this oversight but the recently appointed franchise administrator is developing an operating plan to monitor the regulation of franchisees and licensees. The Auditor recommends that this program include a tailored, oversight program for each facility, establishment of a formal inspection program, a requirement for annual physical inspections and the use of appropriately trained staff, i.e., accounting, solid waste enforcement unit, legal staff as appropriate for different aspects of the program. She also recommends that the responsibilities for each of the

Metro's departments performing these inspections be clearly defined and communicated to the departments so that any changes in staff do not cause the program to be adversely effected.

The Auditor has reviewed the findings and recommendations with the Executive and have his concurrence and commitment to address these matters.

Councilor McCaig asked the Presiding Officer if the Council was to do something with this report now and does this have a direct bearing on what is upcoming on the agenda? She was curious about the timing of this report with approximately 4 franchisees already having been approved and another 4 pending approval. She is unsure where the process begins that the applications which have been approved will be reviewed under the Auditor's concerns or whether there is a hold put on doing future applications.

Presiding Officer Kvistad responded that it does not necessarily have a direct bearing on the agenda item but rather the report is submitted to the Council. What the Council will do is to have a discussion at the Solid Waste Committee as to what the Council can do in terms of implementation or if there are some policy changes that would need to come as a result of this audit. It does not necessarily reflect on the action item on the agenda but it can be taken into account as the Council discusses that action item. Presiding Officer Kvistad indicated that there would be debate at the Council level and with staff to talk about what is appropriate and how to deal with this because it does look as if Metro is beginning to transition in terms of the role and function and in terms of other operations that may becoming forward that will change the basic mission.

Councilor McLain explained that in response to the timing of this issue she knows that this has been on a list as one of the areas of interest that some of the Councilors have had for over two years. Councilor McFarland and herself have ask again and again, how long do we do variances before an overhaul of the Code is done? This is not a new issues. Councilor McLain said she was extremely pleased with the timing of the report.

Councilor McFarland reviewed the franchisee process as far back as when Mr. Irvine's request at Wilsonville was granted. She indicated that Metro was already caught up in the business of "you have to do it for them because you did it for the other one". She informed the Council that what Metro had been doing is making policy by granting variances as new franchisees are considered. The problems have been several fold, one being, that there has been turn over and upheaval in the Solid Waste department itself. What the Auditor has accomplished is to pointedly bring this to the Council's attention. It is a situation of changing the Code or adhering to the Code. This will come up when the Council talks about the variances being proposed for the MRF on today's agenda as well as the future ones. At some point we will need to come to terms with the reality that we either need to do this or we don't by granting a variance every time a MRF is proposed.

5. CONSENT AGENDA

- 5.1 Consideration of the Minutes for the September 5, 1996 Metro Council Meeting and Work Session will be delayed until the September 12, 1996 Council meeting.

6. INFORMATIONAL PRESENTATION

None.

7. ORDINANCES - FIRST READING

- 7.1 **Ordinance No. 96-653**, An Ordinance Amending the FY 96-96 Budget and Appropriation Schedule for the Purpose of Transferring \$73,798 from the General Fund to the Construction Account of the General Revenue Bond Fund for Building Improvements necessary to Accommodate Additional Office Space Needs of the Open Space Program and the Transportation and Growth Management Departments and Declaring an Emergency.

Ordinance No. 96-653 was assigned to the Regional Facilities and Finance Committees.

8. ORDINANCES - SECOND READING

- 8.1 **Ordinance No. 96-649**, For the Purpose of Granting a Franchise to Oregon Recycling Systems for Operating a Solid Waste Processing and Recovery Facility.

Motion: **Councilor McCaig** moved the adoption of Ordinance No. 96-649.

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

Discussion: **Councilor McCaig** indicated that this is an ordinance which authorizes the Executive to enter into a franchise agreement with Oregon Recycling Systems to operate a MRF. It is the result of 56 different haulers, small and moderate size haulers working with Metro for the last two to three years to come up with a proposal that would allow them to compete with the larger franchisees. There was some controversy about the variances at the Regional Environmental Management meeting. It was passed out of committee on a two to one vote. There have been some questions about whether, as we go through this process and approve the facilities, we will see a loss in revenue of both excise tax and solid waste revenue as a result of this. They estimate we could lose as much as \$1.3 to \$1.5 million in revenue and \$250,000 to \$300,000 in excise taxes if and when all of these are approved and functioning. She noted that the Auditor said that we need to look at the variances and look at the long term impacts on the system. However, this proposal is modeled on the three that have been approved thus far and she believes that it does meet the goals of the solid waste system in that if they are all approved ultimately we will have 140,000 more tons of garbage processed than we current do. This meets the broad term goals for the agency.

Andy Sloop, Franchise Administrator for Metro, spoke of the role of these types of facilities in the system, the authorizations that the proposed franchise agreement would grant, the financial impact and the variances. The role of MRFs are an important element of Metro's recently adopted Regional Environmental Management plan. If the current and anticipated applicants are franchised they would recover an additional 60,000 tons of materials from the waste stream, providing recovery services for businesses, construction and demolition waste generators and help manage growing waste stream in a way that does not required additional transfer stations and provide services close to where waste is generated. Under this proposed franchise, the franchisee would be authorized to receive 38,000 tons of mixed dry waste and an unlimited quantity of source separated material. The expected recovery is at least 45% of the mixed dry waste which would mean a minimum of 17,000 tons of additional recovery. This facility would have an impact on Metro's transfer stations as well as non-Metro disposal facilities. There would be approximately a 28,000 ton reduction and flow to Metro Central, 13,000 ton reduction to South and approximately 6,000 ton reduction to non-Metro disposal facilities. However, it is believed that this would occur regardless of the location of this facility because of the competitive nature of the market place. The system is privatizing and an increasing amount of material is being recovered by private facilities.

With regard to the revenue Impact, it is estimated that this facility would result in a \$580,000 to \$750,000 revenue impact and \$130,000 to \$150,000 excise tax impact dependent upon

the level of material recovery. The cumulative impact if all of the facilities that are in the pipeline are approved and developed as proposed would be \$1.5 million to \$1.7 million revenue impact and \$320,000 to \$350,000 excise tax impact. He noted that this facility has been cited as a recycling facility in the City of Portland, it was an issue of concern at the REM committee meeting. This City of Portland's determination was based on the representation of the applicant, that the total site residue was no more than 20%. Since Metro will be collecting data on this facility, data would be shared with the land use officials so that they could monitor that condition of the land use permit. The facility is not aligned with a landfill it is soliciting bids to manage the residue. This is a little bit different than those facilities who are more vertically integrated and are aligned with landfills. Mr. Sloop addressed the point raised in the Auditor's report regarding ownership, there is a clause in this agreement which requires Metro approval before the limited liability corporation that would own the material recovery facility could be sold or transferred.

The applicant requested 3 variances. First, a variance from Metro rate setting authority, the second, a variance from the code restriction on accepting a waste from non-affiliated hauling companies (this is the so called vertical integration variance), and, third, a variance from the code requirement that would allow Metro, upon termination of the franchise to force the sale of the facility to a new franchisee or require the owner of the facility to accept a new franchisee as its tenant.

On the first variance, it is believed that the intent of the rate setting authority under the code is to deal with potential rate issues in a monopoly type of environment or an environment which there is limited competition, this is not the current environment in the solid waste system today. REM believes that in this type of competitive environment setting rates for these types of facilities is not necessary. On the second variance, this is intended to maintain an adequate level of competition in the system so there is system stability and good rates. It is a competitive environment today and REM believes that the facts with this facility are the same as the preceding facilities that have received this variance. This facility should therefore receive the same variance. REM's position is that it is a variance. If the facts were different in these classes of facilities or from one facility to the next, then REM wouldn't be recommending that the same variance be granted. The facts are the same for this facility as they are for previous facilities, it is a competitive environment.

On the third request of variance, which is the ownership issue, this was designed when there were fewer facilities in the system and there was fear that the system would be held hostage by a potentially bad operator. Again, in the current environment, there are adequate safeguards.

Presiding Officer Kvistad noted that this was the market place argument.

Councilor Morissette summarized by saying that it seems that we are going to reduce our revenues but are going to increase staff to manage this. What has been the process that the solid waste group has gone through to try and reconcile that?

Andy Sloop responded, the department recently submitted a draft business plan that was developed by the department managers in conjunction with consultants that was submitted to the Executive Officer. It is an evaluation of department's priorities and includes a recommended reorganization and will be included in the upcoming year's budget process in response to the Auditor's report which identifies some of the staffing requirements for this. REM is anticipating a need to add staff to manage this function. The business plan addresses this.

Councilor Morissette noted that the Council doesn't have the business plan right now so he concluded that the process to this point is that we won't reduce staff and figure another way to operate this, we are going to increase staff plus reduce our revenues so we will be having to ask for a higher tipping fee out of something like this?

Andy Sloop added that we do have a number of unfilled FTE in the REM department at this time. The department has postponed filling these positions until the business plan is approved and the final decisions on the business plan have been made.

Councilor McCaig responded to Councilor Morissette's comments by saying that she did not believe that the intent was to add staff due to this specific proposal. The discussion that the committee continues to have is the broader question about MRFs in the system, the process, and the role they play within the REM Department. As that discussion evolves along with the Auditor's findings, we are seeing recommendations that there may be a need for more staff to manage the entire entity, the whole role of MRFs in the system, not specifically related to this proposal.

Andy Sloop affirmed Councilor McCaig's assessment of the situation.

Councilor Morissette acknowledged that he wanted to try and supports this proposal so that Metro can be in a position where we end up with more recycling in our system, but he also wants to ensure that as we go through with the business plan that, at least from his view, he does not want to add more staff. He doesn't mind transferring staff from one position to another to manage it but he does not wish to reduce our revenue and raise the costs to accommodate this process. He is hopeful to use the current level of staffing to solve this problem by reallocating some of the job titles rather than increasing the tipping fee.

Roosevelt Carter, Budget and Finance Manager from the REM Department, introduced himself to the Council.

Councilor McFarland reviewed the history of MRFs, going back to when the Council granted the Wilsonville franchise, she voted against this one too. This action is not aimed at a particular MRF but rather because Councilor McFarland believed at that time that there was a need to revamp the Code and have the Code set up so that when we talk about a MRF we talk about the one that we are going to do. The reason why the majority of the Council voted for the MRF was because they were reminded by Councilor McLain that we had already granted one therefore we could not refuse another. This is what is being done every time we allow these MRFs to come through with variances that supposedly are for only that particular circumstance. These become a part of the subsequent history of which people rightly say, how can you turn this down when you've already granted it to others. Councilor McFarland doesn't believe this is a bad plan but rather that there should be a moratorium on MRFs until Metro addresses the Code. When she proposed this she was met with considerable opposition. There needs to be a discussion. Now there is the idea of a template and there was a promise that for those who were already approved it would be an even playing field for everyone. Mr. Irvine specifically asked this question and was referenced on that. Every time we let one come through with all the variances we are saying that we are opening the doors wider and wider to anybody that comes through. She is not concerned about taking away business from one facility to another because a part of what needs to be addressed here along with where and how we want to regulate the MRFs, is how we are going to end up charging, who we are going to have pay for our recycling. Metro does not receive anything for the 80% that is being recycled. Metro gets paid only for the residual. There is a cost somewhere. It is not free and we can not go without some regulatory action toward them. The cost now is being born by the people who pay at the

garbage can to have their garbage sent to the Sanitary Landfill or Transfer Station. Maybe the people want to pay for this but we haven't asked the public? She acknowledged that she was going to vote against the resolution because she believes that we must address this at some point. Now that there are four to be opened and four more in the pipeline, we may find it hard to close any doors at this point.

Councilor McLain asked what was the timeline on the business plan for bringing it to Council?

Roosevelt Carter responded that a draft of the business plan has been submitted to Mr. Burton and it is now up to Mr. Burton to look at that plan and determine how he wishes to bring it to the Council and how he wishes to handle the plan. He noted that the solid waste industry is changing and there is need to respond to that and trying to get ourselves organized. Once Mr. Burton has completed his analysis he will be discussing this with the Council. Mr. Carter was unable to give a specific timeline.

Councilor McLain asked that Mr. Carter find out from the Executive Officer if there is a timeline to be had. Secondly, there has been a commitment to individual Councilors on the REM Committee and now to the Auditor, that the Department is going to respond on a total Code review. She then asked what the timeline would be for the total Code review and what commitment was made to the Auditor? The commitment made to the Council has never been tight enough to have the Council receive a product.

Andy Sloop responded that REM had committed to the Auditor to submit a proposed revision to the Solid Waste Facility Regulation chapter of the Metro Code and other pertinent parts of the Code by June 30, 1997. Mr. Sloop has been working on a plan for doing this, have developed some preliminary teams to work on this, as well as a series of questions to address as part of that. He indicated that REM is committed to bringing something to the Council by June 30, 1997.

Councilor McLain noted that everyone of the MRFs have been told up front that as we review the Code, the variances, the template, that there will be some retroactive refitting. Is this correct?

Andy Sloop concurred, that is what all of the MRFs have been told. Mr. Sloop recently submitted a written request to legal counsel for an official legal opinion about the extent of Metro's authority to do this.

Councilor McLain requested that within this timeline and review of the Code, there be some part of the work plan to address exactly what that means as far as what the retrofitting would take on, variances in the four MRFs that have already been completed or are on board?

Andy Sloop responded, at this point in the plan there is a vague note to deal with the retrofitting issues after the Code revision process has taken place. He did not see it to be an internal part of the Code revision itself, it would be something that would happen after the revision has been approved.

Councilor McLain asked why wouldn't it be part of the revision? If you are going to review the Code there needs to be some Code language changes that deals with transitional issues. Councilor McLain would like to see those transitional issues as part of the work plan.

Presiding Officer Kvistad spoke for staff indicating that there is a difference between the business plan and the policy development aspects. Code revisions deal directly with Metro's

policy decision that deal with the Code and that debate can begin in the REM committee at any time the Council chooses.

Councilor McLain said that the June 30, 1997 date was supposed to be for the review of the Code. So her request had to do with the fact that by June of 1997, she would like to have some analysis done in that review of the Code on what it would take for retrofitting.

Andy Sloop indicated he would explore Councilor McLain's request further and get back to her about what makes sense in the context of that process. He is not clear from an administrative or legal stand point how that process is going to work, what it is going to entail and when the most appropriate timing for it will be. This will require further research.

Mr. Carter noted that as REM proceeds through this process, we don't anticipate redrafting that whole section of the Code, REM intends to work with the Council as they go through the whole process so if there are questions that the Council might have about any particular franchise, REM can work through these with the Council to get REM to the point that there is a completed draft.

Councilor McFarland gave a different interpretation of what should happen. She believes that when the Code is redone, some of these issues will be right in it. At that point when it comes up and Metro is in the process of reviewing it and redoing it, if there are people out there who believe that Metro is doing badly and may not be in agreement as to what that will do to their franchise, she believes we will hear from them during the process of redoing the Code. They won't wait until we are through. She believes these issues will be faced as the Code is being redone.

Councilor McCaig asked who the three franchise agreements are that we have already approved?

Andy Sloop responded that we have existing franchises with East County Recycling, Pride Disposal, Waste Tech, ERI, and WRI. There is another facility which has been franchised and has applied for renewal called Marine Drop Box. In the more recent crop there are the two KB Recycling facilities, a Waste Management facility, Oregon Recycling Systems, and a letter of intent from Sanifill for a MRF at the Hillsboro landfill.

Councilor McCaig noted that the specific proposal on the agenda is unique in the way it came to Metro, you have small and moderate size haulers who have come together and worked with Metro for the last two years to try to put together a proposal which is distinctly different than some of the other applicants. As a result of this, Councilor McCaig wished to focus on that franchise proposal before Council today in the hopes that the larger policy questions will be worked out and the role that MRFs are going to have in Metro's system.

Presiding Officer Kvistad concluded that the Council is concerned and interested since Metro is transitioning and so as this proposal comes forward this is the natural opportunity to at least, as a Council, start to address these concerns.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 96-649 at 2:50 pm.

Mr. Bryan Engleson of Oregon Recycling Systems, 9817 East Burnside, Portland. At first reading of the ordinance passed out the brochure (attached in the permanent records for the meeting). He spoke of the Portland Recycling Service Center instead of a MRF. He reviewed the brochure, noting the graphics on the back which are the individuals and

companies represented in this application. They are very proud that this is a grass roots movement led by Portland Oregon businessmen and haulers. He read the summary on the back of the brochure.

Presiding Officer Kvistad closed the public hearing on Ordinance No. 96-649 at 2:55 pm.

Councilor Morissette clarified that as we reduce our revenues for this recycling plan which he believes is good, that we be careful that we also find entrepreneurial ways internally at Metro so we don't end up having to raise our tipping fee to the customers.

Presiding Officer Kvistad noted that he leans towards privatization of components of the solid waste system. He believes that this application shows the Council what a team of private individuals can accomplish. This is in the best interest of the region. He also has concerns about Metro's long time partners and other franchise vendors as we transition into a different form of solid waste system, from that which we have had that we make sure that we are very careful and aware of the ramifications of this change. As we move forward step by step, we watch specifically the policy points that we are going to have to deal with during that transition time. He asked Councilor McFarland and her committee to begin to review the Auditor's recommendations and begin a discussion about general policy points that we might want to request of staff.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McFarland voting nay.

9 RESOLUTIONS

9.1 **Resolution No. 96-2382**, For the Purpose of Confirming Appointments to the Employee Salary Savings Plan Advisory Committee.

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2382.

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

Discussion: **Councilor Monroe** indicated that the appointees to the Employee Salary Savings Plan Advisory Committee were Kathie Brodie, Bruce Burnett, Andy Cotugno, Howard Hansen, and Gerry Uba. He urged the Council's support.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10. COUNCILOR COMMUNICATIONS

Presiding Officer Kvistad noted that the Council had received a fax from the Coalition for Livable Future talking about religious leaders that are coming to testify at the public hearing. Some of the information in the fax he found a bit disturbing but he wanted to address in general terms rather than in specifics but he believes as we move forward in this we may wish to read very carefully and take them into consideration.

Presiding Officer Kvistad declared that the Council was in recess until 5:20 pm.

11. PUBLIC TESTIMONY - ORDINANCE NO. 96-647A, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 96-647a at 5:30 pm.

Presiding Officer Jon Kvistad opened the Listening post (Public Hearing) on Ordinance 96-647A as amended to date.

Councilor McLain reviewed for the audience that this is the second hearing. Metro Council Growth Management Committee has been working on these issues for over eighteen months to two years. A number of advisement groups, working with the Committee, have provided valuable input. These have included local officials, representatives of special districts as well as individuals from the various cities have all been involved in such committees as JPACT, MPAC, MCCI, MTAC as well as WRPAC. In the last public hearing 24 citizens testified regarding their opinions regarding these matters. Written testimony will be accepted through September 24, 1996.

Presiding Officer Jon Kvistad commented that he had some deep concerns about what the Functional Plan does and what it will mean to the people of the Metro Region. If what Metro Council puts together is not carefully crafted, the ability of many people of the region to own homes could be eliminated.

Presiding Officer Jon Kvistad stated that the process to be followed by the Council after this public hearing would include entry into the record of all public comments, verbal or written; all amendments will be documented and placed into series by title; each amendment will be considered by Metro Council.

Corinne Weber, 6245 SW 39th Avenue, Portland 97221 and representing Hayhurst/Maplewood Neighborhood Association. The constituent stated that she is in favor retaining the UGB in place without expansion. She further stated that she is heartily in support of the Metro 2040 plan. She voiced her concerns about the implementation of the 2040 plan as it relates to SW Portland and the Hayhurst/Maplewood Neighborhood Associations in particular. Planning from the City of Portland has proposed upzoning some of the neighborhoods, moving the zoning from R7 to R2-1/2 in single-residence neighborhoods. While the 2040 Plan supports upzoning neighborhoods, exceptions need to be made in the single-residence neighborhoods which have been established over a period of many years. Upzoning would dramatically change the character of the neighborhoods and greatly increase congestion on the neighborhood collector streets which are not much more than country roads at this time. She recommended that an attempt be made to retain the character of these neighborhoods of single residences through the use of Accessory Unit Chapter in the code. She presented her suggestions to the clerk for compilation in the written testimony.

Paul Gleason, 7628 SW 36th, Portland 97219. The constituent stated that he likes the way that Metro asks cities within the Metro boundaries how many additional people they would be willing to take out of all the influx that is coming in. He stated that, in retrospect, he wished that this process had taken place at the neighborhood level as well.

The Honorable Jim Nicoli, Mayor the City of Tigard. The City of Tigard's staff forwarded a letter to Metro Council which is included in the permanent record of this meeting. Mayor Nicoli shared his concerns regarding matters of cost. Two levels are operative in this contingency: First, the enforcement and monitoring of the Functional Plan costs a great deal of money and he stated a degree of uncertainty as to how the costs will be split by Metro and the local governments involved. Metro needs to talk to the three counties in order to both identify the costs to be involved and how they will be shared. The second part of the cost is that the Functional Plan has crossed an imaginary line and has gone from a general oversight document to more of an active planning document. Once this line has been crossed and greater specificity is contained in the attendant documents, the entire process has been opened up to expensive appeals.

Mayor Nicoli also discussed the issue of variances. A document, no matter how well-wrought, will not fit all possible eventualities. The Tri-County region is very diverse. The issue becomes 'what happens when we adopt your standards into ours, someone comes to us and says we want to apply for a variance.' Everything contained in the document can be the subject of a request for a variance. The document, as it is currently written, does not address the diversity of the region especially well. Mayor Nicoli stated that he would like more flexibility in the document as well as an acknowledgment that no two cities in the Tri-County area are the same. They all have individual problems and individual directions in which they would like to move. In order to keep a healthy region, you must allow this. The current Functional Plan does not do this.

The Honorable Rob Drake, Mayor of the City of Beaverton. Mayor Drake spoke on behalf of the Washington County Coordinating Committee and the City of Beaverton. The Committee and City of Beaverton are in general support of the Urban Growth Management Functional Plan. Mayor Drake submitted two letters relating to the Urban Growth Management Functional Plan from both the Coordinating Committee and the City of Beaverton. The minimum zoning densities as defined will be problematic for local jurisdictions. All zones allowing residential use will be required to meet the 80% density requirement. To be preferred is a performance option that allows local jurisdictions to accommodate their fair shares of growth in a manner they determine appropriate. The Urban Growth Management Functional Plan's parking provisions continue to be a concern. Proposed changes in the language would address these provisions in a better manner and these are contained in the written testimony submitted. The Urban Growth Management Functional Plan relies heavily on mass transit to support the proposed system design and land use changes. Great reliance is placed upon transit planning for success of the Urban Growth Management Functional Plan. Transit funding will need to be better defined and assured. Finally, the performance measures section is premature because the framework plan will not be completed until December of 1997, and the cities and counties will not be required to be in compliance with the plan for another two years after that. A more appropriate time for approval of this aspect would be at the conclusion of the regional framework plan process. Additionally, concern was expressed about the cost of recording, evaluating and documenting compliance. All cities in the region, according to Mayor Drake, are concerned about the cost of this performance measures section of the document.

The Honorable Jerry Krummel, Mayor of the City of Wilsonville. Three issues were discussed by Mayor Krummel, contained in full in written documentation which is a part of this permanent record. Early implementation of the 2040 Plan is supported in order to minimize the unnecessary conversion of rural lands. Wilsonville strongly favors the use of the performance standards approach to evaluate and all implementation steps taken by local governments. Wilsonville further believes that the proposed regional accessibility standards are not appropriate as written. The Mayor stated that his community would do their part to achieve the overall density allocated by the City but strenuously objects to having Metro dictate exactly what density will be required at any given location. Wilsonville already allows for mixed uses in a variety of locations and believe they will be able to meet the 2017 allocation figures. At the same, it might not be done in a exactly the manner envisioned in the 2040 Plan. The Mayor urged the Council to consider Wilsonville's proposed amendment which is attached to the letter submitted into written testimony this evening.

Wilsonville supports Metro's accessibility standards which focus concentrated development in concentrated activity centers and the preservation of access to these areas while maintaining reasonable levels of freight mobility. Wilsonville has significant warehouse and distribution facilities that serve the entire region. A street congestion analysis has been conducted and the city is convinced the local jurisdiction is best qualified to develop and monitor local street standards.

The Honorable Gordon Faber, Mayor of the City of Hillsboro, submitted a letter containing comments and suggestions that the City of Hillsboro has made regarding the Urban Growth Management Functional Plan. Hillsboro avidly supports the 2040 Concept Plan. The staff is

implementing many of the concepts that are in that plan. Hillsboro supports the objectives of the Urban Growth Management Functional Plan. Hillsboro is concerned about some of the detailed provisions contained therein. Hillsboro favors a nonprescriptive Functional Plan approach; that is, to give the city Functional Plan targets and then let the city do the actual implementation. Local flexibility is needed in order to implement Region 2040 concepts effectively. The Urban Growth Management Functional Plan should assure high levels of the best transit available before implementing certain specific functional plan provisions. A three-year rather than a two-year Urban Growth Management Functional Plan compliance is supported. This seems to be more or less universal among the cities and counties of the region.

Tim Erwert, City Manager, City of Hillsboro. Presented a letter to be entered into written testimony.

David Lawrence, Assistance City Manager, City of Hillsboro. Mr. Lawrence presented an informative slide show for Metro Council and the audience. Much public infrastructure has been accomplished by Hillsboro. A blighted subdivision was redeveloped, with a portion of it sold to Intel as well as to PacTrust. Intel is now building a large research-oriented facility there. Intel spends approximately \$1 billion per year with 2600 Oregon suppliers. The sale of the property to PacTrust allowed Hillsboro to enter into stationary planning around the Orenco light-rail station. In addition to those projects, the City of Hillsboro has done a significant amount of public infrastructure investment.

High-tech employment has become rather stable. This area has become a Mecca for the cutting-edge products that are being developed. Hillsboro has attempted to play their part in this industry. This has resulted in a fairly significant growth curve within the City of Hillsboro.

Wink Brooks, Planning Director, City of Hillsboro. Over the last few years, Hillsboro has been doing a number of things to help implement the 2040 concepts even before the concepts were a gleam in anybody's eye. A short list would include the station-community plans that will serve light rail; the comprehensive plan designations have been adopted and zoning specifically for the Orenco station has been approved and is now under construction. 2017 Growth implementation has been adopted. Recently, transportation planning rules have been adopted. A natural resources inventory has been completed and the natural resources management plan will be completed in the next year. Successful work has been completed with Washington County to keep its center of government in downtown Hillsboro to support the Hillsboro Regional Center. Flag lots have been allowed for years--some communities do not allow these at all. In the low-density residential zones, Hillsboro has allowed 20% duplex lots to create more density without having to go to an overall smaller lot size. Hillsboro allows those lots to be split down to 3000 square feet or smaller to create some alternative housing types. Duplex zones have been recently amended to provide increased flexibility. Two town centers, one at Tanasbourne and one at Orenco are planned. Hillsboro has received a transportation growth management grant to look at the main streets of Hillsboro and identify two potential main streets. A grant has been received to connect a pedestrian/bicycle path underneath Sunset Highway at Rock Creek which will connect the Rock Creek neighborhood. Mr. Brooks requested additional time to comment on various issues as well as to prepare additional written comments.

Commissioner Judie Hammerstead, Clackamas County. Testimony addressed Clackamas County's support of the Urban Growth Management Functional Plan. She supports all means of efficient land use currently within the Urban Growth Boundary in order to prevent premature expansion. Clackamas County desires to be in compliance with the target numbers that have been provided by Metro. Errors have been made on Table I regarding Clackamas County. These need to be corrected so that accurate figures are available in the beginning of the process so that obligations of each local district are clear. Commissioner Hammerstad stated two reasons for the errors regarding Clackamas County: One of them is based upon looking at mobile home parks as

redevelopable; the second problem is that since the 1994 inventory of vacant and developable land was completed, Clackamas County has had rapid growth with a number of subdivisions and developments approved and currently built - the number of vacant acres is inaccurate. Transportation dollars need to go where the growth is actually taking place, stated Commissioner Hammerstead. Clackamas County is interested in the development of Sections VIII and IX which are, at this stage, fleshed out but incomplete.

Tom Coffee, Assistant City Manager, City of Lake Oswego. Read a letter to Metro Council from Mayor Alice Schlenker who was unnamable to attend the meeting this evening. A copy of this letter is included within the permanent record of this meeting and is available for review. Mr. Coffee pointed out that Lake Oswego has completed their first neighborhood plan for the first addition neighborhood near downtown Lake Oswego. A new zoning district has also been created in that zone. Lake Grove is currently doing their own neighborhood plan, reviewing areas where they can increase density, particularly through the larger lots that exist in that area. Lake Oswego intends to carry out its responsibility as a partner with Metro in moving forward with the Urban Growth Management Functional Plan.

Jeff Davis, representing the City of Gresham. Comments from Mayor McRobert were distributed to members of Metro Council, are included within the permanent record of this meeting and are available for review. His comments involved Titles I, II and VIII. Title I, Sec. 3 requires that all residential land use decision meet a minimum density standard which provides no less than 80% of the maximum number of dwelling units per net acre permitted for development. MPAC crafted an agreement between committee members and Metro staff that an example be added to Title I, Sec. 3 for clarification. The concern was that the minimum density standard could limit residential lot sizes to a very narrow range. If Metro applies the average lot size concept to minimum density, there is ample flexibility for developers to provide lots of various sizes.

Mayor McRobert suggested an amendment which would include an example of the minimum density / average lot size concept for the inner neighborhood district. The amendment would read, "A small lot district could require an average lot size of 5000 to 6200 square feet and meet the 80% to 100% minimum density standard giving the developers flexibility to choose lot sizes. A one-acre subdivision, for example, could provide six to eight lots ranging in size from 2000 square feet attached single family dwelling to over 12,000 square feet."

Regarding Title II and Title VIII, the regional parking policy and compliance measures: As stated in Mayor McRobert's letter of September 5, 1996, the parking title and its compliance elements were carefully reviewed and debated by the joint MPAC-JPACT subcommittees. It would be ill-advised to scale back the zone A provisions to only those areas now served by good transit, dropping the proposed from the good transit into zone B. This would be equivalent to delaying station area plans and rezoning of the Westside Light Rail until the opening day of service. Implementing the parking title as proposed by Executive Officer Mike Burton and MPAC is critical to the region meeting its obligation under the transportation planning rule, the federal transit administration - Westside full funding agreement with Metro, Tri-Met in Hillsboro, and the EPA Ozone Abatement Plan. Mayor McRobert strongly supports adoption of the Urban Growth Management Functional Plan.

Amanda Fritz, Portland Planning Commission, 5151 NW Cornell Road, Portland 97210. Ms. Fritz has reviewed the Urban Growth Management Functional Plan, it would work if these were actual regulations with which subdivision applications have to conform. Her conclusion is that much of it is excellent. She shared concerns regarding Title VI, Sec 3: Design Standards for Street Connectivity. Criteria, at present, would require absolute limits on the distance between street connections and the number of homes on cul-de-sacs. This might prohibit infill development in many parts of Portland, especially the southwest neighborhoods. Ms Fritz also expressed concerns that, Portland has already done its Goal V inventory and has zoned most of the stream corridors as

Environmental Protected Areas. It is very difficult to have major developments which are streets in these areas. She is concerned that requiring street connections through environmental zones would force Portland to do its Goal V inventory all over again.

Brian Bannison and Timothy Wilder representing Southeast Uplift, 415 NE 65th Avenue, Portland 97213. Affordable housing is one of the most crucial issues facing southeast Portland neighborhoods. He expressed concerns that people have been pushed out economically, lack of a variety of housing opportunities and continued gentrification of housing stock. Title VII is a step in the right direction. As a minimum, this title should be retained intact and ideally, should be strengthened and improved. Each jurisdiction should provide its share of affordable housing and, if there is a need for specific goals to increase affordable housing, these need to be put in place. Inclusionary zoning is a possible solution to increasing the stock of affordable housing.

The Rev. Constance Hammond, Rector, The Parish of St. Stephen (Episcopal) 1432 SW 13th Ave, Portland 97201. We are a people who have come from various faiths and backgrounds, Jewish, Protestant, Roman Catholic, Unitarian-Universalist. He expressed support of the Urban Growth Management Functional Plan because it offers an opportunity for improvements in the community, an opportunity to slow urban sprawl. Urban Growth Management Functional Plan offers opportunity for better use of land; transportation options; alternative ways of moving about; opportunities to protect watersheds as well as wetlands which can never be reproduced once they are lost. It offers an opportunity to address the affordability of housing which is crucial as both the state and this local area continue to grow. We must sustain our environment and use it well in our time upon the earth. I have a personal commitment to the land here in the state since I am a native Oregonian.

Peter Schoonmaker, Campaign for Human Dignity, 1200 NW First Ave, Ste 470, Portland OR 97209, addressed Titles I and II of the Urban Growth Management Functional Plan. He asked 'how does the Metro Plan foster a spirit of community with regard to the minimum density title; how does this part of the Plan foster a socially just community?' He encouraged neighborhoods supporting a diversity of income levels; clustered housing and mixed use zones to get people out of their cars and into their communities; encouraged Metro to plan so that public resources for neighborhoods are equitable. Regarding regional parking policies, he supported a maximum parking density standard. Metro must strive to keep parking spaces to a minimum in order to foster a sense of community. Big Box retailers do not foster much community with their vast expanses of parking spaces.

Leslie Pohl-Kosbav, First Unitarian Church of Portland, 6437 SE Division Portland 97206. Supported portions of the Urban Growth Management Functional Plan that call for protecting water quality as well as fish and wildlife habitat within its boundaries. There must be a significantly healthy habitat in order to support high levels of water quality. Watersheds must not be degraded. Inner city adults and children must have natural areas close by in order to understand their importance.

Rabbi Joey Wolf, Congregation Havurah Shalom, 2429 SW Vermont, Portland 97219. Wishes to applaud the Urban Growth Management Functional Plan, which provides a sense of ambition, courage and forcefulness to Metro planning. He discussed Title VI, Boulevard Design. It creates outdoor living rooms. Streets must be planned in such a manner that people will naturally come together. Rabbi Wolf applauded minimum densities and added that a fair share of affordable housing needs also to be added.

The Rev. Cecil Prescod, United Church of Christ, 10 N Russell, Portland 97227. Expressed his concern about the disparity between the rich and the poor and how this will be impacted by the Urban Growth Management Functional Plan. Affordable housing is a basic human right. All people must have a guarantee of affordable housing. This testimony addresses the problem of community

building, a stable and diverse community allows citizens to live with a wide variety of people. Title VII is to be commended for its 'fair share' strategy.

Tasha Harmon, Community Development Network, 802 SE 27th Avenue Portland 97214, testified in support of the Urban Growth Management Functional Plan. She asked for clarification of language in Title VII. She supports minimum density requirements. She suggested that language under 'intent' in Title VII is weak and does not give jurisdictions a very clear idea of what is expected of them. She recommended the language reflect more of Objective 17 from RUGGOs. "...Metro is to meet a fair share strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis which provides for a diverse range of housing types available within cities and counties inside the Urban Growth Boundary... Specific goals for low and moderate rate housing to ensure that sufficient and affordable housing is available to households of all income levels that live or have a member working in each jurisdiction...housing densities and costs supportive of the public policy for the development of the regional transportation system as well as designated centers and corridors and balance of jobs and housing within the region and subregions." She recommended that sentences be added to the beginning of Sec. 2 which would read, "according to HUD standards, housing is affordable if the resident is paying no more than one-third of their income for housing..." Affordable housing advocates are also concerned that none of this is mandatory.

Mary Kyle McCurdy, Attorney at Law, representing 1000 Friends of Oregon, 534 SW Third, Ste 200, Portland 97204. Supports Urban Growth Management Functional Plan and urges its adoption. Much of the complaints heard about the Urban Growth Management Functional Plan relate to the fact that we will do things a little differently in the future than we have in the past. Let us hope that we will do things differently and take bold steps to do so. Changes must be made in our own neighborhoods. 1000 Friends embraces these changes. Infill and development means more vibrant, economically healthy communities which are pedestrian and transit-friendly. The Urban Growth Management Functional Plan allows this to happen with its emphasis on regional centers, other mixed-use centers as well as boulevard design.

Mary Lou Sosat, Columbia River Inter-Tribal Fish Commission, 729 NE Oregon, Portland, OR 97232 stated that she represented a different perspective in terms of supporting the Metro Growth Plan, which was a regional perspective. What it meant to the entire region, what it meant to the Northwest and what it meant to the resources of the Northwest. The Columbia River Tribes had developed a Salmon Restoration Plan for the Columbia Basin. This Plan was intended to address the devastating decline of Salmon resources in the Columbia Basin which also were having a very critical impact on tribal culture, tribal livelihoods and tribal religious tradition. The Tribal Restoration Plan took the holistic approach to Salmon management in the Columbia Basin by focusing on the tributary, the main stream, the estuary, ocean impacts and the habitats where fish live. The Columbia River Inter-Tribal Fish Commission Tribal Salmon Restoration Plan had set up standards that were entirely consistent with the standards that had been set up in Title 3. She stated that she was here to express support for Title 3 from a regional perspective. Title 3 was a first step for Metro in realizing their goal of protecting the health of Regional Water Quality and Water Supplies. Columbia River tribes were looking with great hope and that was why they had made a decision to participate in the Coalition for a Livable Future, to really support regional activities and support the activities of looking to the future and combining in how to deal with fish issues and how to deal with Water Quality issues and Quality of Life. Everyone is connected in this region by the water that flows through the region. It would be our duty to future generations to ensure that the precious resources in this region continue to flow clean and plentiful throughout the region. The Columbia River Tribes look forward to the future with the realization that plans, such as The Spirit of the Salmon and Metro's Urban Growth Management Functional Plan, would lead the way towards preserving the integrity of regional resources.

David Zagel, President of The Association of Oregon Rail and Transit Advocates (AORTA), 3104 NE Schuyler, Portland, OR 97212 commended the Council and the staff in preparing the Functional Plan and hoped that it would be adopted through this process. Those working on the transportation end in the coalition wanted to praise the efforts and the elements which increase regional livability and lessen the present dependence upon the private automobile. Those included but were not limited to the affordable housing segments throughout the region and the targets specified for them, greater mixing of land uses, increase concentration of public and private development in key identified areas, certain boulevard design elements, greater connectivity for local streets and all of this leading to an increased share of trips for alternative transportation including transit. He further wanted to commend some of the Performance Standards which were included within the plan in an effort to document and track the progress towards some of the goals within the plan. First, to acquire some base or minimum level of incorporating rather than just considering some of the boulevard design elements which were outlined in the plan. Second, call for in addition to the modal split target, each jurisdiction document to Metro their share of reducing vehicle miles traveled and over all parking as required as part of the Transportation Planning Rule Goal 12. He concurred with the comments from the Mayor of Hillsboro that Metro should be part of encouraging that through this plan. In the specific comments that he forwarded, he wanted to keep in mind that when the specific exemptions were made to some of the requirements, to remember that it was trying to encourage people to locate within the centers and not trying to present some type of disincentive from locating in those centers.

Mike Houck, Audubon Society of Portland, 5151 NW Cornell Rd., Portland, OR 97210 announced that he was supportive of the current draft of the Functional Plan but felt there were some specific ways that Title 3 could be strengthened. There was concern for the likelihood for inaccuracies in the map that was referred to in Title 3 and felt that the model ordinance should take precedence over the map as there would invariably be mapping errors. This came up for the first time in the sub-committee of WRPAC, what the Ordinance was going to do and the recognition that there were mapping errors, resources could be lost and not protecting as much under Title 3. He further commented that he knew Councilor Morissette and Jon Chandler were very concerned about knowing with certainty which areas were to be protected and it would be important that this be in writing. The map would serve a valuable function to identify to the 90 percent level where those resources were. He specifically commented on page 2 of the Regional Policy Basis, he believed the Future Vision Commission still existed, and as a member of that Commission he wanted to point out that he was disappointed in the preamble to the Functional Plan, The Future Vision document was not referenced. Section 5A, the Metro Council must make a strong statement regarding the purpose of that section, that Fish and Wildlife Habitat Conservation Area went beyond simply conserving, protecting and enhancing fish and wildlife habitat which was the current language. The section must also address the issue of biodiversity, a concept that ran throughout the RUGGOs, the Future Vision document and the Green Spaces Masterplan. Metro had taken a lead in this arena and if Metro was serious in implementing the Green Spaces Masterplan, there had to be a better job done looking at the entire landscape, not just the water areas. Section 5C, he urged Metro Council to state, in the strongest language possible, that they would dedicate the necessary fiscal and personnel resources to ensure that the goalified process did not exceed, if at all possible, would be completed prior to the 18 month maximum stated time period for completion of those tasks. He stated he had all of this in writing and the Council would receive that material the next day.

Bob Textor, Metro Future Vision Commissioner, 3435 NW Luray Terrace, Portland, OR 97210, expressed his concern about what happened to the Future Vision Commission statement and hoped that it would be used. At the same time he stated that he was thrilled to see so many of the essential elements of that statement being dealt with by the Council. Mr. Textor read a statement from Robert Liberty, "*One Thousand Friends of Oregon commends the Metro Council, Executive and Staff for your work in preparing the draft Urban Growth Management Functional Plan. This is a document of not only regional but national significance. Here is a check list of 7 ways for making*

this important document even better. Several additional suggestions and more detailed analysis and proposed wording are presented in my letter to you dated September 1st. 1) edit the document to make it easy for citizens to use and enforce. In order for citizens to be able to support this document and to be advocates for it's implementation, it needs to be free and clear of jargon. A document entitled Urban Growth Management Functional Plan may not attract the interest let alone affection or loyalty of anyone outside of a small circle of interest groups and policy analysts. The use of clear language written for lay persons will not detract from the documents legal enforceability. In deed it will increase that enforceability. Ask the capable planners and lawyers on your staff to re-write this draft in a manner which is citizen friendly but does not sacrifice any of the content. 2) Title 1 of the Urban Growth Management Functional Plan should address the Future Vision document you approved last June. Section 52C of your Charter states, 'the Regional Framework Plan shall one, describe it's relationship to the Future Vision.....'

Presiding Officer Kvistad reminded Mr. Textor that he had three minutes and wanted to make sure that he would be able to get his testimony in and that the Council would be able to read Mr. Liberty's testimony at a later time.

Bob Texter continued, *"the regional Framework Plan is made up of Functional ideas which should be consistent with the Future Vision."* He asked if the Council would please take the time to determine if this draft plan was consistent with the Future Vision. That was the essence of the point that he wanted to leave with the Council. He read the titles of the remaining points of Mr. Liberty's memo. *"3) Eliminate the authorization of unlimited variance to the maximum parking ratios. 4) Revise Title 5, Neighbor cities and Rural Reserves to express in positive terms the need for and the value of cooperation. 5) Limit densities in farm and forest zones in rural reserves within your political boundary. 6) Explain the meaning of fair housing strategy in Title 7. 7) Invite citizens to participate in the enforcement process."*

Linda Craig, 17645 NW Rolling Hill Lane, Beaverton, OR 97005 commented that one of the reasons she liked the area she lived in was the proximity to the Urban Growth Boundary and the Tualatin Hills Park and Rec Nature areas. The important thing about Tanasbrook, despite the fact that the development was not what was wanted today, the community rallies around that open space and the lake environment. The western part of Hillsboro was one of the most rapidly growing parts of the Portland Metro area. She stated that she supported the Urban Growth Boundary, but she stated two strong concerns about the way it was happening. The Tanasbrook Landscape Community and Friends of Bronson and Willow Creek had been doing some plantings to restore wildlife habitat and cool the streams along Bronson Creek. At the same time that this was being done, an apartment development on Rock Creek had cut vegetation to the edge of the creek and on Willow Creek there was an office complex that took a very significant part of vegetation off the edge of Willow Creek. The kind of development that was still going on in that area rapidly would be what was going to be tomorrow's restoration projects. Her second concern was with parking. Across the street from Tanasbrook, two years ago, was undeveloped land. Now there were a number of retail chains. This retail complex was within walking distance of hundreds of apartment units. She strongly urged the Council to stick to Title 2 and hold the line on parking. With all of the growth that was expected in the Portland Metro area, she felt that the Council would determine the quality of life in the future and thought the 2040 Plan set a good direction and urged that it be implemented with very strong ordinances and as quickly as possible.

Candice Guth, 5151 NW Cornell Rd, Portland, OR 97210 began by stating that each of the areas of Oregon that she had lived in had experienced extreme major growth. She thanked the Metro Council for their efforts in putting together the Urban Growth Management Functional Plan. This Plan in her opinion was one of the most forward looking progressive plans in the country. It put the needs of the general public ahead of special interest and gave a vision of what the future of a large metropolitan area might look like with good planning. The people who live here value its

greenspaces and abundant opportunities to see and live with wildlife. She strongly supported keeping the Urban Growth Boundary as it was. She also supported the development of transportation alternatives, the revitalization of inner-communities and attempts to build more affordable housing. She was particularly interested in protecting streams and repairing areas for wildlife and to prevent costly flooding where inappropriate development costs tax payers money. She urged immediate implementation of some of these plans. She thanked the Council for their efforts to make government work for its citizens.

Ann Lackey, 1117 Spruce Street, Lake Oswego, OR 97034, commented it was her understanding that the Council retained the unexpanded boundary and applauded the Council's actions. Other concerns pointed out was the North/South lightrail and the statewide funding initiative issues that would become topics of debate in the ensuing pre-election weeks. She gave her support to the North/South lightrail but asked how could she argue in favor of the North/South lightrail when the proposed Clackamas Town Square routing defeated that initiative. To effectively justify North/South lightrail, a routing was needed that would support the statewide funding measure, therein was the dilemma. The argument by some voters in District 24 voiced adamant objections, they perceived a Clackamas Town Square routing and Metro's North/South lightrail as a waste of scarce money. Likewise they believed this proposed North/South line was designed to line the pockets of some while ignoring the welfare of all within the region and within the state. On the other hand they saw the direct extension from Max at Rose Garden to Oregon City with later extensions into the Willamette Valley as a common sense, least expensive and most beneficial routing. It took advantage of land already dedicated to transportation with the old eastside right of way and the Southern Pacific route. It had good opportunities for further funding because it followed the more economical geographic demographic railway trend that Washington County had explored. Already acknowledged was the eastside direction of the region with Max and rail. While the Clackamas Town Center routing was desirable it was presently not as advisable as the Rose Garden/Oregon City, Max would provide a somewhat parallel repetition of direction. Also routes in those areas had greater likelihood of getting funded through the Port of Portland, business and other ventures. With regard to Oregon City routing, State Representative Snodgrass' initial 1995 legislative instincts began to have increasing significance. North/South lightrail routing is an issue that is statewide, not regional. Oregon City was not merely a town dotted with old buildings. Historically, economically, geographically, politically Oregon City was the Oregon juncture. On the one hand it was the end of the Oregon Trail and on the other it was, it was and it must remain the gateway of the Willamette Valley. This was the challenge for Metro to resolve.

Presiding Officer Kvistad announced that the Council would take a five minute recess.

Langdon Marsh, Director of the Department of Environmental Quality, 811 SW 6th Ave, Portland, OR 97204 informed that there was some written testimony being prepared on technical comments on Titles 1, 2, 4 and 9 and would be available well before the deadline. The department did support the 2040 Growth Concept and the Urban Growth Management Functional Plan. He commended the Metro staff, local governments and the citizens for all their hard work and the technical analysis that had gone into the development of the Functional Plan in the last year and a half. The Functional Plan reflected some interim measures that were needed to achieve the goals of 2040 and those measures had taken into account the needs of both the public and the private sectors. He pointed out that the Environmental Quality Commission recently adopted an Ozone Maintenance Plan as part of the Clean Air Plan for the Metro area. That Plan was just submitted to the Environmental Protection Agency for approval. The Plan was a remarkable one for air quality management in the country and was one of the few that included Growth Management Landuse as part of the effort to achieve and maintain air quality standards. The department included three Titles from the Functional Plan in the Ozone Maintenance Plan because of its ability to reduce transportation emission through good land use, those were Titles 1, 2 and 4. The department saw its role as a partner involved with the growth of the region. He wanted to stress the importance of

adopting the Urban Growth Management Plan as a way to address policy issues such as growth targets, parking policies and retail, employment and industrial areas. Most important assuring that the new Portland Clean Air Plan would be effective.

John Breiling, Citizen Participation Organization 7, 4690 NW Columbia, Portland, OR 97229 agreed with the Mayors from Tigard, Beaverton, Wilsonville and Hillsboro. He commented that he would be submitting some written testimony. There was a huge gap in both the Metro draft plan and in the State Ordinances and Rules that were being copied with regard to constitutional rights and civil rights. There were some major inconsistencies in the Plan, not with the Executive Director's proposed Urban Reserve Areas, but with the Urban Reserve Areas that were still pending on what the Council was looking at. The goal was for cheap housing, affordable housing, it should not be built on hillsides where \$50,000 to \$100,000 per unit was spent to put in a steel and concrete structures to keep it from falling down the hills. He further stated that the CPO had been trying to persuade the Council for two years to take the Urban Reserves out of the hills and put them on some flat lands, adjacent to public facilities on the south side of Sunset where it could be built much cheaper and more affordable. He also shared the concern that the Plan needed to be functional but general, leaving the specifics of how things were done in local areas to the cities that would be best able to do it. The biggest frustration was that Metro was trying to do too much. He felt that the Council could not effectively represent an area of over a million people in it. There was a concern about the fact that Metro relies on Tri-Met solely for mass transit. He stated he wanted a commuter railroad, using the heavy rail lines that would solve the regional transportation problems.

KC Klosterman, Morse Brothers Inc., 32260 Old Hwy 34, Tangent, OR 97389 requested that the Council make two map designation changes. The first would be to eliminate an employment area designation on their unused Progress quarry site and expand the Murray Hill Town Center to cover the site. A map showing the current version of the 2040 Concept Plan map and where the employment should be deleted was attached as exhibit A. A map showing the general shape of the proposed town center was attached to exhibit B. The second map change would be to the extension of Murray Boulevard south of Old Scholls Ferry Road and it was requested that it be designated as a Regional Boulevard, on the interim Regional Boulevards map. The quarry site that he referenced was about 110 acres. Mining was discontinued in 1995 and was currently being reclaimed. The proposed Murray Hill Town Center was in the immediate area. Much of the land in that area was currently being built out. The Murray Hill Town Center would have two nodes and a connecting Boulevard. If the Council failed to act now, the Morse Brothers or the City of Beaverton would have to go through some sort of process to change this designation at a later time. Such a process would likely delay the implementation for many months. Representatives had discussed and continued to discuss the Murray Hill Town Center and the deletion of the employment area from the map with Mark Turpel and Larry Shaw. They believed that such a step would be appropriate. More detailed comments and technical concerns with the Functional Plan were set forth in exhibit C.

Mary Hopkins, Senior Planner Port of Portland, PO Box 3529, Portland, OR 97204 stated that the Port of Portland would like to offer comments on the Urban Growth Management Functional Plan. As members of MTACT, TPACT and JPACT, Port staff had reviewed and commented on various revisions of that Plan throughout the planning process. They had been and continued to be supportive of the principal land use and transportation provisions of the Plan. However, after review of the language in Title 3, the Port wanted to express concern about the impact of certain elements of Section 5. It was evident after discussing this Title with the City of Portland staff, they felt the current Goal 5 elements of their zoning code, would not have to comply with those provisions, those proposed rules for fish and wildlife habitat protection areas. The Port was assuming the City's interpretation was correct and wanted to register their strong support for that provision. There were still other consequences that needed to be considered. The issue that most concerned the Port was the situation regarding West Hayden Island. The Port would soon be going through annexation proceedings to bring West Hayden Island into the City of Portland for development as a marine

terminal. Under Title 3 the pending E zone determination that was made as part of the annexation process would not be exempt from the 200 foot buffer standard since it was not part of the City's existing acknowledged plan area covered by the E zone. Stripped application of this standard would make it impossible to develop a marine terminal. Two ways were suggested to fix that problem. First, the exception language should be modified to include, any use, which was water dependent or water related similar to what was now down within the City of Portland greenway zone. Second, a jurisdiction that was determined to have a Goal 5 program that adequately addressed those water quality and fish and wildlife issues should be able to extend that program into its area of responsibility under it's Urban Service Area Agreement, and have the same level of exemption. It was also thought that at the next periodic review it would be a wise use of public resources to make the City or other jurisdictions, that have also complied with Goal 5, try to conform to the exact requirements of that section. The city had spent 8 years and a lot of staff consultant and public resources to say nothing of thousands of hours in meetings with neighborhoods, businesses, environmental and recreation groups and several court cases to work out a viable set of rules to comply with Goal 5. Those rules had been tested, modified and were working. Throwing out that effort to make The City and its citizens comply with a different set of rules to meet relatively the same end seemed counter productive. Without a map of the fish and wildlife conservation areas it would be impossible to tell whether there was need to be concerned about all of this or not. It was their thought that strict implementation of those proposed rules could become a serious issue, not just for the Port but for the smooth implementation of the 2040 Growth Concept across the metropolitan area.

Diane Hess, Housing Advocacy Group in Washington County, 1001 SW Baseline, Hillsboro, OR 97123 presented that this was a community based group made up of both concerned individuals and non-profit organizations that worked with low income families and individuals in Washington County. Their mission was education and advocacy related to affordable housing issues. She stated that she would be presenting a list of all of the members and the mission with a copy of her testimony. The group had been rating and reviewing the Urban Growth Management Plan over the last several months and stated they were very much in support of the Plan. They were particularly pleased to see Title 7 the Affordable Housing Title included in the Plan. There was an extreme shortage of affordable housing in Washington County and this shortage had a severe impact on those families. Many of those people had to move out of the county to find housing they could afford, then commute long distances into the county to get to low wage jobs, thereby contributing to the traffic congestion problem along Highway 26 and other county roads. The Housing Advocacy Group was requesting that the land would require the jurisdiction utilize at least one of the tools listed in the Plan. They also believed that it would be worth while to require a percentage of new housing developed under this plan be affordable to low and moderate income household and these target goals be included in Table 1 of the document. The progress in developing this affordable housing should also be included as a Performance Measurement in Title 9. It was also recommended that Metro consider additional strategies for expanding affordable housing units besides new construction. For example, the Title 1 section could offer incentives for home owners to develop and rent out excessory units. The Council's time and efforts were appreciated for developing this document.

Leon Laptook, Deputy Director of the Community Action Organization of Washington County, 1001 SW Baseline, Hillsboro, OR 97123 began by stating that this organization was the largest private non-profit providing services to very low income residence of the county. Their client population included 40,000 persons who earn less than 150 percent of the Federal Poverty Level. For a family of 4 this would translate into a income of less than about \$22,000 a year. Approximately half of those families live in housing which would be unaffordable. He expressed his organizations support for the Functional Plan, thanking Metro staff and all of the advisory committees for all the work that had gone into developing the Plan. He was also very pleased that there was an Affordable Housing section, Title 7 which had been incorporated into the Plan. He commented that they concur

with the statement and language presented by Tasha Harmon for the Coalition for a Livable Future regarding some of the language they would also like to see incorporated into Title 7. One specific suggestion that was made was just as there were targets provided in Table 1 for the number of units to be built, for the number of jobs which may be created in each jurisdiction, they felt that an effective way of getting affordable housing was there should also be targets for affordable housing for all of the jurisdictions.

Russ Dondero, 356 Limpus Lane, Forest Grove, OR. 97116, commented that since 1991 he had become a housing advocate, working with migrate worker issues and other low income housing concerns at the state level. He expressed that in general he found the 2040 Plan and the thinking at Metro consistent with the direction things had been moving in Washington and Multnomah County, as well as, other counties throughout the state. It was hoped that this would be a beginning of cooperation between all jurisdictions. He expressed a concern, of Washington County having the image of being the fastest growing county in the state economically but also a county without poor people, which was not true. Some data collected showed that out of 120,000 residence households in Washington County, 30 percent fell below the 80 percent needed income. Almost a third of the residences and households in Washington County were below the Federal established medium family level for poverty. As the concern was developed in the task force, it was realized that there were a series of strategies that had to be involved between the public and the private sector working together. This was not something that could be solved by the public sector or the private sector alone. As a consequence, it was hoped as Metro moved into the area of leadership and decision making, that they continue to work with other counties, regions, cities as well as the private sector in developing an inter-related strategy and plan for attacking the problem of affordable low income housing. This would be connected to transportation issues, job issues and ultimately education issues. People who were on the margins were low income people. It was suggested that a yearly report card be developed by Metro to let the public know where Metro had achieved goals, where goals yet remained and were unachieved, this could be very important and helpful.

Topaz Faulkner, Executive Director of Tualatin Valley Housing Partners, 234 NE 24th, Portland, OR 97232 supported the Urban Growth Management Functional Plan and thanked the Council for identifying affordable housing as part of that plan. Lack of affordable housing was a transportation issue, since people who could not afford to live near their work were driving in from other areas where housing was less expensive. However as the demand for this lower cost housing began to exceed the supply and employees become unable to live within commuting distance, the lack of affordable housing also began an economic development issue. Title 7 of the Plan included a list of recommended tools and approaches but she felt that the need was great enough to warrant a more definitive approach. She concurred with Tasha Harmon's point, she felt that it would be a good start to set targets for cities with regards to affordable housing. By working together to link housing, employment and transportation, it could help meet the goal of reducing the number of vehicle miles traveled, address environmental issues, assist businesses and improve the housing opportunities for the growing segment of the population.

Tom Cropper, Executive Officer, Multnomah Activist Solutions, LLC, PO Box 18025, Portland, OR 97218 referred to page 24, "*Compliance required all cities and counties within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances to provide with the provisions of this Functional Plan within 24 months.*" He wondered why they rushed this. He thought that Metro had been approving policies that open space could be redeveloped into something else. He did not feel that Metro was protecting open spaces, green spaces or providing affordable housing. He felt that Metro was not controlling population growth. He did not see where Metro got the power to make commands to the cities and counties and felt that ought to be challenged.

Bob LeFeber, International Council of Shopping Centers, 1100 SW 6th #1105, Portland, OR 97204 briefed on Title 4 and further apologized for belaboring the point, the reason was however, this was talking about over a million square feet of retail that was currently located within these employment areas and represented investments of well over 100 million dollars and would be very important that this retail was not in non-conforming use. He was concerned about the proposed plan which created a cloud of uncertainty over retail as to whether or not it would be allowed, and what kind of issues the local partners would have to demonstrate to allow this retail to redevelop or allow new retail within those zones. He wanted to make it clear on Title 1 that minimum or average residential densities would not apply to mix use zones or to employment only zones. He next referred to Title 2 stating that he felt they should wholesale draft maximum parking ratios. The whole thing about maximum parking ratio presumed that there would be less demand for parking where there was good peak transit service or good pedestrian connections to nearby residential areas. He felt that section was too simplistic in approach and there should be a lot of unintended consequences. For example what if a businesses shift changes were not during peak times, which would be typical of almost all restaurant and retail operations. What if their employees did not happen to live on the bus route that just happened to go by that job or within the neighborhood that just happens to be within walking distance. Ways to get there needed to be found. By hampering retail areas parking requirements now would create congestion problems in the future. There was an exception process but why subject local process for more process and more monitoring. At best there would be minimal land savings, a flurry of requests for exemptions and at worst force some people out of the areas you want them to locate. Finally Title 9, he stated he did not want to add to the burden of local jurisdictions but would like to keep track of the impacts of what was being done on retail. What would it do to retail jobs, prices, travel time and travel modes. He felt it would have some interesting consequences and a base line should be set up so it could be tracked over time.

Jon Chandler, Director of Governmental Affairs for the Oregon Building Industry Association, he expressed a fair amount of frustration with the language of the proposed Functional Plan. It seemed that it would be difficult to get to the policy arguments, for which there were a bunch, without understanding exactly what it was the document said. He commented that he had been working with staff in the revision of Title 1 as well as parts of Title 8 and Title 10. What he recommended was to separate those into three separate and discrete categories in Title 1. First, it would tell local governments things they had to do such as up-zoning and re-zoning, that should all be put together in one place so it could be followed. Secondly, ask local governments to do a series of analysis. What they had on the ground, what they could realistically expect giving their existing zoning. Finally, ask them to compare that number to the Table 1 numbers and see how they did. In doing this revision, there were some policy issues he wanted highlighted. He commented that it was not clear in the document what Table 1 was. If the jurisdictions were zoned to hit Table 1 or to actually build to hit Table 1. He also felt that there were some time frames that could be changed particularly with reorganizing the way the document presented itself. Some of the things in the Functional Plan were going to occur automatically. There were some other provisions in the Plan like some of the time frames could be moved up. Not necessarily tinkering with the 24 month period, but it would seem that there would be better control over the process and better relationships between local governments and Metro if this work was put in stages. For example having the jurisdictions do the minimum density, up-zoning, within 6 months. With regard to the 2040 mapping and the analysis of how they had done historically, could be done within a year from the effective date of the Plan. The analysis of what local jurisdictions had on the ground, what they could realistically expect to get from what zoning they had in place, that part could be done within 18 months which corresponded to the 6 months prior period already referenced in the Functional Plan. The reason for this was not to irritate local government but there would be a much better product at the end of this 24 month period if it was made sure that their timelines were correlated to the various work tasks that they were asking to be performed. One problem that he highlighted with regards to the review procedure, the exception process, it was not entirely clear to him if that was an exclusive remedy for Metro. In other words, if Metro was unhappy with a local government adoption, was Metro's exclusive remedy to

bring them through the review process as contemplated by the RUGGOs in Title 8, or could Metro appeal. He felt there were some clarifications needed for Title 8. Finally he commented that he did not know what a double person per acre meant, he did not feel that most people thought in terms of people per acre, but at the very least it would be helpful to provide a cross reference.

Councilor Monroe commented that he asked Andy that same question and it was figured out to be two people per unit, take half the persons per acre and that would be units per acre.

Phil DeNardis, John L. Scott Real Estate, 10260 SW Greenburg Rd., Portland, OR 97223 began that he was here for a reality check on the affordability issue. The delays that had occurred on getting this process done, had made an exceptional shortage of affordable housing land. He said that there was no supply, we were out of land. Re-zoning was going to help increase the density, but he was here primarily to encourage the Council to keep the process on a timely manner and that there was a need for an expansion of the Urban Growth Boundary. He further felt that the Zero Option would absolutely kill the market place. He had already seen land prices being driven up making affordable housing not likely. The jobs were in Washington County, not Clackamas, the expansion needed to happen in Washington County, otherwise there would be the same traffic problems that were trying to be avoided now.

Art Lewellan, L.O. T. I, 27 SE 74th, Portland OR 97215 wanted to present an option to the North/South lightrail project. He commented that he felt that he needed more time to present his project. His work started with leaving lightrail on the eastbank of the river. When new proposals for commuter rail came out his plan called the L.O.T.I., included commuter rail, instead of lightrail. He stated it could upgrade commuter rail to a lightrail. The lightrail system had 6 modes of transportation in it, all of them offering per mile investment for the rail system at a per mile much less than what would be obtained with the North/South lightrail. It also had a trackless trolley feature that would allow trolley type buses to operate down the bus mall.

Presiding Officer Kvistad interjected that if Mr. Lewellan had any handouts, to give them to Mr. Stone, and suggested that he bring his presentation to one of the Transportation Committees meetings to present his project.

Art Lewellan continued that at the current time with the expansion of the airport that it be demanded that the airport expansion include lightrail access. Secondly that with the upcoming refurbishment of the Hawthorne Bridge that lightrail be included on the bridge.

Rob Klever, Troutdale Planning Commission, 1420 SE Evans Ave, Troutdale, OR 97060 briefed that a letter should have been submitted from Mayor Paul Tolfer of the City of Troutdale in which he outlined his opposition to one portion of the Functional Plan which would allocate an additional, or an extra 1,200 units of density for the City of Troutdale. They called it extra because the city had already implemented the goals and guidelines of 2040 Plan. Downtown revitalization had continued, a town center had been started on the north side of Columbia River Highway. All of the above was progressing under the 2040 Plan and it was felt that the Functional Plan allocated the city and additional amount of housing units which were over and above their fair share. The effects of those extra 1,200 units were several. The majority of land that was zoned for residential units had already been zoned for medium density to high density residential and apartments. The effect of having an additional 1,200 units would greatly reduce the number of single family homes that could be developed. Currently the waste water facility would have to be upgraded. There had been talk about moving the waste water treatment facility to the industrial area north of I-84 or expanding it in its original position. An extra 1,200 units would make that argument moot, a new multi-million dollar waste water treatment facility. New residents had already increased the traffic problem that exists in Troutdale, especially on the I-84 Troutdale interchange. ODOT had proposed a one way grid system to help alleviate the existing traffic problems but with increased densities would make that

already existing problem much worse. Additionally, it would put a great strain on the school systems. Troutdale had been coming under an increased pressure from other jurisdictions in the area, specifically Multnomah County had been looking at two sites in Troutdale for proposed jail expansion in addition to what was already being provided. ODOT had been studying two routes for the Mt. Hood freeway, which would eliminate a lot of the areas available for development in Troutdale.

Dave Nadal, 2014 SE 12th #304, Portland, OR 97214 commented on the public review process. Most of the Plan language regarding livability and quality of life was optional, he found that shocking. The Plan was a bare bones legal instrument designed to fulfill density quotas with minimal quality of life measures. Section 1 of the RUGGOs stated that *"Metro shall notify the public, especially for proposed legislative actions to ensure a high level of awareness of potential consequences on the part of affected citizens."* He felt this had not happened. This Functional Plan had virtually no citizen review, it had extensive input from elected officials and business people, MPAC, MTACT and The Coalition for a Livable Future which would be considered an interest group. Charles Hales implied before the City Club that this was a done deal. The residential public by and large knew nothing. There should have been immediate direct mail notification of all residence with the exact text, explanation and plenty of time to ask questions, open houses and rescheduling of hearings. He pointed out that the Functional Plan had about 5 different names, which gave an impression of a shifting firmament. The RUGGOs clearly spelled out the Functional Plan role. The spring newsletter promised public open houses to evaluate a specific document, phase 1 of the Regional Framework Plan. The Plan was not readily available or discussed as such at those open houses. The Presiding Officer's assistant said the main public outreach was press releases to newspapers including the Oregonian. That participation was seen as elective. Notification of the MPAC's or the Growth Management Committees mailing list would not be enough nor were MPAC or Growth Management Committees hearings. As Metro's own analysis had shown, they were not representative of the public. With the first hearing after Labor Day, it created the wrong impression and the wrong effect. It was his opinion that those two hearings were conventions of professionals, activist insiders and interest groups. He stated that he was shocked that the Coalition had caved in to high growth rates. The resulting chaos would not help social justice. Along with helping the disadvantaged as most regional residence strongly believed, that would be just a start, and neither do they want irresponsibly fast rate densification. The choice between density and rural space was a false one, because there was no Council willing to stand up to the State for a stable growth rate. He stated that he was convinced from both personal experience and from Metro's input documents that a super majority residence would strongly support controlled growth, if the rate of growth was not stabilized. He further believed that Oregonians do want to experiment with neighborhood densification, where neighborhoods wanted it.

Wendie Kellington, Attorney at Law, 111 SW 5th Avenue, #3200, Portland, OR 97204 representing private property owners, Ted and Bonnie Halton, has three concerns to discuss: First, the Zero Growth Option embraced within the Functional Plan they believe this to be unworkable, unfair and "a little bit untruthful" in terms of what it actually does. Ms. Kellington asks who can disagree with the previous testimony of the religious and community leaders and interest groups who say we want to live a little closer together. Also they say they want parks within six blocks, schools with lots of room, meadows, community gardens, and the like. There is no subdivision, no partition, no development that will be denied under this Functional Plan for want of a park within six blocks away, for want of a school that has capacity, because there's not a meadow, because there's not a community garden. There is no provision in the Functional Plan to deny those kinds of things. There is no neighborhood buy-in on this. This is the Goal One violation she has spoken to the Council about previously. There has been a lot of invited testimony, but no neighborhood association has been asked or invited to be a part of this process. They do not think the Zero Growth Option will work. Second, the Rural Reserves is another issue. State statutes authorize Metro to do certain

things with Resource Land, Exclusive Farm Use-zoned land, a destination resort can occupy the land as can a golf course, non-farm dwelling, farm dwelling, a group home, and/or any number of things not necessarily protective of farm uses. The Rural Reserve designation appears to require the protection of only one kind of use that would be otherwise permitted within the Exclusive Farm Use zoning district within Resource Zoning Districts. Ms. Kellington said she thinks this is inconsistent with State statutes and does not make a lot of sense. Third, there is a concern about the data sets that are required to be adopted and used by local governments as part of the process. The current data sets, with regard to vacant lands, are inadequate. The idea that only Metro data can be used does not serve Metro and it does not serve individual decision makers and parcels in the area. The data sets need to be more flexible for application by local governments as well as Metro's 2709 processes.

Greg Malinowski, Malinowski Farms, 13450 NW Springville Lane, Portland, Oregon 97229, said his farm is right on the edge of the boundary. He said the acre of land being worked by two individuals is actually feeding thirty families. There is an additional thirty-nine acres which could be converted. Their farm could provide a basket of food every week for twelve hundred families. There would still be remaining twenty acres of woods, wetlands, and ponds. Mr. Malinowski informed the Council there are 178 farms in this country disappearing every day to development. The average fork of food in this country travels twelve hundred miles. One hundred farms around the Portland metropolitan area feeding one hundred fifty to two hundred families will make a significant impact on the quality of life in this area. A tight Urban Growth Boundary is needed and can be accomplished by staying out of the Urban Reserve areas. Mr. Malinowski warned against purchasers of Urban Reserve property lobbying Metro Council for rapid UGB inclusion. In enforcement of Title Nine, Section 2D, Mr. Malinowski said Metro needs to state a firm policy that there will be no additions to jurisdictions who do not meet the 2040 goals. This needs to be spelled out for accountability, so there is no doubt in the minds of the jurisdictions. Washington and Multnomah Counties have both said they are getting out of urban services, Clackamas County should also be included. A statement should be prepared that when ground is added to the UGB that it be added to a city jurisdiction and annexed the same time as added. Affordable housing requires better management of resources.

Elizabeth Callison, c/o West Multnomah SWCD, 2115 SE Morrison, Portland, OR 97214, appearing on behalf of self and Tryon Resource Management Partnership for the Watershed Council. On Title Three, the Water, Fish, and Wildlife Section, Section 5B, Metro, the following text should be added: *Metro's initial inventory may be enlarged as new surveys of fish and wildlife populations and habitat become available. Citizens and public interest groups may initiate this process.* On Title Three, Section 5B, 1a through d, her group believes that public utilities do not have the public's mandate to use stream corridors and wetlands for their infrastructure needs. Ms. Callison said sewer pipes and street drains containing direct storm water runoff into regional streams and wetlands are highly destructive of water quality and are responsible for declines in the health of the native fish and aquatic populations. She went on to advise that any stream or waterway listed by DEQ as critical should be subject to special, more restrictive regulations on development, and should be noted in Title Three, Section 5B. The exceptions for utilities allowed in the 5B 1 Section has performance standards which are still far too vague, according to Ms. Callison. The language in Section 5B 1a should establish a clear and objective maximum width for a construction zone. Her organization suggests a maximum of fifteen feet, and feels that this is destructive to the riparian habitat. "The language provides for no consistency in implementation along the linear distance of streams and other water bodies." The utilities exemptions do not provide for any review of cumulative impacts from utilities permitted uses of streams, wetlands and water bodies. Ms. Callison suggests that Metro formulate a process for citizen or public interest group's initiation of survey or mapping inventory additions beyond the one round of public hearings referenced. There is nothing in the text encouraging later additions by citizens or public interest groups. In Section 7 of Title Three, there also lacks a vehicle for input by citizens and public interest groups. Metro should adopt a procedure to also consider addition of protection when necessary and appropriate

accessibility by citizens and public interest groups. Any variances should require public notification. Private landowners' rights and knowledge should be respected, however fish and wildlife are not the property of any individual landowner. As well, the public interest in these resources needs to be respected.

Loretta Pickerell, Sensible Transportation Options for People (STOP), 26370 SW 45th Drive, Wilsonville, OR 97070 says her group supports the Functional Plan and highly commends the Metro Council and staff for putting together a plan that includes solid and specific measures that will assist the region in achieving its growth management goals and objectives. Ms. Pickerell said her group had highlighted in their letter things they particularly liked about the plan. At this time, she wished to cover things her group thought would make the plan even better:

1. The Functional Plan should connect to the Future Vision.
2. Two years is too long to wait to implement the Functional Plan. A number of local issues need addressing immediately because of their critical nature. To delay is to create additional issues with which the region must deal.
3. Citizens should be allowed to participate in the enforcement of the Functional Plan. STOP suggests provisions be added to Section Four to allow any citizen or any organization to challenge local land use decisions for consistency with the Functional Plan and to appeal those actions to the Metro Council for compliance analysis.

In concluding, Ms. Pickerell spoke of the cost of growth, saying that growth costs no matter what is done. However, she said, growth costs more when it is done wrong, economically, socially, and environmentally. A strong Functional Plan is needed to allow the region to grow in a preferred way and to keep the regional affordable.

Liora Berry, Housing Advocacy Group, Washington County Community Action, 1001 SW Baseline Street, Hillsboro, OR 97123 stated she is in favor of the Functional Plan, however, she wishes to testify about extra consideration regarding affordable housing. Ms. Berry said Washington County's typical rent is from \$400 to \$450 for a one bedroom apartment, \$550 to \$600 for a two bedroom apartment if one is fortunate to find either. She pointed out that one does not need to apply federal affordability standards to determine that housing is not affordable for families earning minimum wage and slightly more. Many of the individual wage earners reflective of this description are responsible for the single household income. Ms. Berry said that even if an individual is earning between \$1,000 and \$1,200 monthly, housing eats up 60% of the amount when utilities are added. Food, health care, child care, transportation, and other basic needs must also be taken into consideration.

Ms. Berry shared that her job is in Housing Resources. She assists families in finding and keeping housing in the private rental market, dealing on a daily basis with families who cannot afford or secure housing. Even when the families are able to scrape together rent, property owners are saying three times the rent is needed as an income requirement. Housing is often unaffordable and unavailable, and is severely lacking in the Washington County community. Housing is a necessity, even for those who by virtue of their low incomes cannot afford it.

Since 1990, Washington County has experienced a 350% jump in the request for homeless services. This constitutes almost 9,000 people. Providing homeless services is very, very expensive financially and in human pain. Just before Ms. Berry left her office she received a call from a man who is a husband, the father of two, and who works forty hours per week at seven dollars per hour. For this man, housing is not affordable because he does not have enough to pay the rent. This is typical in her job. The people with whom she works are also part of the community.

Every story is different, but every story is very much the same. There are households just starting out experiencing the same difficulties as those households for whom poverty is all too familiar. Ms. Berry asked that the Metro Council consider these households when considering the affordable housing component of the Functional Plan.

Byron Ek, Co-Owner and Operator of Ek Ranch, Representing Several Stafford Area Ranchers, 1937 SW Ek Rd. West Linn, OR 97068 said he and the ranchers own in excess of five hundred acres. They are encouraging expansion of the UGB. His land was purchased one hundred years ago with the intention of retirement and investment purposes, not for scenic purposes. During four hours of the day, traffic is so intense it is difficult to pull out of one's driveway. The area is surrounded by multi-million dollar "castles."

Bob Baker, Owner of a Small Real Estate Company in Washington County on the UGB, Chairman for Advisory Committee to the Washington County Department of Housing Services, 6495 NW Cornelius Pass Rd, Hillsboro, OR 97124 said his experience with the real estate company is what brings him to testify. His concern is with Title Seven of the Functional Plan which deals with affordable housing. He would ask for a donation of foreclosed property to non-profit organizations for the purpose of affordable housing development. However, he says, it is unlikely there will be foreclosed property because no one would be inclined to release such property when there is a substantial profit to be made from its sale. Mr. Baker said assumptions suggest there is land out in the West Union- Cornelius Pass area. He said Metro Council will either freeze the UGB or have affordable housing, but will not have both simultaneously in Washington County.

Cheryl Wood, Private Citizen, NW Portland is a native Oregonian. Her family came here in 1866, and had a land donation grant in Tigard of 365 acres. Ms. Wood opposes UGB expansion and is very displeased with what she has seen in this city and in this area. She has been a public employee for ten years and lives in northwest Portland. Ms. Wood expressed a concern for housing issues. When she drives in the corridor, she is appalled at what she sees in the hills. The massive tract housing and clear cuts are disgraceful to her. It is an emotional issue for her as well. She said she might need to submit something in writing before the deadline.

Susan Wright, Citizen, Aloha, Oregon, Kenneman Town Homes Project, said she represents herself and a voice of several faceless, nameless people. She lives in a new, transitional housing complex with a percentage of the units dedicated to low income housing. Ms. Wright is a self-proclaimed graduate of the school of hard knocks.

About two years ago, she never thought affordable housing would be an issue in her life. She was a middle income single mother with two children never considering housing needed to be affordable. This was before she sustained an on-the-job injury. Within less than two days, she was unable to work and had to change her career path. It was shortly after this that she became homeless. She said the Functional Plan affects her as a person. She serves on a committee for affordable housing and is celebrating her one-year anniversary of not being homeless. Ms. Wright said she knows how it feels to be in need of affordable housing.

Ms. Wright would like to see an incentive for landlords. She reaffirmed Ms. Leora Berry's assertion that landlords have as criteria a requirement that an individual earn three times the income as required rent. Washington County's average two bedroom apartment rents for \$600 plus, which would mean that an individual would need to earn \$1,800 per month. Ms. Wright would like to see an incentive for landlords that a certain percentage of their units would be affordable.

Ms. Wright admonished the Council Members that as they went home tonight, as they made decisions, they would remember people like her, faces like hers, and faces they have not seen. She asked that affordable housing be a consideration for her and others like her.

Presiding Officer Kvistad called for additional individuals wishing to testify. Seeing no additional volunteers, he closed the Public Hearing.

Presiding Officer Kvistad closed the public hearing on Ordinance No. 96-647a at 9:17 pm.

12. ADJOURN

With no further business to come before the Metro Council this evening, the meeting was adjourned by Presiding Officer Jon Kvistad at 9:20 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.

<u>Document Number</u>	<u>Document Origination/Originator</u>	<u>Doc. Date</u>
091296-34	Sandra Nelson 14262 SW Fanno Ct Tigard, OR 97224	9/12/96
091296-35	Mike Houck Audobon Society of Portland 5151 NW Cornell Rd Portland, OR 97210	9/13/96
091296-36	Gail Parker 1950 NW 102nd Ave Portland, OR 97229	9/12/96
091296-37	Amanda Fritz 4106 SW Vanuna St Portland, OR 97219	9/12/96
091296-38	Bill Gaffi, General Manager Unified Sewerage Agency of Washington County 155 North First Avenue, Suite 270 Hillsboro, OR 19124	9/12/96
091296-39	Guy Orcutt 4041 NE 22nd Portland, OR 97212	9/12/96
091296-40	Kim Vandehey	9/12/96

17207 SW Siler Ridge Lane
Aloha, OR 97007

091296-41	Anne Nickel Executive Director Columbia Corridor Association PO Box 55651 Portland, OR 97238	9/12/96
091296-42	Zachary Semke Program Coordinator Coalition for a Livable Future 534 SW 3rd Ave Suite 300 Portland, OR 97204	9/11/96
091296-43	Gordon Faber, Mayor City of Hillsboro 123 West Main St Hillsboro, OR 97123	9/12/96
091296-44	Rex Buckholder State Program Manager Bicycle Transportation Alliance PO Box 9072 Portland, OR 97207	9/6/96
091296-45	Rob Drake, Mayor City of Beaverton 4755 SW Griffith Drive PO Box 4755 Beaverton, OR 97076	9/12//96
091296-46	Alice Schlenker City of Lake Oswego PO Box 369 Lake Oswego, OR 97034	9/10/96
091296-47	Corinne Weber 6245 SW 39th Ave Portland, OR 97221	9/12/96
091296-48	Russell Dondero PhD Citizen Advocate for Affordable Housing 1506 Limpus Lane Forest Grove, OR 97116	9/12/96
091296-49	Ted Strong Executive Director Columbia River Inter-Tribal Fish Commission 729 NE Oregon Suite 200 Portland, OR 97232	9/12/96
091296-50	Robert Liberty	9/12/96

Executive Director
1000 Friends of Oregon
534 SW 3rd Ave Suite 300
Portland, OR 97204

091296-51	Mary Kyle McCurdy Staff Attorney 1000 Friends of Oregon 534 SW 3rd Ave Suite 300 Portland, OR 97204	9/12/96
091296-52	Tasha Harmon 802 SE 27th Portland, OR 97214	9/12/96
091296-53	Gussie McRobert, Mayor City of Gresham 1333 NW Eastman Pkwy Gresham, OR 97030	9/12/96
091296-54	Helen Knoll Regional Administrator US Department of Transportation Federal Transit Administration 915 Second Ave Federal Building, Suite 3142 Seattle, WA 98174	9/5/96
091296-55	Loretta Pickerell, President Sensible Transportation Options for People 15405 SW 116th Ave #202B Tigard, OR 97224	9/12/96
091296-56	Gerald Krummel, Mayor City of Wilsonville 30000 SW Town Center Loop E Wilsonville, OR 97070	9/12/96
091296-57	Ann Lackey (no address listed)	9/2/96
091296-58	Mark Whitlow Bogle and Gates PLLC 1400 KOIN Center 222 SW Columbia Portland, OR 97201	9/12/96
091296-59	Roy Rogers, Chair Washington County Coordinating Committee Board of County Commissioners 155 N First Ave Suite 300	9/11/96

	Hillsboro, OR 97124	
091296-60	James Draznin 1406 Filbert St Forest Grove, OR 97116	9/12/96
091296-61	Amanda Fritz (Document 2) 4106 SW Vacuna St Portland, OR 97219	9/13/96
091296-62	Clackamas County 617 High Oregon City, OR	9/12/96
091296-63	Sean S Doyle 11425 NW Thompson Rd Portland, OR 97229	9/11/96
091296-64	Brian Campbell Planning Manager Port of Portland Box 3529 Portland, OR 97208	9/16/96
091296-65	Jack Johnston 3424 SW Hamilton Ct Portland, OR 97201	9/16/96
091296-66	Terence O'Donnell 1307 SW Broadway Portland, OR 97201	9/5/96
091296-67	Mayor Ralph Brown City of Cornelius 1355 N Barlow Cornelius, OR 97113	9/17/96
091296-68	Emery Ingham 4327 SE 49th Portland, OR 97206	9/16/96
091296-69	Randy Schenck 4007 NE 22nd Ave Portland, OR 97212	9/8/96
091296-70	Jane & Max Halbrook 3225 NE 108th Portland, OR 97220	9/16/96
091296-71	Jeff Kosmoski & Melinda Gallagher 7709 SE 42nd Ave	9/14/96

	Portland, OR 97206	
091296-72	Joyce McLean 3185 SW 118th Avenue Beaverton, OR 97005	9/16/96
091296-73	Audobon Society of Portland 5151 NW Cornell Rd Portland, OR 97210	9/17/96
091296-74	WB and Helen Sprague 2915 Arbor Drive West Linn, OR 97068	9/16/96
091296-75	Russell Peterson State Supervisor United States Department of Interior Fish and Wildlife Service Oregon State Office 2600 SE 98th Ave Suite 100 Portland, OR 97266	9/16/96
091296-76	Adele Newton, President The League of Women Voters of Washington County (no address listed) for Portland: 921 SW Morrison Portland, OR 97201	9/16/96
091296-77	Vera Katz, Mayor City of Portland 1220 SW 5th Ave Room 303 Portland, OR 97204	9/24/96
091296-78	Dave Nadal 2014 SE 14th Ave #304 Portland, OR 97201	9/24/96
091296-79	Terry Parker 1527 NE 65th Portland, OR 97213	9/22/96
091296-80	David Zagel, President Association of Oregon Rail and Transit Advocates PO Box 2772 Portland, OR 97208	9/24/96
091296-81	Bob LeFeber Maybourne Real Estate of Oregon Inc	9/24/96

1100 SW Sixth Avenue Suite 1105
Portland, OR 97204

091296-82	John Liljegen Leasing Manager & Assistant General Counsel Westwood Development Corporation 3030 SW Moody Ave, Suite 200 Portland, OR 97201	9/24/96
091296-83	Roy Rogers Washington County Commissioner Land Use and Transportation 155 N First Avenue Suite 350 Hillsboro, OR 97124	9/24/96
091296-84	Betty Atteberry Executive Director Sunset Corridor Association (no address listed)	9/24/96
091296-85	Cheryl Perrin, Senior VP of Public Affairs Fred Meyer Inc PO Box 42121 Portland, OR 97242	9/24/96
091296-86	Langdon Marsh, Director Department of Environmental Quality State of Oregon 811 SW 6th Ave Portland, OR 97204	9/20/96
091296-87	Rob Drake, Mayor City of Beaverton 4755 SW Griffith Dr. PO Box 4755 Beaverton, OR 97076	9/24/96
091296-88	Barry Cain, Vice President Gramor Development 9895 SE Sunnyside Rd Suite P Clackamas, OR 97015	9/24/96
091296-89	Phil DeNardis c/o John L Scott Real Estate 10260 SW Greenburg Rd Suite 250 Portland, OR 97223	9/24/96
091296-90	Mark Whitlow Bogles & Gates PLLC	9/24/96

1400 KOIN Center
222 SW Columbia
Portland, OR 97201

091296-91	Mary Tobias, President Tualatin Valley Economic Development Corp 10200 SW Nimbus Avenue Suite G-3 Tigard, OR 97223	9/24/96
091296-92	David Bell, Executive Vice President GSL Properties Inc 2164 SW Park Place Portland, OR 97205	9/24/96
091296-93	Robert Price, Senior Planner Mitchell/Nelson/Welborn/Reimann/Partnership 233 SW Front Ave Portland, OR 97204	9/24/96
091296-94	Kenneth Elliott, Attorney Albertsons Inc. General Offices 250 Parkcenter Blvd, Box 20 Boise, ID 83726	9/24/96
091296-95	Jim Hinzdel, AICP 1250 Wells St Lake Oswego, OR 97034	9/24/96
091296-96	Wendie Kellington Preston, Gates & Ellis, Attorneys 3200 US Bancorp Tower 111 SW Fifth Ave Portland, OR 97204	9/24/96
091296-97	Anthony Boutard 1640 SW Davenport St Portland, OR 97201	9/23/96
091296-98	Jim Standring Westland Industries Inc 5 Nansen Summit Lake Oswego, OR 97035	9/19/96
091296-99	L. Randall Weisberg Land-use/Environmental Coordinator Hillside Neighborhood Association 1829 NW Everett St Rm 205 Portland, OR 97209	9/20/96
091296-100	Gerald Krummel, Mayor City of Wilsonville	9/23/96

30000 SW Town Center Loop E
Wilsonville, OR 97070

091296-101	Loretta Pickerell, President Sensible Transportation Options for People 15405 SW 116th Ave #202B Tigard, OR 97224	9/12/96
091296-102	Charles H Martinez Commercial Realty Advisors Inc 744 Cardley Ave Suite 100 Medford, OR 97504	9/24/96
091296-103	Gretchen Dursch, President Community Development Network of Multnomah Co. 802 SE 27th Ave Portland, OR 97214	9/6/96
091296-104	Gordon Faber, Mayor City of Hillsboro 123 W Main St Hillsboro, OR 97123	9/24/96