

MINUTES OF THE METRO COUNCIL MEETING

October 24, 1996

Council Chamber

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

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2:10 p.m.

1. INTRODUCTIONS

Councilor McLain asked that Resolution No. 96-2404 be moved back to the Growth Management Committee.

Councilor Monroe seconded the motion.

There was no objection from the Council.

Presiding Officer Kvistad returned Resolution No. 96-2404 to the Growth Management Committee.

2. CITIZEN COMMUNICATIONS

Presiding Officer Kvistad asked Mr. Lewelyn to come forward to testify limiting his testimony to five minutes.

Mr. Art Lewelyn began by indicating he was not in support of the North South Light Rail. He discussed his plans for alternative transportation which included the plans for a low floor electric trolley bus. He presented maps describing his plans for a circulator which ran from the Rose Corridor across the bridge through the length of the downtown mall. There would be no road reconstruction for these vehicles nor a displacement of the bus system, a reduction in the number of diesel buses on the mall creating a transfer vehicle to get from the east side light rail to downtown mall area. He noted a brochure which described his proposal. (This brochure is included in the permanent record of the minutes of this meeting and may be found in the Council Archival Records). He reviewed his main points which included a description of the circular, an East Bank alignment of the Light Rail and a street car across the Hawthorne Bridge to act as a secondary transfer point from OMSI to the Mall. He also included a plan which included the involvement of the Street Car Committee, ARORTA's work, noting the rail lines already in place. His plan included an electrical run vehicle which could run on its own apparatus, its own energy. He did not believe the current South North Light Rail plan was accomplishing what it should. He emphasized that the Street Car option did have advantages over the bus system. He concluded by saying that he was for rail transit because he believed that it had advantages of being fast, smooth, comfortable, clean, quiet, easier boarding, low maintenance costs, and an improvement to the pedestrian environment. He asked that he be able to give his presentation in a form that it really deserved.

Presiding Officer Kvistad asked that the Executive Officer provide a staff person to review Mr. Lewelyn's proposal. He thanked Mr. Lewelyn for his presentation.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, updated the Council on the Zoo Bond Measure. The Bond Measure was going out for sale, to be sold by November 1st. Moody's and Standard had reviewed and confirmed the ratings on these bonds. He said, one question which arose about ratings is the status of Ballot Measure 47 should it pass and what its effects would be. He recommended putting together a shadow budget which would reflect what would happen if this measure passed. The loss to the Zoo would be about \$1.7 million, the difficulty being that one can not shut down or carve back simply because these are revenue producing days. The Executive was reviewing what could be done if these kinds of reductions are necessary, if the measure passed.

Secondly, the State of Oregon must review sites for prisons and two of the sites are the Dammasch property in Wilsonville and the Wilsonville Tract. Metro had an interest in both of these possible sites for the purpose of bringing them into the Urban Growth Boundary, opportunity for this site to become a housing development, which was greatly needed in the Wilsonville area. The Wilsonville Tract was actually on the list to purchase as open space. Mr. Burton indicated that he had been working with the the Tualatin Valley Water District to help them locate other sites so they would vacate their option on this property so Metro is clear to proceed with the purchase. The DOC citing had temporarily postponed this process. There had been a tremendous effort on Wilsonville's part to resolve these growth issues. He noted a hearing on the 17th of November in Wilsonville at 3 p.m. at the Holiday Inn regarding not supporting this site as a prison site. There was continued negotiation on the purchase of this property but there could be a problem if the Governor used this as a site for a prison.

Councilor Morissette asked what the number of the site was?

Mr. Burton responded that the number was 40 through 42.

Presiding Officer Kvistad indicated he would make sure the Council knew what the site number was as it was of concern to him as well.

4. AUDITOR REPORT

Ms. Alexis Dow, Auditor, gave an update on the results of the Auditor's planning efforts. The plan was the outcome of discussions with Council as well as budget analysts, Council analysts, and department heads. She had planned 10 audits anticipated within the next year. Two already were in progress, an Evaluation of the Rate Reform and comments on the options as well as surveying work with respect to Growth Management. The other areas to be reviewed in the next year included plans to assess overall Zoo performance, a service efforts and accomplishments audit, assessing control surrounding the MERC event settlement accounts, and at the completion of the EXPO expansion, construction activity would be reviewed. There were also plans to assess the effectiveness and efficiency of Metro's management structure, particularly giving emphasis on span of control issues. The Auditor would be looking at Metro's management controls on the Zoo construction, the effectiveness of Metro's Waste Reduction Program as well as the adequacy of control surrounding receipts at remote locations. The actual scope of these audits would be determined after a thorough survey has been performed, occurring prior to the audits. The Auditor anticipated that this plan would be flexible and would accommodate any emerging issues during the year.

5. CONSENT AGENDA

5.1 Consideration of the Minutes for the October 17, 1996 Metro Council Meeting.

The minutes of the October 17, 1996 Council meeting were not available.

6. ORDINANCES - SECOND READING

6.1 Ordinance No. 96-647B, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept.

Presiding Officer Kvistad reviewed the process for this meeting, stating that, first, the Council would take into consideration and act on any amendments that were before Council today presented by members of the Council or by the Advisory Committee, MPAC. The Council would then move into a Public Hearing on this ordinance. He noted that the existing Functional Plan as amended was available in the Council Chamber. He asked that Council add any amendments that were approved today to the most recent Plan, this would be the document from which public testimony would be considered. Following the Public Hearing, the Council would have opportunity to make further amendments if necessary, then there would be a motion to continue Ordinance No.96-947B as amended to the Council Meeting, November 14, 1996. Once the amendments were made at this meeting, the Functional Plan would be completed but due to the fact that it was a land use decision, there was need for a set of findings from the Legal Counsel as well as appending a series of maps to the Ordinance prior to its final adoption. The Ordinance as it stands, amended at this meeting, would be the Ordinance being acted upon unless there are technical amendments that would have to be made due to the legal findings.

He added that what would be done at this meeting was to review amendments and consider amendments by Title, each Title being taken in turn, dealing with the amendments themselves, at the completion of this review process, Councilor McLain would introduce a series of consistency amendments which would be dealt with, then Council would move to a Public Hearing.

Councilor McCaig clarified that some of the amendments before Council today may be accompanied by public testimony which would follow the votes on these amendments?

Presiding Officer Kvistad responded that most of the amendments before Council had already been testified to in prior meetings. There were some amendments which are technical adjustments which wouldn't have public testimony, if anyone wished to speak to these amendments, they would be allowed to do so prior to a vote. There would then be a public hearing and amendments may be introduced following the public hearing.

Michael Morrissey, Council Analyst reviewed each amendment before Council. He noted that the Functional Plan as amended was available in the back of the Chamber as well as copies of the nine amendments being considered at the Council meeting.

The first amendment was McLain Amendment #13, which arose through MPAC, having to do with making the 80% minimum density requirement more flexible.

Motion: **Councilor McLain** moved Title 1, Section 2A, at lines 98 to 113, McLain amendment #13.

Seconded: **Councilor Morissette** seconded the amendment.

Discussion: **Councilor McLain** reviewed this amendment noting that the amendment was a combination of things, first, local jurisdictions had asked the Council to tell them what the product was that was needed and let the local jurisdictions come up with a plan for their particular jurisdiction to accomplish the 80% minimum density requirement. In support of these requests, there were three

changes made as well as adding Mayor McRobert of Gresham suggestion which helped with specificity of making sure some averaging was used in some of the density tactics being used while keeping with the minimum density. A) Cities and counties shall apply a minimum density standard to all zones allowing residential use as follows; 1a) provide that no development application including a partial or subdivision may be approved unless the development will result in the building of 80% or more of the maximum number of dwelling units per net acre permitted by zoning the designation for the site. This was from the old language. This gave the minimum. B) Adopt minimum density standards that apply to each development application that varies from the requirements of subsection 1a above, however, for the purpose of compliance, Title 1 would be used. Only those dwelling units that were allowed as the minimum density standards shall be counted for compliance with a calculated capacity of Title 1. So for the purposes of Metro reviewing to ensure that densities had been met, Title 1 numbers would be used. 2) The minimum density standard may be achieved by the use of small lot district where an average lot size of 5000 to 6200 square feet allows flexibility within that range on development application so long as the district remained in compliance with minimum density standard used to calculate the capacity for the compliance with Title 1 capacities. For example, there would be opportunity to have a smaller than lot size then a minimum required which would allow for larger lots in the inventory allowing some flexibility on both ends of the scale. 3) No comprehensive plan provision implementing ordinances or local process such as site or design review could be applied and no condition of approval could be imposed that would have the effect of reducing the minimum density standard. This was in keeping with the spirit of Title 1 ensuring that those particular density requirements and density goals were being worked through. This was reviewed at MPAC, it addressed some of the concerns of the local jurisdictions and also dealt with the spirit of the 2040 Growth Concept on Density and targeting density in particular areas that were better suited for that density. She requested the Council's support.

Councilor Morissette added that he liked the idea of being more flexible with the 80% minimum densities but as he votes this forward he was voting for the fact that this amendment made densities more flexible. He did not support the 80% minimum densities across the board. It was his belief that the local jurisdiction wouldn't have the flexibility when it gets down to making this density work.

Mr. Larry Shaw commented that he noted an inconsistency from a recommendation at the MTAC meeting which is included in McLain Amendment #14, two words, in 1a..including a partition or subdivision, 'partition' should be crossed out to be consistent with the definition that MTAC recommended.

There were no objections to Mr. Shaw's change. Presiding Officer Kvistad indicated that this change would be considered as the motion, which was accepted by Councilor McLain, so the motion would include this change in language.

Councilor Monroe asked Councilor McLain for clarification when she referred to Title 1, should that be instead Table 1.

Councilor McLain indicated she should have said Table 1, not Title 1.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The McLain #13 amendment was approved unanimously.

Mr. Morrissey reviewed McCaig Amendment #8, Title 2 spoke to zone B being required rather than recommended. He noted that in the last McLain #14, an errata sheet, there was an item that was inadvertently removed, language which spoke to zone B being recommended and currently in the very last page of the Functional Plan there was a regional parking ratios map or chart and this identified zone B parking as recommended. He suggested that these items may need to be addressed.

Motion: Councilor **McCaig** moved McCaig Amendment #8.

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

Discussion: Councilor **McCaig** addressed this amendment indicating that through her contacts over that past week she found that the change in language moving it from required to recommended did have a serious impact. She proposed that the wordage be changed back to required rather than the current amended language, recommended. The current language established in zone A, those areas which had access to transit, allowed for about five parking spaces per thousand. This was possible because there were other modes of transportation. By moving the requirement to a recommendation in zone B, all of the other areas which didn't have accessibility to other transit modes would be determined independently whether they wished to adhere to the parking ratio. The recommended parking ratio for zone B is 6.2 parking spaces per thousand which was not very restrictive. She believed this language changed to recommended undermined the efforts of the entire region. Councilor **McCaig** recommended that the Functional Plan return to the original language which was language which would require that the parking ratios be adhered to in zone B.

Councilor **McLain** spoke against this amendment noting her reasons, first, there were many areas in the region that could not meet the responsibilities of a zone A commitment. Most of the zone B would be either industrial, residential or rural, therefore they wouldn't be getting much out of zone B. She did not believe people will be flocking to these areas for the kind of commercial advantages Councilor **McCaig** referred to. This wouldn't apply if these individuals didn't go there. Secondly, the minimum standard was very high and strong and with the help of Councilor **McCaig's** amendment last week, this process for variances was strengthened for zone A. This would need to be readdressed as the Regional Framework Plan and the Regional Transportation Plan update were reviewed. She noted that this was unfinished work yet through the approved amendments, zone A had been strengthened. One could not have a zone A requirement unless alternative transportation was available. When transportation was available to a zone B area, it would be transferred to a zone A status.

Councilor **McFarland** asked Councilor **McCaig** if there was any more clarification that could be given to change back to required.

Councilor **McCaig** indicated that there were individuals in the audience who might testify on this amendment but primarily by allowing it to be recommended, there was no proactive direction for those jurisdictions which were outside of zone A on what they must do with their parking. By allowing a moderate parking ratio to be required (25% higher for those jurisdictions in zone B than in zone A, taking into consideration the flexibility and the difference of these jurisdictions) Metro encouraged these jurisdictions to meet the overall standards which was being implemented in Title 1, 2, 3, 4, 5, 6 and 7 and that by allowing it to be simply recommended, it would not occur in some places, possibly in those jurisdictions which were not interested in proceeding with the goals being established in the 2040 Growth Concept. She believed it is unreasonable and unfair to allow those jurisdictions to be required to do anything at all.

Councilor **Monroe** said he would support Councilor **McCaig's** amendment. He expressed the need to attempt to develop regionalism, there was need for consistent policies. There was still the belief that the zone B recommendations were appropriate, 25% greater than zone A in terms of what the maximums allow. If these were appropriate, then there needed to be consistency around the region because if there was no consistency, some local jurisdictions would adopt zone B maximums and some would not. He would be concerned to see economic decisions by developers, by business people based upon which local jurisdiction decided to go with the zone B recommendations and

which did not. He preferred to see consistency across the region so they would not be making economic decisions on this basis.

Councilor McLain responded to Councilor Monroe agreeing that Metro did need comparable standards, however, there were not comparable conditions. In the region there were places where the bus service was different or there was no type of transit supportive transportation system. Zone B moved to Zone A as soon as this supportive transportation system was available.

Presiding Officer Kvistad opened a public hearing on this amendment.

G. B. Arrington of TriMet spoke in support of Councilor McCaig's amendment. TriMet was interested in supporting, in extending the requirements to zone B. TriMet was concerned about the possibility of creating disincentive in the market place to develop near transit, to send a signal to the market place that one should go where the parking was. The areas near transit were the very areas where Metro was trying to encourage development to occur where the higher densities were anticipated, TriMet's concern was by making these zoning requirements recommended and voluntary, it would create movement in the wrong direction. The City of Portland adopted tax abatement for residential near transit because they believed it is important to have those incentives in place. He pointed out that areas like Tanasbourne or Kruse Way were hot suburban markets that would be in the voluntary zone B area. They did not have good transit service today, they should have different parking ratios, voluntary ratios sent the wrong message. TriMet believed there should be a consistent approach that Metro send a signal to the market place that parking was an issue of regional concern and Metro shouldn't be creating disincentives to develop near transit and incentive to develop away from transit.

Keith Bartholomew, representing 1000 Friends of Oregon, 534 SW 3rd #1300, Portland, OR 97204, supported Councilor McCaig's amendment for the same reasons which had already been stated. He added that one such place, as examples of places that were in zone B under the current standard, would become voluntary for maximum parking ratios, would include the entire area in Tualatin around Boones Ferry Road along I-5 Southbound, was now sprouting all sorts of big box retail. These areas were not just industrial wastelands. These were places that are hot markets for those uses that attract very large parking lots. Secondly, he noted in his written testimony (included in the permanent archive records of this meeting found in the Council Office), there was a report from the Department of Environmental Quality done in 1994 on parking usage in the Kruse Way area. DEQ analyzed the amount of parking being used in the area in preparation for the development of maximum parking ratios, very similar to that which was being considered at the Council meeting, found that in the Kruse Way in the three office buildings that were studied, parking was being built at market conditions with no parking maximums at about 3.9 to 3.4 spaces per thousand square feet. This was with no maximum standard in place. DEQ found that these parking lots were substantially empty or significantly underfilled. The actual parking rates were between 2.7 and 2.95 spaces per thousand square feet. Compare that to maximum allowed under zone B? If Metro was to make zone B maximum, that provision would require 4.1 spaces per thousand square feet. In other words, what the Council was contemplating making mandatory was substantially higher than what was actually built and significantly higher than what was actually used. He did not believe this amendment crimped the market but what it did do was send a message to the market that we want development to happen in places that were well served by transit.

Clayton Hering, represented the Association for Portland Progress, 520 SW Yamhill Suite 1000, Portland, OR 97204. APP was a non-profit downtown business association, its mission being the beneficial growth and development of the central city. APP had supported the visions of a higher density region articulated in the 2040 plan as the best hope for preserving the quality of life. However, APP was concerned that the aspects of the Functional Plan that were being considered at today's meeting would not contribute to the growth of increasing the density of development

throughout the region without the McCaig amendment. APP was specifically concerned about the structure of the regional parking ratio under consideration. The current draft of the Functional Plan specified restrictive parking ratios for development in zone A, the area within which higher density were encouraged. The Plan only recommended but did not require slightly less restrictive zoning ratios in zone B. APP was concerned, as had been articulated by previous testimony, that the effect of placing mandatory ratios on one zone, particularly those APP hoped to see higher density, would only work against Metro. In fact, the market place was efficient and experiences had proven that APP's concerns were valid. This was not to say that all types of development within both zones should be subject to mandatory ratios. APP's experience in the central city with ratios had taught them that it was not feasible to create workable parking ratios for retail development nor did it serve traffic management or air quality goals. Office uses and commuter traffic could be impacted by ratios thus APP would encourage the creation of mandatory ratios for all office uses throughout the region and on areas where commuters were likely to park. Ratios could vary dependent upon the availability of transit but they should be required. APP had had first hand experience in the central city with the disincentive unequal regulation places on development. The central city was the highest density area in the region. It had the most stringent parking ratios and regulations in the region. Developers had chosen to build outside the city partially because of the strict parking regulations. A system that regulated some land and not other would only continue an unequal system.

Zack Semke, testified on behalf of the Coalition for the Livable Future (CLF), Coordinator. The Coalition, an affiliation of over 30 non-profit organizations, was based in the Portland Metro region working together to promote a compact equitable and attainable future for the area. CLF supported the McCaig amendment on the Regional Parking Policy. The original maximum ratios of five parking spaces per one thousand square feet for zone A and 6 spaces per thousand for zone B seemed very reasonable, certainly worthy of Council support. It was Mr. Semke's understanding that based on Retail Expert Bob Gibb's testimony concerning the industry standard for shopping centers was 5 spaces per thousand. These maximum ratios would hardly be radical step. The ratios should be mandatory for both zones, A and B. By making parking ratios optional in zone B, would undermine Metro's original objective providing regional equity in parking. If maximum parking ratios were required for core areas well served by transit and not zone B areas important development and investment would be drawn away from transit corridors and regional town centers. Without equity in the parking policy core areas would suffer economically as fringe areas accommodate larger and larger parking lots. He asked the Council to please apply an equitable region wide parking policy.

Mark Whitlow, Bogle and Gates, Retail Task Force, 222 SW Columbia #1400, Portland, OR 97201, did not support the concept of maximum parking ratios. Relative to this specific amendment, it was his understanding that positions needed to be rethought. It was his understanding that the original move away from mandatory requirements in zone B was part of the rationale for another amendment, shifting an adjustment process to a variance process. It was his hope that if there was a return to mandatory requirements in both zones A and B, that there would be a return to the adjustment procedure as well. He believed this was appropriate based on his comments last week. Two things came into play here, a need for uniform regulations and also a recognition that there were different circumstances, different types of development in different areas throughout the region. The adjustment procedure gave local governments, cities and counties the ability to take those different conditions into account. They urged that if Council returned to mandatory regulations in A and B, there was also a return to the adjustment procedures.

Jim Mark, Melvin Mark Companies, 111 SW Columbia #1380, Portland OR 97201, member of the Retail Task Force, supported what Mr. Whitlow said previously. He also wished to correct testimony he had made before regarding office building complexes. His company had been in business for over 50 years, he himself had been in realty for over 15 years. In a typical suburban office complex without adequate bus service or transit service, 3.5 parking spaces, with a 95% fully occupied office complex equaled a completely full parking lot. It was a joke to say that those parking lots were

empty, they might be empty at 6:00 am in the morning or at 7:00 pm at night but during the time they had operated complexes around the city they had been fully used. It was important, unless TriMet was going to increase some of the corridors, to remember that parking ratios didn't change peoples use of cars until the price of operating an automobile went up. He encouraged the least restrictive as possible until there was transit corridors that would serve those areas.

Councilor Morissette asked Mr. Mark is he concurred with the amendment or he would like to keep it where it currently was with the adjustment from variance?

Mr. Mark responded that he would like to keep it where it currently was, prior to the amendment?

Presiding Officer Kvistad clarified that if this amendment were to pass, Mr. Mark would want to go back to the original language. Thus, he did not want the amendment to pass.

The Honorable Gussie McRobert, Mayor of Gresham, reminded the Council that the zone B maximum ratio is 25% higher than zone A, this made up for the lack of transit. It was her understanding that taking zone B out of the mandatory area was done to avoid a lawsuit. She suggested to the Council that it was not good to craft policy to avoid a lawsuit, craft the best possible policy based on the record and this would then hold up under an appeal. The record would not support zone B being optional. There was much testimony on the record at the MPAC meetings from DEQ that they needed the whole thing to comply with the Ozone Abatement Plan. There was Langdon B. Marsh's letter which said if the amendment did in fact provide an incentive for development in zone B then it would be detrimental to the maintenance plan. She thought to change it back meant it would hold up on appeal. There had been note that this would be made up for in the RTP. Unfinished work didn't cut it at LUBBA. That was not a finding that could be justified. She suggested that we would be better off going back to the mandatory. It could be political feasible but it wouldn't hold up. Metro would be wasting the city's money.

Councilor McLain indicated that Mayor McRobert and she had spoken of both the McLain and the other amendments and asked if it were not true that the testimony just given was based on the Functional Plan and not individual titles?

Mayor McRobert responded that this testimony was based just on this Title, Title 2.

Councilor McLain said the DEQ letter written by Mayor McRobert she acknowledged but as far as Mayor McRobert comments on what we got or what we were trying to achieve, wasn't that based on all of the titles?

Mayor McRobert responded that, it was not.

Councilor McLain asked if Title 2 was going to carry the whole 2040 Growth Concept?

Mayor McRobert responded that during the MPAC meetings the DEQ group was there to testify only about the Ozone Abatement Plan. Yes, the entire Plan applied but as Councilor McLain said it was unfinished. Most of the Regional Framework Plan was to come.

Councilor McLain added that they would talk more about it in Title 4.

Katherina Woodward, 6234 SW 30th Ave, Portland, OR 97201, supported Councilor McCaig's amendment to return to the original maximum ratios in both zones, A and B.

Presiding Officer Kvistad closed the public hearing concerning McCaig amendment #8.

Discussion: **Councilor Morissette** asked Councilor McCaig if her amendment was designed to eliminate the variance process or her amendment would keep the variance process?

Councilor McCaig answered that her amendment was specifically to only deal with zone B and to move zone B from a recommended to a required parking ratio.

Councilor Morissette concluded that this amendment kept the variance process.

Councilor McLain indicated that the first amendment in the packet was not an amendment that supported dirty air. It was an amendment that supported air cleaner than current standards. Second, this was unfinished work because this was sequential work, the rest of the work would be finished with the Regional Transportation Plan. She believed Councilor McCaig and she would be much closer at that point but right now there were no buses in Forest Grove that she could ride to get into Metro every day. There was only one on a trunkline that she must walk two to three miles one way. She noted that the language said that when there was transit available, it would move to zone A.

Presiding Officer Kvistad spoke against Councilor McCaig's amendment for two reasons, first, parking maximums in areas that had no transit service whatsoever were detrimental to his community as well as being detrimental to the region as a whole. When there was a transit agency which functions and gave equal level and number of service to all the communities that were paying transit taxes then maybe he would consider treating his community and the outlying communities differently than he would treat others. Second and most important, the Council made a commitment last week to put in a variance to strengthen the zone A. The Council gave a commitment that we would have recommended zone B to give the maximum degree of flexibility possible. The Council had this discussion and the vote was to strengthen zone A requirements because there was allowance for a bit more flexibility in the outlying regions. He believed to go back on that now represented a real focus on making a decision and then turning around and going back on the word that was given to others when the amendment was strengthened. He urged the Council vote no.

Councilor McCaig closed by saying that within zone A different jurisdictions were not all the same even within zone A there were some jurisdictions who had better transit, more bike ways, better pedestrian access. She understood that there was a difference in jurisdictions. Her point being that between zone A and zone B, it was grossly unfair and detrimental to all of the overall goals of the 2040 process if we allowed those areas which were in zone B to not break a sweat. As the result of allowing zone B to be recommended and not required, we would see those areas which were willing to allow auto dependent uses draw from zone A which would be detrimental to the areas we represent as well. She urged the Council's support of her amendment.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. Councilors McLain, Morissette and Presiding Officer Kvistad voted nay, the amendment passed.

Presiding Officer Kvistad noted the time certain testimony requested from Commissioner Hale and the Honorable Rob Drake, Mayor of Beaverton who which to speak on the MPACs discussions.

Commissioner Charlie Hale, MPAC chair, briefed the Council noting that the Council was about to put in place the first foundation stone in a big planning effort and he encouraged the Council to continue. Secondly, it was very important the relationship between the Council's advisory committee, MPAC and the Council not be an endless loop so MPAC had refrained from rehashing issues that the Council had already been advised on. Individual local governments, citizens and constituents were going to continue to have the right to have their input. Commissioner Hale reviewed two amendments that MPAC had worked on at the previous MPAC meeting. First, McLain amendment #12 clarified a reality which was that eight intersections per mile was not going to work in situations where there was a river or lake or some other major geographic feature that required the interruption

of the street pattern. MPAC reviewed this amendment and urged the Council's support. McCaig amendment #4, the compliance regiment. MPAC believed that the Council, not a hearings officer should act on those interpretation issues also noting both in the MPAC meeting and at MTAC that there was considerable concern about the technical effect of this amendment. MPAC urged that between now and the conclusion of the Council's findings, both the Council as a policy making body and the legal counsel have a clear understanding of what this provision would do and what it wouldn't do, where it would apply to local governments actions and where it wouldn't. MPAC believed they were in agreement with the Council's policy direction but the details needed to be correct. Sometimes problems emerged after the fact if the details weren't correct. Finally, as a representative of a local government, Commissioner Hale spoke for the City of Portland, commending the accessory unit amendment, it was a fair way to do this on a regional level. He expressed support for that provision. In summary, they were happy that the Council was at this point, this was a great experiment. The Council had gotten to this stage in this experiment with the active support and involvement of the local governments who had to put this Plan into action. The Council also had the citizens of this region engaged in these issues. Two success stories, an active collaboration between local governments and the regional government on how to do this difficult work and there were citizens all over the region who were now aware and involved in growth management issues. Both of these were important changes. He urged the Council to finish the work, put this Plan into action and then ready themselves for even more difficult decisions ahead.

The Honorable Rob Drake, Mayor of Beaverton and Vice Chair of MPAC, supported Metro's efforts to finalize the Urban Growth Management Functional Plan and produce a document which would serve as a blue print to properly management and balance growth in the Portland region in the next 20 years. He applauded the Council's efforts to continue to respond to citizen input and make changes which reflect the many views of our communities. The City Council and he were in support of the Functional Plan, there had been many recommended changes to the Council, which had been considered and included in the revised documents. They understood that the Council was trying to balance competing interests and keep the region livable, vital and the economy sound for the next generations. They also supported the Council's efforts to keep a tight urban form and preserve valuable forests and farmlands. The City believed that the final Functional Plan document should contain general guidelines which allowed local jurisdictions to retain its governance autonomy and the ability to maintain its local identity. In recent revisions of the Functional Plan, the Council had added provisions for a hearing officer. He said Commissioner Hale recommended that this addition be deleted and it was his understanding that Councilor McCaig had recommended substituting a hearings officer for a decision of the Executive Officer. Mayor Drake supported those changes. He noted that it had been a tough arduous process and he could see from the amendments before Council that not everything was turning out as Washington County would like, referring specifically to the parking provisions, but he understood the difficulty in trying to come to a document that tried to meet the needs of the region for the next 20 to 40 years.

Councilor McLain asked if Mayor Drake was talking about McCaig amendment #7?

Mayor Drake indicated he thought it was amendment #4, the compliance procedures amendment which had been renumbered to amendment #7.

Michael Morrissey said that there were no amendments in Titles 3, the next amendment was Title 4.

Councilor McLain commented about Title 3 given the input from testimony, staff and the Executive Officer. She said that there were no amendments brought forward at this point because this Title 3 did not go into effect until the model ordinance and map were finished. Even if it was agreed upon that there should be some more specificity or definition to some of these items, they could not make those legitimately until the model ordinance is seen. The general type of language was general

language with general goals, the map and the model ordinance would bring to the Plan specificity. At the time these items would be brought forward there could be some technical amendments that would be made at that time.

Presiding Officer Kvistad proceeded to Title 4.

Michael Morrissey reviewed Title 4 McCaig amendment #5, having to do with section 2 the comprehensive plan in implementing changes required, related to those areas that allowed retail uses larger than 60,000 square feet in employment areas.

Motion: **Councilor McCaig** moved the adoption of McCaig amendment #5.

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

Discussion: **Councilor McCaig** indicated that Presiding Officer Kvistad and she had an interest with Title 4 to see if some of the concerns remaining could be addressed. She asked John Fregonese to come forward to explain more specifically what was done in the last amendment. She had several questions. Her concern with Title 4 section B amendment, approved at the previous Council meeting, was that she believed that Council may be negatively effecting some existing conditions which were already in place and that we were being unnecessarily restrictive in the zoning requirements retroactively rather than proactively. The McCaig amendment #5 addressed that. She asked Mr. Fregonese to explain the current language in zone B that were adopted at the last Council meeting. She clarified Title 4, section B, line 599.

John Fregonese, Director of Growth Management Services for Metro, responded by saying that the two versions of zone B major differences in their effect were the way it was currently written, if an area was in an employment area as designated on the map, if it was currently in commercial use and they wanted to expand by more than 60,000 square feet or if it was vacant and they wished to build a structure of more than 60,000 square feet, they would have to provide transportation adequacy. In other words, they would have to show before they built or expanded, the local government would have to require that they have relatively uncongested roads before the local government could permit building or expansion.

Councilor McCaig asked if there was an owner of commercial property who owned property in an employment section and wanted to build an 80,000 square foot building they would have to meet these criteria in order to build today by the amendment which was passed at the last Council meeting?

Mr. Fregonese answered affirmatively, qualifying that the only difference was if it was currently zoned for commercial use, if it was zoned for industrial use or non-commercial use, non retail use, they would have to meet the test in either case. This did not effect areas that were currently zoned industrial, business park or commercial office of any of these types of areas, it effected only areas that were currently zoned for retail use. The only difference was for areas that were currently in commercial use.

Councilor McCaig asked Presiding Officer Kvistad if the Tualatin example was applicable to this?

Mr. Fregonese answered yes, the Tualatin GI Joes area was brought up at MPAC as a typical example, it was an employment area, it was also zoned industrial, it was a kind of zone that permitted retail use, many retail entities occur in the Durham interchange.

Councilor McCaig synopsisized that in order for that district and those developments to continue, they would now have to meet the criteria adopted in the Council meeting of last week.

John Fregonese said that if they wished to expand by more than 60,000 square feet, they would have to meet the criteria adopted at last week's Council meeting.

Councilor McLain commented that first she made a list of everyone who voted on Title 2, Parking. These groups included TriMet, 1000 Friends, the Progress Board, Mayor Gussie McRobert, Councilor McLain indicated that this Title should be called Retail, Employment Areas and Parking Issues. What this particular amendment #5 did was grandfather everything that was on the board right now. So if there was something that was currently 60,000 square feet and there was no adequate transportation, another 60,000 square feet could be built without proving adequate transportation. What the McLain amendment did, that Councilor McLain presented at last week's Council meeting, was to note exceptions, yet, these entities that needed to expand or wished to rebuild must demonstrate adequate transportation, there would be the kind of traffic patterns and parking patterns that made sense for the rest of the people who were in those employment areas and also for the general public who were trying to get to the store. What this amendment did was to totally gut the retail section of the 2040 Growth Concept. She believed the McCaig amendment was a bad amendment and she encouraged the Council not to pass the amendment.

Councilor McCaig responded that she had struggled with Title 4, she felt that it might be easier to be more restrictive in Title 4 than in some other areas. There was no place else in the document which spoke to being retroactive. She believed that we must respect the relationships we have with our local governments and other partners, which continued to be the business community and commercial development. For those individuals who had invested under certain rules in these areas, it was appropriate that they be allowed to follow the same rules until the time of this Functional Plan. The Plan was intended to be a proactive document, leading the region into the future and directing future actions. To apply this particular amendment seemed unduly harsh on one specific industry. As a result of this, she submitted this amendment for consideration.

Councilor Morissette directed his comment to Councilor McLain saying that he did not see the same result in this amendment that she did. He believed that Councilor McCaig's arguments were reasonable. It was his hope as we move through this Plan at the Council meeting that we kept the passion but we worked through the process.

Councilor McLain asked that the Council, referring to section 3 exceptions, made sure they remembered what was in place in the original language. She added that it was important to be responsive to the retail industry. The retail industry wanted Title 4 to disappear. It was explained to them that Title 4 was not going to disappear, it was a main component of the 2040 Growth Concept. She said to the retail industry, what was it that could be done to assist the industry when there were exceptions and there were truly some situations that called for exceptions. She noted section 3 exceptions, exceptions to the standard for employment areas may be included in local compliance plans. This was already allowed through local governments, a) low traffic generating land consumptive commercial uses with low parking demand which had community or region wide markets or b) which had specific employment areas which had substantially developed retail areas or which were proposed to be or had been locally designated but not acknowledged by the effective date of this Functional Plan as retail areas could allowed new or redeveloped retail uses where adequate transportation facilities was demonstrated in the local compliance plan as provided in Title 8, and c) retail uses that are really different that primarily drew from business from market area not more than 2.5 miles from the site where adequate transportation facility capacity were demonstrated in the local compliance plan as provided in Title 8. She also had an amendment that she would be bringing forward if the McCaig amendment went down which would make clearly what was meant by adequate transportation. It would help go along with the Regional Transportation Plan and the Functional Plan and would be easier to define.

Presiding Officer Kvistad felt it would be unmanageable to go through each amendment and have public testimony for each amendment, he asked if the Council would like to change the format. If not the general discussion would be moved forward amongst the Council, the item voted upon and then public testimony would be allowed following the votes.

Councilor McLain responded that she felt either format would do. She had heard testimony and gotten written comments from most individuals in the audience. She thought that the idea was to have something for the public to react to in its entirety. If the Council went ahead and voted the amendments first, the public could react to those that were passed.

Councilor McCaig said that it was odd to vote and then hear public testimony.

Councilor McFarland indicated that her question was similar to Councilor McCaig's. She questioned whether the Council would have an opportunity to respond to the individuals who testified after the Council took action at the Council meeting but before the Functional Plan was passed in its entirety. She suggested that after this amendment was acted upon, a public hearing be opened to allow testimony on whatever amendment the public wished to testify and then the Council could respond.

Councilor Monroe thought the right way to proceed would be to have each one of the amendments presented with the questions from the Council, but not voted on, then take public testimony and then have a series of votes on the amendments. This would allow the public when they testify to comment on whatever amendments they wished to testify and to testify only once, thusly, testimony wouldn't be as arduous.

Councilor Washington said he wished to hear from the public, they did not need to be here until late. He concurred with Councilor Monroe.

Councilor Morissette indicated he had some prepared remarks that take on the whole Plan. He was prepared to talk to his concerns throughout the Plan, title by title. It was appropriate that the Council wait until testimony was given before the amendments were voted upon.

Presiding Officer Kvistad concluded that they would proceed through each of these items, moved and seconded each amendment, have technical discussions on each of these items, as soon as the amendments and the errata sheet had been moved through, there would be general public testimony and then the amendments would be voted upon following the public testimony.

Michael Morrissey reviewed McLain amendment #11 on Title 4. This amendment was a clarification of the word 'adequate' as it related to transportation facilities and added the word "new" to retail uses larger than 60,000 square feet.

Motion: **Councilor McLain** moved McLain amendment #11 for adoption.

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

Discussion: **Councilor McLain** noted that the word 'new' on line 605 had been added to make a consistency change because there was 'new' in the industrial and this would then also add 'new' in the employment area. In line 607 to 611, one of the comments Councilor McLain received after amendment #4 was passed at last week's Council meeting was a request to define the word adequate. With the assistance of the Transportation and Legal staff, the Title was amended to say, adequate to serve the retail use consistent with Metro's Functional Plan for transportation. She believed this tightened up the amendment and made the goal more specific. She believed this

clarified and went along with making sure there was adequate transportation any where there was a retail store.

Analyst Morrissey spoke of McCaig amendment #6 on Title 4 which deleted subsection C of section which was the exceptions section.

Motion: **Councilor McCaig** moved the adoption of McCaig amendment #6.

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

Discussion: **Councilor McCaig** spoke to her amendment, this change was included in the amendment at last week's Council meeting where there was an exception in Employment areas which allowed a 2.5 mile market area. This was originally proposed as helping a particular need, however, it did not do this, therefore, instead of cluttering up the statute with it, it was not necessary to have included.

Mr. Morrissey reviewed McLain amendment #12 in Title 6 which originated with MPAC and had to do with street connectivity clarifications.

Motion: **Councilor McLain** moved the adoption of McLain amendment #12.

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

Discussion: **Councilor McLain** said that at the MPAC meeting language was borrowed from another section of Title 6 there were comments made that included lakes, freeways and other items that got in the way of connectivity of every single road. So this amendment gave allowances for areas which had barriers preventing it, making it typographically impossible to connect every road.

Mr. Morrissey said Kvistad amendment #6 in Title 8 Compliance Extension Process.

Motion: **Presiding Officer Kvistad** moved the adoption of Kvistad amendment #6.

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

Discussion: **Presiding Officer Kvistad** said this motion was to respond to local government concerns presented by Mr. Larry Shaw. This amendment allowed for a very limited extension of the timelines under the Functional Plan only if the city or county had demonstrated substantial progress or proof of good cause for failing to complete the requirements on time. This item was to respond to differences in jurisdictions who dealt with their comprehensive plans as well as their state periodic review. Some of the jurisdictions review period came up following the 24 month requirement so this exception was there for those jurisdictions only if they needed it to deal with the state periodic review.

Mr. Morrissey reviewed McCaig amendment #7 in Title 8, further work on interpretation process, clarification in sections 5 and 6.

Motion: **Councilor McCaig** moved McCaig amendment #7.

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

Discussion: **Councilor McCaig** spoke of last week's Council meeting where she raised an issue about the role of citizens and the process that a citizen could follow being involved in interpretation of the Functional Plan. At the direction of the committee, several things were left in place including

establishing a compliance interpretation process in the packet (part of the permanent record of this Council meeting, found in the Council office) which was sent out that allowed for local jurisdictions to request of Metro interpretation advise on the Functional Plan. Additionally, what the Council agreed to send out last week was simply reordering the sections, calling the compliance interpretation as section 4, section 6 a citizen review process agreeing to establish the current law in the document so people would know how to proceed if they were interested in being involved. Lastly, number 7 was reordered to be enforcement. The Council directed Councilor McCaig to see if the Council would like to proactively go out and involve citizens in this process beyond what the law current required or allowed which was for a citizen to appeal to the Council and then to LUBBA, to see if the same language could be designed which would proactively involve citizens in the process. A draft was developed and taken to MPAC. MPAC had comments which she agreed with. The McCaig amendment #7 included the Functional Plan interpretation process which had the specific amendment from MPAC, rather than having a hearings officer involved it would be replaced with the Executive Officer and the Metro Council. She was comfortable with this change, it was simply a different process. The outcome was still the same. Section 5 was renamed from Compliance Interpretation Process to being a Functional Plan Interpretation Process. Section 6 was the new citizen review process, allowing a citizen who had presented written or oral testimony to a city or county on one of these issues who had developed standing (someone who had been involved at the local level) petition the Metro Council to initiate a Functional Plan interpretation or conflict resolution action. The Council could hear the citizen's petition. There was a list of four items which the Council could then proceed with, 1) to interpret the Functional Plan for the citizen, 2) to initiate a Functional Plan interpretation using the process in section 5 to give it to the Executive to go through a process and make a findings, 3) to allow for the conflict resolution process in RUGGOS, 4) or the issue was postponed because it was understood that something in the future was going to be resolving the problem and as a result did not deal with it directly at that time. Councilor McCaig thought the general feeling among Council members was that they were interested in making this document citizen friendly as much as possible and that Council would allow citizens to petition the Council, take action, if necessary with local jurisdictions. There were still concerns as expressed by Commissioner Hale and the home builders. She was more than comfortable with appointing a work group during the interim before this Plan took effect to see if there was some additional amendment that should be made to the process.

Mr. Morrissey spoke to McLain amendment #14, a series of consistency amendments or errata. There were seven amendments included in this amendment.

Motion: Councilor McLain moved McLain amendment #14.

Seconded: Councilor McCaig seconded the motion.

Discussion: Councilor McLain said line 144, cities and counties inside the Urban Growth Boundary was something brought up at MPAC. It went along with the fact that they were dealing within the Metro jurisdiction. This was more substantive than some other pieces of the amendment. On line 166 through 168 the word "an" was in the wrong place. It had been replaced up in D instead of down after E. In line 379, the word "no" should have been included to say cities and counties shall require no more parking than. Line 392 through 394 dealt with Title 2 and since Title 2 was passed the way the McCaig amendment was actually phrased this would have to be completely out. Line 396 the word "employment" would remain in the sentence so it should say, area with good pedestrian access to commercial or employment areas. Line 989 should say the employment and industrial areas map include lands. The last one was different, this was a term, this term was suggested by MTAC so this would be included in Title 10.

Presiding Officer Kvistad opened a public hearing.

The Honorable Gordon Faber, Mayor of Hillsboro, 123 West Main Street, Hillsboro, Or. 97123, said the proposed Metro Functional Plan had undergone several interactions over the past few weeks. These comments addressed provisions of the October 24th Plan draft that were significant to Hillsboro. He thanked the Council for considering these comments. As he had said before, Hillsboro supported the 2040 Growth Concepts and have been aggressive in Hillsboro in implementing them. They have also consistently asked that detail prescriptive Functional Plan provisions be eliminated to give the cities sufficient planning and regulatory flexibility to implement the plan in ways that was also acceptable within and to our community. The October 24th Plan draft contained some adjustments that would do just that, he thanked the Council for those changes. There were other Plan provisions which were still of concern. The comments had a common theme, simply stated the Functional Plan should tell cities what to do but not how to do it. It should identify the housing and employment targets, capacities and the regional planning and regulatory objectives Hillsboro was expected to achieve. The performance of their plans and ordinance should be regularly monitored to assure their achievement. Hillsboro should be held accountable if they failed to substantially achieve them, if this approach was followed, detailed and prescriptive Functional Plan provisions were unnecessary. He believed that most local jurisdictions in the region shared this view.

Wink Brooks City of Hillsboro Planning Director, 123 West Main Street, Hillsboro, Or. 97123 overviewed several titles. Title 1, Housing and Employment Accommodation, Hillsboro applauded the direction of Councilor McLain's amendment #13 with regard to more flexibility but Hillsboro did not believe it went far enough. Hillsboro would like to have the flexibility to implement 2040 with regard to the regional design types but would like to have the flexibility that if there was additional density in one area that this density may be transferred to another area. This was something they felt very strongly about. Hillsboro have had occurrences where the planned unit development actually implemented more density than might otherwise have occurred and Hillsboro felt they should be rewarded for this if there were some other needs in the community, such as larger lots in some areas of the city. With regard to Title 1, section 7A, he thanked the Council for redefining the 2040 target average densities, It gave more flexibility that they desired. One of the things recently added, Title 1 section 7C which Hillsboro had very serious concerns about and did not support. Hillsboro felt the accessory units amendment was something that was not debated widely throughout the region and was something that may be appropriate for specific areas of any community, but should not be applied uniformly in all areas. With regard to the Regional Parking Policy which there had already been considerable discussion about, Hillsboro was an area that would have very good light rail service, they supported parking maximums in those areas, felt very strongly about this, but the rest of the city did not have very good transit. Hillsboro supported a system under Title 2 where there was excellent bus service, that those areas were within a quarter mile of bus or a half mile of light rail, these should be in zone A. Until this occurred in Hillsboro, they believed that they should be able to provide the parking that the city felt was necessary under the current codes. Hillsboro also asked that that section of the map under the system proposed by Hillsboro would be illustrative rather than regulatory and the distance from the busline or the light rail line would be the appropriate way to handle it and if it was done this way, no map would be needed. In regard to Retail and Industrial Employment areas, this was an area that Hillsboro understood that there was going to be some minor amendments to the employment, industrial area map with regard to their particular community they supported those adjustments. With regard to regional accessibility, Hillsboro supported the new language in the McLain amendment #12. In the previous language of Title 6 section 301, with respect to conditions with regard to typography, stream, etc., Hillsboro believed this was appropriate. Hillsboro continued to believe also that the recently adopted transportation planning rule ordinances achieved pedestrian connectivity and bicycle and multimodal connectivity and that section 3A design options and performance options should be optional rather than mandatory. With regard to Title 8, Compliance Procedures, Hillsboro supported Presiding Officer Kvisitad's amendment #6 with regard to the compliance extension. They felt this was very appropriate and very much in line with their concerns since they were in periodic review right now.

They would rather do this only once, not twice. Hillsboro also supported McCaig amendment #7 with respect to cities and their ability to make explicit interpretations of the Functional Plan.

Councilor McLain asked Mr. Brooks, if he knew that the only two choices in front of him were: Title 2 recommended parking in zone B or Title 2 required zoning in Title B, which would he support?

Wink Brooks responded that their original comment, their original decision was that Hillsboro preferred no map, they preferred a direct relationship to the transit service provided or assured and that that service be 20 minutes or better service preferably.

Councilor McLain said that this was the recommended choice.

The Honorable Alice Schlenker, Mayor of Lake Oswego, referred to various titles and lines as follows. The growth allocations for each local government recommended by MPAC remained the same which Lake Oswego supported at this time. This was the premise for most of her discussion points. However, Lake Oswego believed they could meet these density objectives if several pieces were revised per some recommendations. On Title 1, lines 98 to 113, McLain amendment #13, the issue in changing the 80% minimum density from a development specific test to a community wide average was preferable to Lake Oswego. Each parcel of land yet to be developed or redeveloped, in the case of Lake Oswego, needed the maximum flexibility to meet the objective the Council was looking at. Developers who worked with the city consistently complained that land use requirements hampered effective new development opportunities particularly as it pertained to redevelopment. She said, there must be some latitude to make the 80% density idea work. Title 1, second item lines 292 to 293, the accessory unit, Lake Oswego has had accessory unit in its city for the past five years and they have been proving to be handsomely used, an effective way to meet density requirements. Lake Oswego asked that the Council think this through very carefully, most of the accessory units were over garages, attached to homes or they were detached units. Again more density could be added if this was the intent by Metro not being overly restrictive about the size, the shape, the location, and the amenities of an accessory unit. Title 2, Parking Standards, the Mayor responded to Councilor McLain's question, Lake Oswego welcomed that zone B would have voluntary parking. Kruse Way was noted as having plenty of parking opportunities, she was not sure when the last analysis was done but there was no transit out there and parking was a big problem on Kruse Way. There were many new buildings going in. On the other hand, in downtown Lake Oswego, in redevelopment areas, Lake Oswego had reduced the number of parking space because of the lack of land. Lake Oswego was working at both sides hopefully effectively. On McCaig amendment #7, the Compliance Interpretation, she believed that the language was complicated. Lake Oswego was faced with requirements by the State that required the 120 rule and more recently Lake Oswego expected more developers to use the expedited process that came out of this last legislature for the smaller but important infill parcels. She indicated that the Council process must take into account these state requirements or at least get clarification from LUBBA. Lake Oswego was very concerned that if Metro got too restrictive in this area, it would be costly, time consuming and not meet the overall objectives that the Council was seeking. McLain amendment #12, the street connectivity, she thanked Councilor McLain, she felt this was great. Kvistad amendment #6, on the Compliance issue, this was fine with Lake Oswego primarily allowing some opportunity to have a reasonable amount of time to meet the objectives of the Functional Plan. Again, Lake Oswego needed to have citizen input and they could need more than the 24 month period to get that citizen input. Lastly, as a member of MPAC and being the largest city in Clackamas County, she concluded by mentioning one item in closing, while the city had worked very hard on the Functional Plan and worked hard on the amendments together, at the Council meeting a set of standards would be passed out that the city would probably be ready to roll on and they had stated that they were willing to take the 3,000 plus units into the City of Lake Oswego that their staff had worked out with Metro. What was concerning to her, politically as well as personally, was that there were 23,000 acres of Urban Reserves added. She did not know how to justify to the citizens working through the Functional Plan requirements,

taking in the density and then trying to explain to them how Lake Oswego was going to work through the Urban Reserve issue. She asked the Council to take both of those very sensitive issues into consideration as the Council moved forward.

Commissioner Judy Hammerstad, Clackamas County, touched on the various amendments. First she supported Mayor Schlenker's request for a community wide average. Where they were trying to do infill and work with difficult lots it made it a bit easier to get to the density goals by having an average rather than having the required 80%. It could mean that if Metro had required 80% those lots would not be developed because of the difficulty of those smaller lots. She also supported the interpretation process clarification, taking out the compliance. It was confusing. This was a much better amendment. She supported Councilor McLain's concern about Title 4, the Retail and Employment areas and gave an example to help clarify this for the Council. The County had, within the last six months, a request for a zone change and a comp plan change in virgin industrial area, it was a 16 acre request but just south of Clackamas Town Center which was an employment area. The request was for 135,000 square foot box, nine acres of parking, employment of 250 people in a retail employment. Her commission passed the request. Commissioner Hammerstad said she did not vote for it because it seemed to her inconsistent with making the best use of the land. Their argument for passing this was Councilor McCaig's argument. It was 2040 hadn't passed and it was not fair to exact certain restrictions on a company that was coming in when we didn't have this particular amendment passed and 2040 was not yet accomplished. So, the Commission made, in her view, a decision that was also in a very heavily traffic impact area but would have the Sunnybrook Spit Diamond coming in eventually to use what was industrial land for a retail use because the Plan was not in place. She implored the Council to put the Plan into place so this could not be done again. She said, she was left with no doubt that the goal was better use of the land. She would also like to see the Council consider using land in a different way. The Commission spoke with school districts about the amount of acres that they were going to be wanting to use. The Commission no longer look at 60,000 square feet of leasable space or a 135,000 all on one level with a nine acre parking lot. If this was done, we could just give up the ship. What was really needed to look at was the amount of acreage that these buildings were going to need in order to build a building that could serve the population with retail needs and parking structure. She asked why the downtown Meier and Franks looked as it does. As long as land is cheap and available, there would be requests one story buildings that use fifteen acres of land. She asked the Council to change their thinking about this and help the cities and counties accomplish the best use of the land. The adequate transportation, if Metro was going to lower the standards on congestion, that was going to be virtually meaningless. So if Metro was looking at adequate transportation corridors around retail uses, please know that in another part of the Plan, Council had lowered the transportation and congestion standards and that there would only be movement at a snail pace unless this was rethought. She requested that the Council consider her remarks.

Bill Monahan, City Administrator for the City of Tigard, 13125 SW Hall Blvd, Tigard, Or. 97223, presented to the Council a letter written by Mayor Nicoli on behalf of the City Council. As the Council was aware, Tigard had been forwarding its comments on the process. He dealt with two issues, Title 1 section C, Accessory Units, Tigard was very concerned about the addition of this section, it was difficult to understand at this point the inclusion of this amendment at this late date in the process with very little opportunity for local jurisdictions to give input and no opportunity for discussion with local jurisdiction's citizens. Tigard presently did allow accessory units but only for relatives. Rental units would not be allowed as was required under the proposed regulations. This amendment was a dramatic change from what Tigard currently had. This was an issue of critical concern to Tigard and its citizens and the city had no wish to impose this amendment on their citizens at this time. The City of Tigard recommended that this amendment be deleted. Second, Title 4 section 2, Tigard continued to object to the standards in the proposed Title 4 Retail and Employment and Industrial areas. Tigard felt it was not acceptable that the location and size of commercial units be dictated by regional agency to a local jurisdiction. The provisions and restrictions that were proposed were arbitrary and

would be very difficult for Tigard to implement. The 60,000 square foot limitation would prevent a full service super market or retail center from locating in an area such as the Tigard triangle. So the requirements for demonstration of adequate transportation facilities were very subjective and open to interpretations. With these difficulties, they recommended that this title be deleted from the Functional Plan and was clearly an issue best left to local governments and local decision makers. They requested that those items discussed previously by the City of Tigard be taken into consideration.

Stephen Lashbrook, Planning Director City of Wilsonville, P.O. Box 1282, Wilsonville, Or. 97070, thanked the Council for their diligence and more specifically noted that the comments submitted by Wilsonville throughout the process and the consideration given to those comments. He said that the Mayor of Wilsonville submitted a letter addressing the points he spoke to at this Council meeting. Title 6, section 4 applied to Regional Level of Service Standards, Wilsonville continued to be opposed to the idea of having Metro establish regional level of service standards for streets in Wilsonville. He believed if Metro endured the controversy that the city gets to on a regular basis concerning traffic problems in Wilsonville, Metro would understand why. The second issue went back to Title 1 section 2, applying to the McLain amendment #13, he joined Lake Oswego, Hillsboro and Clackamas County in their comments about requesting that Metro take a community wide view of these things and Wilsonville had tended to characterize this as a performance standard view. Tell the cities what it was that Metro wanted them to achieve and let the cities tell Metro how it would be done. He did not understand the amendment even with the efforts of MPAC. He understood what the Council was trying to accomplish, he did not see the amendment accomplishing the goal. Wilsonville had offered some specific language to accomplish this.

Jim Jacks, Planning Director City of Tualatin, P.O. Box 369, Tualatin, Or. 97062 touched on Title 1. The City of Tualatin would support a community wide average approach to the 80%. In the letter of September 10th both the Mayor of Tualatin and he spoke of two situations. In Tualatin there was Legacy Meridian Park Hospital on a 35 acre site, they specifically developed a planning district called medical center for their use on their campus. One of the things allowed there was residential uses, there was a 110 unit congregate care facility. Under the proposed language, the minimum density standard applied to all zones allowing residential use, so the 80% would have to apply to this medical center district where residential uses were allowed. The facility, the Heritage, was at about 16 dwelling units per acre and a range of 16 to 25 was allowed. So, this facility was not built at 80% of the maximum 25 units an acre. Tualatin asked, why should it be, who cares, any residential units that went into that medical district were a bonus, they were extra. Tualatin did not expect them although they were planning for the units but it was primarily a medical facility type district. So this would make any other nursing home, congregate care facility, active retirement home have to be built at 80% of 25 dwelling units per acre. The so called one size fits all approach, the 80% approach, wouldn't work. Second, the McLain amendment #13 would need to be reworded or there needed to be detailed instruction on fully understanding it. Title 2, the City of Tualatin supported zone B being optional. Tualatin did not have very good bus service but had been allowing less parking than required for many years. Tualatin felt it would work better if zone B were optional. Finally, in Title 4, he said that he thought John Fregonese misspoke when he identified the GI Joes as being in an industrial area, it was in fact in a general commercial district and designated employment area. It was not in an industrial zone nor in an industrial sanctuary.

Councilor McLain said she would be happy to give the cities information that she was given to make some understanding of McLain amendment 13 but she did say it was not an easy amendment to understand. All of the things that Mr. Jacks asked for are in the amendment but she would be happy to explain them to him.

Anne Nickel, Columbia Corridor Association, P.O. Box 55651, Portland, Or. 97238. Columbia Corridor Association was an advocacy group for business and property owners in the Columbia

Corridor. Many of the concerns and changes they had recommended had been made but there were still two areas which they were extremely concerned about, in Title 10, Definitions and Title 3. The Columbia Slough travels 18 miles through the Columbia Corridor so what the Council decided to do in Title 3 would have a major impact on that area. She noted the definitions on line 1272 which were the water quality flood management definitions. The Association's concern was the 200 foot set back from slopes that were greater than 25%. They were told by staff and Metro Councilors that this would not impact the Slough because they did not have many slopes that were 25% or greater. Tim Haffer who runs the Multnomah County Drainage District said indeed the majority of theirs were 25% or more. 200 foot set back would take a huge chunk out of the properties that were there. It also did not recognize that the Multnomah County Drainage District was mechanically controlling flooding in that area, running from 13th all the way east to 223rd. Witness the fact that the flood of 1996 did not produce any flooding in the corridor because it was mechanically controlled, they were able to draw down and therefore preserve it. So for the Council to asked for 200 feet back from the top of the slope of the majority of those properties seemed very unrealistic and unreasonable to the Association. The Association would like some clarification or justification for why 200 feet back from the slopes was chosen. The other was Definition 11, line 1169, which was the fish and wildlife habitat conservation areas, it would correspond with the same map as the water quality and flood management. It also called for 200 feet set back for slopes less than 25% which meant a gentle slope from the river all the way back. This seemed unreasonable as well because years in the courts were spent with the city, environmental groups, property owners to come to an understanding that resulted in a natural resource protection plan that called for 50 feet and a trail. The Association's concern was that the Council would undo this hard thought out agreement and there were several natural resource management plans with this 200 foot set back and there was no recognition of that in the Plan. She understood from Councilor McLain's comments about Title 3, the Association would liked to be reassured that what was being adopted at this Council meeting in Title 3 was subject to change. 100% of this could be discussed because, in Title 3 only, when the Council adopted it, they were creating standards that would impact the Columbia Corridor. The biggest thing was prohibiting development in the flood area, which was 200 feet back, when they could show that there was no flooding and it was controlled, the amendment had a major impact for this corridor, so there needed to be some recognition in there. The Plan did cut and fill 100%, it was mechanically controlled so if it was behind levies, the corridor felt that they should not have to do cut and fill.

The Honorable Gussie McRobert, Mayor of the City of Gresham said it was her understanding that once the amendments were voted upon, the document would then be sent to legal for findings. There was a letter from Gresham that requested that they receive copies of the findings to have a chance to look at and evaluate them. The Retail and Employment, the 2.5 miles needed to be taken out of that Title 4, Gresham was five miles by five miles. If there was a center at either end, it would take up the entire city. The McCaig amendment #5 violated the RUGGO, employment areas would be expected to include some limited retail commercial uses primarily to serve the needs of people living or working in the immediate employment area not the larger market areas outside the employment area. She echoed Commissioner Judie Hammerstad's comments. Mayor McRobert fully supported Councilor Morissette's accessory units. Gresham had accessory units city wide and they were a wonderful way for people to have a room for their parents as well as allowing people to rent them out to supplement their income, it work3e well, it was not a problem. Mayor McRobert had no other problems with any of the amendments except for Title 5. She was also having difficulty with the what was said about density in the Title. The community wide averaging, if it didn't end up out on the fringes away from transit and the facilities, she would not have any problem with it. She also had the same concern the Mayor Schlenker had about the 120 day rule. The question before all of us, would the proposal before the Council change to help create a more urban compact environment and retain and enhance the regional quality of life. If the answer was not a resounding yes, she suggested the Council vote no.

Jim Mark, Melvin Mark Companies, 111 SW Columbia #1380, Portland, Or. 97201 addressed Title 2. He indicated that his company had developed in downtown Portland for a number of years and really felt some of the parking restrictions in a number of the projects seen downtown Portland fell over in the last few years. In the previous months they had announced a lot of projects but still the downtown parking restriction had done a lot to be detrimental toward downtown's success. If some of the restrictions were done in the suburbs and some of the regional areas of Tigard, Beaverton, Tualatin and Hillsboro, it would have the same effects unless transit was guaranteed in those areas. He pointed out that the market had dictated over the years, building owners and developers didn't buy more land and develop more parking than they needed. He had seen studies to support this. Land was too expensive to go out and build 10 parking spaces per thousand or more parking than was really needed. The land cost and the market would drive a lot of the uses. On flat parking lots, he had heard over and over again what a wasted resource it was. He pointed out a project like Lincoln Center started out as flat parking as the market was created the flat parking was converted to structure parking. If one had an Urban Growth Boundary and the Urban Growth Boundary dictated that you build within the Urban Growth Boundary as the densities and as the requirements and as people start to build within it, those flat parking lots would be filled. There had been extremely creative uses in the last six months to a year. A lot of the developers tried to push hard to get the best use out of the land as well as figuring a project that was market driven. He also pointed out that he was involved in the 2040 means business process and he fully supported the 2040 Plan but many of these parking issues were pointed out in the government and regulatory process. These would be things that would make developing in this region extremely difficult. Metro governed the region but still developers could leap frog areas.

Jon Chandler, Director of Government Affairs for the Oregon Building Industry Association, 375 Taylor Street NE, Salem, Or. 97303 also a representative of MTAC expressed appreciation to the Council for the hard work they had done. He then spoke to Title 2, the Association had submitted amendments to this title most of which had been incorporated into this document as a result. They were looking forward to working with their local government partners in moving towards a more compact urban form. The Association also submitted amendments to Title 9, Performance Measures. He reiterated the importance of having performance measures in the document and would be extremely important as we moved forward in the next three months working on the specific to make sure that there was a way of measuring performance as far as land consumption, prices of land, affordable housing, etc. so that there was a way to verify if the 2040 Plan was working. He added that at the MTAC meeting there were discussions about the amendments prepared at that time and spent a good deal of time talking about Title 8 both the McCaig amendment #7 as well as the title itself. He was here today to recommend that during the three month period of between adoption and effectiveness that a special working group subcommittee be appointed of land use practitioners and planners to look at Title 8, both the McCaig concept and the base section in order to come up with a process that worked as smoothly as possible. The concerns expressed at MTAC, all of the committee appreciate what was being attempted with the McCaig amendment #7 and some of the other amendments of Title 8, it was ripe for abuses and appeals. The procedure itself needed work and he recommended a subcommittee to work on it.

Bob Roth, Johnson Creek Watershed Council, 525 Logus, Oregon City, Or. 97045, talked about Title 3, section 3 which dealt with Water Quality. The Johnson Creek Watershed covered 54 square miles and stretched from Milwaukie to east of Gresham. The watershed included commercial, industrial, residential and agricultural activities. Johnson Creek had been negatively impacted by a variety factors including pesticide, herbicide run off from agricultural operations, mixed with urban run off which included oil, grease, and heavy metals. In addition, Johnson Creek had been effected by increased development in the watershed which increased the impervious surface coverage in the area. These activities had seriously degraded the Johnson Creek water quality and nearly destroyed fisheries. DEQ had designated Johnson Creek water quality impaired. Development activities which had degraded water quality in the basin also contributed to increase

flooding in the watershed. Despite these trends, watershed residents, organizations and businesses had joined together to carry out restoration projects which improved water quality, lowered water temperatures and improved wildlife habitat. On October 12th 70 volunteers planted over 300 native trees and shrubs along 700 feet of Johnson Creek stream bank in Milwaukie. Residents, students and seniors worked together to reestablish a buffer along Johnson Creek which had been stripped away during development of that site. The Johnson Creek Watershed Council was working with residents, schools and local governments to secure additional restoration projects in this watershed. These projects were necessary because previous development in the watershed did not adequately take into account water quality and habitat needs. Metro had an opportunity to develop leadership by approving a Functional Plan with 50 foot buffers so future generations wouldn't be burdened with restoration projects to correct the shortcomings.

Fred Holz, Tualatin Valley Economic Development Corporation, urged the Council to incorporate more flexibility into the Functional Plan. The primary purpose of the Plan was to provide for the implementation of regional policies expressed in the Metro's 2040 Growth Concept. Although the goal of Metro's 2040 was to reduce urban sprawl, it also emphasized maintaining our quality of life and livability of the region. The Functional Plan seemed to have lost sight of the latter concept and focused almost exclusively on higher density development. It was imperative that the Functional Plan had the flexibility to meet these objectives since the Functional Plan needed to be a dynamic planning document which could adjust to changing circumstances in the region. Title 1, Requirements for Housing and Employment Accommodation, it was completely inconsistent to have as much as a possible 50,000 household units difference between the Functional Plan capacity in Table 1 and the UGB capacities as determined by Metro, since amended by the Growth Management Committee. If nothing else, TVEDC recommended that Table 1 in Title 1 referred to the 240,000 dwelling units as a target and the distribution of these units as a target to the various jurisdiction as a recommended distribution allocation. The Functional Plan could then encourage the cities and counties to meet these objectives while proving greater flexibility in dealing with shortfalls that would result. A much more realistic approach, however, would be to establish allocations in Table 1 consistent with what Council believed to be the actual capacity in the UGB. It would also be consistent with the 2040 Growth Concept and clearly would result in higher density development. In reference to Title 2 Regional Parking Policy he asked if there was a zone A development and TriMet withdrew serve, reverting back to zone B, how would Council intend to gain the additional parking spaces which were not compensated for under the initial zone A regulations. It was a motor versus ridership issue, once the ridership stopped where did the people have to park. In reference to Title 4, Retail and Employment. In Title 6, Regional Accessibility, TVEDC supported McLain amendment #12 and in Title 9, Performance Measures, TVEDC supported the additional performance measures as per the Morissette amendment but they recommended an additional performance measures be considered which at least attempted to gauge the reaction of the public to dramatic changes which would be occurring around them. In summary, TVEDC had supported the Metro 2040 Growth Concept, they believed Metro's role and the purpose of the Functional Plan was to provide the framework to guide cities and counties in achieving this objective, however, setting arbitrary target capacities that simply allocated 100% of the projected growth for the next 20 years resulted in unrealistic objectives far in excess of the goals of 2040. Furthermore, Metro must balance the need to have sufficient regulatory control to direct cities and counties in their implementation of the 2040 without stifling the creativity and flexibility of how this might be accomplished.

Mary Tobias, Tualatin Valley Economic Development Corporation President, spoke on Title 2 as well as reiterated TVEDC's question, as a property developed in zone A and then over time ridership in the transit agency removed service to that area, reverting to zone B, how would additional parking develop. TVEDC's concern was that there was then incredible negative impacts on surrounding neighborhoods. Another issue had to do with commerce traffic, the traffic which occurred between the time the employees got to the work site and the time that they left. It was clear from the transportation forum held earlier in the week that this problem had not been addressed, that

was the way that business was conducted in today's world where people came and went innumerable times from their place of business. TVEDC had no answers but encouraged the region to think about the impacts. Title 9, was the title they most appreciate. The Performance Measures seemed to be the most critical part of the entire plan because this was the reality check, we take the theory, apply it, revisit it and see what happens. TVEDC continued to urge that this title be considered the heart of the Plan where we didn't get so far down a planning road where something had gone awry that was unexpected that we create unintended consequences. There were a number of amendments before Council that she believed were particularly important to be carried forward into the performance measures that were looked at every two years to see if they were working. If not what had we done wrong, where had we misanticipated peoples reactions to what was being done. There were many of the amendments that the Council needed to look seriously at as a mechanism in the next two years to survey the business community, both small and big companies, to find out how it was working. The Corporation applauded the staff and their work on this Plan.

David Bell, GSL Properties, 2164 SW Park Place, Portland, Or. 97205 and a member of 2040 Means Business Committee, spoke about a potentially serious flaw in an otherwise excellent regional growth plan which was the parking maximums in Title 2. There were two benefits posited for these maximums, one was that it would save land under the assumption that developers build more parking than they had to which he disagreed with but even if it were true, the study just completed last Spring commissioned by Metro showed that 59 acres would be saved in the entire UGB area by this measure which was a very small benefit for a fairly draconian measure. The other benefit posited was that less parking would result in less driving. This was a speculative benefit, no one knew if this was going to occur or not even in areas which were served by quarter mile walks in the rain with bags of groceries for a 20 minute wait for a bus. So we had speculative or very small benefits up against what the industry was telling the Council was a potential barrier to development of new projects within 2040. He had spent much time on committees where he found government individuals asking how exactly was it that we could reduce barriers to implementation of these growth management measures. The industry was telling the Council that this was one such barrier. The Council was not listening. He felt this was a flag burning Ordinance being considered here. This would not regulate growth it would actually have the theory of unintended consequences in that there would be barriers created to exactly the kind of development that were being encouraged. He believed this was the wrong thing to do, it may have felt good now but it was the wrong thing to do.

Councilor Morissette indicated that there were some who were listening to Mr. Bell.

Leora Berry, Community Action In Washington County, works in a housing stabilization program called HAG, 1001 SW Baseline, Hillsboro, Or. 97123, worked with a number of community organizations to prevent homelessness from occurring and to try to get people who were homeless into homes and keep them there. The main barriers to this was a lack of affordable rental housing available. She thanked Councilor Morissette for the accessory unit amendment. It would be incredible helpful to families not only to families who wished to take care of other family members and keep them in housing but also people would keep their housing by renting out portions of their own house. This would allow a huge amount of new units to be available. She thanked all of the Council for adopting that measure on affordable housing. She also thanked Councilor Washington for his amendment related to recommendations to improve the availability of affordable housing in our community. He took the suggestions very seriously. Affordable housing was a very complex issue. It didn't just help those who lived in affordable housing it effected all of the community because it would protect and improve all of the quality of life if one looked at all of different people in our community. She was hopeful that the Council would consider two other suggestions; she believed setting target and goals. She would like to see individual local jurisdictions evaluate and look at their current stock of affordable housing and also look at who lived in their area and gauge

the projected need. From those targets let the local jurisdictions use strategies they thought would best allow them to do that.

Councilor Morissette commented to Ms. Berry that he believed that this Plan would dramatically increase the problems of affordable housing.

Susan Wilson, Washington County Department of HSG Service, Hillsboro, Or. 97123, commended the Council for their efforts on affordable housing and noted the specific goals identified as part of the Plan. She offered two small amendments under section 2, line 876 and 881, in those lines the word 'non-profit' occurred. She suggested that government and/or non-profit be added in so far as that many times they were in partnerships in providing affordable housing, these groups worked together very closely.

Jim Crumley, City of Happy Valley Planning Director, 12915 SE King Road, Happy Valley, Or. 97236, noted McLain amendment 13 and asked to be included in Councilor McLain's class on what this amendment meant because he also did not understand how it would be implemented. From Happy Valley's standpoint, they felt the original amendment with the 80%, was fine. This amendment as it was worded now seemed to assume that there was a uniform zone across the city. If you wished to have more density in one area than another, adjustments could be made. Their response was if they wanted more density in one part of the city than in another, they would change the zone. Lastly, he went on record once again to state that the City of Happy Valley had a problem with Table 1, many cities went to a lot of effort to make adjustments in those allocations and they thought this was worked out with the Metro staff. When the Metro staff presented their alternative targets, the City was very disappointed that MPAC did not make that recommendation to the Council to go with the recommended changes. He believed that the Council would be seeing many of the cities coming back to Council in the upcoming months to try an justify changes in these tables.

Barry Cain, Gramor Development, 9895 SE Sunnyside Road, Clackamas, Or., talked about the development projects they had done, 21 projects totaling 1.8 square feet. In those projects they had housed over 300 businesses with about 5000 employees which did not include the construction and design jobs in completing the projects. He felt that the view of retail jobs was inappropriate, these jobs were family wage jobs, the centers were primarily neighborhood grocery centers and in these centers they attempted to locate all of the different services that were necessary for a particular neighborhood including grocery and drug stores, medical professionals, service companies, and a lot of individuals who risked everything to start their own business. There were entry level jobs in these retail centers, that was good for the teens but primarily the jobs were good well paying jobs, for example the grocery clerks. These were important jobs and should be considered important to us all. He noted that he was on the 2040 Means Business Committee. When the committee was first introduced to parking maximums, they asked what the benefit to them would be and were told that they would both save land and encourage people to use mass transit instead of cars. The committee asked for studies that showed that the result would be these items if there were parking maximums and there were none. The committee had their own consultant study the issue and found that even if development continued undeterred, that only a minuscule amount of land would be saved, 59 acres over ten years. As for the other half of the benefit, when one went to the grocery store center and couldn't find a parking space, what did you do? People didn't normally use buses to go to the grocery store. So the members of the committee, knowing that there were slim to none benefits and knowing the significant problems the downtown area has had with parking caps, suggested that this be dropped completely. Why was there still discussion? If it did not save land and it didn't make people take the bus, either there was a desire to stop all types of growth and the Council didn't care or there was a desire for only a particular kind of growth no matter what the market wanted and they want this particular type of development, or they were willing to penalize the suburbs on behalf of downtown. He hoped that none of these were true but he asked Council to send a positive message to business, we were all in this together to make it work and if there was no rational proven benefit to

passing a regulation, he asked Council not to pass it. Therefore, the parking maximums should be deleted. In the end it was economy stupid if one didn't keep one's eye on how regulations effected the business climate it did not matter what else was done.

Councilor McLain asked if he was speaking in favor of the recommended Zone B.

Mr. Cain indicated he was in favor of dropping the parking maximums completely.

Councilor McLain said that this was what her amendment did.

Mark Whitlow, Retail Task Force, 222 SW Columbia #1400, Portland, Or. , (noted the letter he had submitted for the record, a copy of which was in the permanent record of this Council meeting). urged the Council to take out the parking maximums. The very reason for doing parking maximums was that the TPR had it in its rules, LCDC was looking at to remove that. They may not but it was being studied right now. It did not make sense to adopt a rule for the region based on a state law that may in fact be removed by the end of the year. He suggested that the Council could do what they wanted with the minimums which the Task Force recommended as a good idea and put lids on the amount of minimums that could be required this was a good first step. The Task Force suggested the Council defer until next year the idea of parking maximums. The Council needed to listen to the retail community, to the development community across the board. The Council was trying too much to quickly to save a small amount of land.

The Task Force opposed Title 2, McCaig amendment #8, unless Metro could get back to the adjustment process. They felt that the adjustment process was a good idea even in Zone A, it should be a real transit zone. That was sold with the idea that one would have real transit service even though 20 minutes transit service was not very good service. He cited Toronto as a good example of transit service. Public and private sectors needed to work together on this but the Council was not ready. On Title 4, the task force supported McCaig amendment #5 section 2b of Title 4. As written and amended it was better than a prohibition but it still created non-conformity as to existing uses throughout the entire employment areas and even if those areas were relaxed, that was still a significant amount of land, most of the land that still remained to be developed was either non-conforming or downzoned. On a go forward basis this was fine, it did implement the RUGGO policy for the employment areas but it should not be done retroactively. This was economic havoc and this put people in a hardship position.

David Nadal, 2014 SE 12th #304, Portland, Or. 97214. His goal was to step in and present an alternative view which he believed may solve the growth management problems and give a happy future. Change would happen with or without growth in numbers, nothing in the universe stayed the same. Property values could continue to rise but there were many directions in which we could channel that change. We could protect the home ownership we love, if there was a stable population, property taxes should be kept from rising except for inflation because there was no significant need for new services. Even so those services should be paid for by new development, something which was not happening right now. The legal precedences are actually good for limiting growth if the purpose was to protect quality of life factors. So far, as Metro's Echo Report showed, courts had ruled that it was not an abridgment of other citizens right to travel if the purpose was to protect quality of life and not to directly restrict people from coming in. All we had to do was to protect what we needed to protect. We could protect our forest and farms lands and our urban environment. The Metro charter required the Council to change state law when the charter could not be fulfilled. The charter said Metro's purpose was to preserve and enhance the quality of life in the region. Metro was currently only trying to mitigate or band-aid multiple problems from over development which would get worse if either rapid densification or destruction of farm and forest lands proceeded. Metro admitted it wanted to let traffic jam up and force people into inadequate public transportation. In fact, Portland's relatively narrow streets and corridors were going to make it

much worse than San Francisco or Los Angeles. Metro had a charter mandate and the opportunity to go to the upcoming session of the Legislature and get the laws changed. We were not doing growth differently, we were just proposing backwards and way to fast. Usually cities filled in the outlying lands first and then backfilled with urban density. Metro had just found it politically necessary to do it the other way around. However, there would be a tremendous back wave created from the influx infill and urban density as the young couples and families initially attracted to the smaller city dwellings clamored for larger digs. Politicians who have attempted to retain or have an urban growth boundary will be overwhelmed. Had this been planned for? He had seen dense urban villages in many cities even ones with calm traffic and pedestrian friendly environments. They could be nightmares as easily as they could be nice places. He suggested looking at what the downtown transit mall has become. It could go either way. It depended on all those factors that Metro had not analyzed. People were here because they liked the way it was and they wanted it to get better. They supported calmed growth. From the radical right to the radical left and in between this was a common tread. According to Mr. Fregonese and Mr. Turpel, Metro had done some social impacts analysis for various scenarios of rapid growth for models including the Functional Plan.

Zack Semke, Coalition for a Livable Future, 534 SW 3rd Ste. 300, Portland, Or. 97209 urged the Council to hold firm on the principles behind the 2040 Growth Concept and RUGGOs by adopting a strong Functional Plan. We all wanted to see 2040 make a difference on the ground and that required a clear and meaningful document from Metro. He applauded an amendment that the Coalition wholly supports which was Councilor Washington's amendment to Title 7 on affordable housing. The amended title was a critical step in ensuring an equitable distribution of affordable housing across the region. By referring the RUGGOs objective 17 in clarifying that the fair share strategy was for affordable housing, this amendment would strengthen the Plan. He referred to Metro Regional Housing forum December 5, 1991, this title represented the fruition of some good ideas that had been on the table for many years. It was a really great step, among the highest priorities were siting authority, determination and enforcement of equitable distribution of affordable housing, fair share and removal of barriers to affordable housing. In 1996 we have made this happen. Regarding, Title 3 the water quality and flood management conservation title, they understood that the Columbia Corridor Association had some concerns with this section of the Functional Plan, however, CFLF saw no reason to change Title 3 at this time. The language was carefully developed by professional water resource specialists on WRPAC and MPAC. The Coalition asked that the Council adopt Title 3 in its current form. He concluded by thanking the Council and asked them to build on the progress that they had already made by passing a strong Urban Growth Management Functional Plan that promoted the essence of 2040.

Mary Kyle McCurdy, One Thousand Friends of Oregon, 534 SW 3rd Avenue Room 300, Portland, Or. 97204. Title 4, the Retail and Employment and Industrial areas, the Friends group preferred the original MPAC recommendation which had title restrictions on retail uses in employment areas, this was not before the Council at this meeting. The group did prefer retaining the existing language before Council as opposed to McCaig amendment #5. The existing language required a process that would assure that retail uses over 60,000 square feet would be allowed in employment areas only if the transportation system was adequate to meet both the retail and the employment uses. Title 7, concerning affordable housing, the group strongly supported this title. It was critical for our regional approach to affordable housing. She noted, however, that this was only the first step toward what would be required in the regional framework plan which was a fair share assignment affordable housing to each city and county. Concerning Title 8, Compliance, the group supported a clear and effective compliance procedure including a citizen review mechanism. They understood that there may be a subgroup which would look at further clarification of language in the next 90 days. They had one small clarification item in the current language, at line 939 to 940, it provided that a local jurisdiction could request an exception to the population capacity if "substantial areas have prior commitments to development at densities inconsistent with the Metro target." Prior commitments was a vague term which they had understood was going to be defined in the definition

section, however, it was not there. Prior commitment could mean that the existing zoning was inconsistent with the Metro targets. Clearly this was not what was desired, so the group asked that the Council to direct the staff to develop a definition of "prior commitment". One Thousand Friends supported Councilor Morissette's amendment on accessory units.

Doug Bollam, P.O. Box 1944, Lake Oswego, Or. 97035 commented on citizen involvement and citizen input regarding the Ordinance before Council. The public process in this ordinance had been very open and receptive to citizen input although there were a few matters that were still under discussion. He overviewed the ordinance and how it was initially conceived. He was personally responsible for providing the catalyst that resulted with the first step of the long journey of the implementation of this ordinance that was culminating here today. It started over a year ago at the bi-monthly Metro Policy Technical Advisory Committee, MTAC. Mr. Fregonese asked Mr. Shaw to give an overview of House Bill 2709. The essence of HB 2709 called for a 20 year supply of land that needed to be available for building of residential structures. Section 2, #1 of 2709 defined buildable land as, lands and urban and urbanizable areas that were suitable, available and necessary for residential uses. Buildable land included both vacant and developed land likely to be redeveloped. In HB 2709 there was a section addressing the fact that if certain measures were adopted that demonstratively increased the likelihood of higher density, residential development, certain matters could take place. These measures were labeled A through H under section 3, #7, of the bill. A) increase permitted densities on existing residential land, E) minimum density ranges, F) redevelopment of infill strategies, H) adoption of an average residential density standard. Upon reading these potential measure, he spoke with Mr. Burton's office and suggested that Metro should embark on implementing these measures as soon as possible. He underscored that this implementation should be expedited. Mr. Burton immediately acted upon the suggestions and expedited the implementation there of. He wished the Council to be aware of this.

Councilor McLain commented to the the audience that Mr. Bollam was truly a citizen who cared about this region and someone who truly had been involved in the process and offered recommendations when appropriate. She thanked Mr. Bollam for his commitment.

Michael Roshe, Multnomah Neighborhood Assn., 8920 SW 40th, Portland, Or. supported Title 8 amendment #6. He also noted the Southwest Beaverton Neighborhood Association passed an amendment to take to the city council in Portland requesting six months extension time for the southwest community plan process. He assured the Council that it could be longer than that given the feeling in the neighborhood. He also supported Title 8 section 6 and commended Councilor McCaig for her proposal. To him this was the jewel of the process. In the last month over 700 people had attended two meetings, over 2000 people had attended meetings in southwest Portland. Over 90% of those meeting opposed the strip row house development that the Planning Bureau of Portland had proposed. Therefore, an ongoing process was required. He requested Metro intervention in the neighborhood, petitioning for some assistance in resolving the problem that were faced. Mr. Roshe agreed with David Knowles in that this Plan should not be considered a holy grail. The decision would enormously impact livability throughout the City of Portland and the region. The Neighborhood Association had been told that Metro targeted Portland for 50,000 units and Portland later requested 70,000. David Knowles had told the same community leaders that Metro mandated 70,000 units to 80,000 units. He asked which number was it, who mandated it, who requested what? He believed the community had a right to know that answer in his community, given the impact that they faced. He also said that he had been told that Metro's target densities were going to be the 70,000 to 80,000 units, which was it and who is mandating what? When they asked for the formulas for this, they were told by a person in the planning bureau that they would not understand it. This made a lot of people even more angry. The Association felt that they had a steam roller going through their neighborhood for their 25 zones. He had never seen this type of development before, he was not surprised that developers would oppose the citizen's review process, he was disheartened that Commissioner Hales would even consider opposition given what was going on in

the neighborhood. Lastly, he asked if Metro supported tax abatements region wide as passed by the city council. If so, had any analysis been done on the impact on the existing taxpayers and the cost to the cities in the region.

Councilor Monroe said that the Council had taken no position on the tax abatements. It had not been discussed.

Councilor McLain said that Metro would be happy to answer his questions after the Council meeting. She said that Mr. Hale did not deny the citizen process, he was in favor of the citizen review process.

Councilor McCaig indicated that she attended two of the meetings in the community that Mr. Roche had mentioned. She was aware of how consumed people were with the changes that had been proposed by the City of Portland. She urged Mr. Roche to consider that the specific number of units was not the important piece. The issue was that Metro must deal with this density and growth and finding a villain in Metro, the City of Portland or Hillsboro or any other entity was not the right way to direct the discussion. The real issue for the region was how are we going to make this work.

Presiding Officer Kvistad noted his concern about this issue as well.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, acknowledged one comment and concern that was brought forward by a number of jurisdictions about the community wide target versus the 80% density discussion. She was very concerned about that concept and not quite understanding that concept because in Washington County there was a large unincorporated area, their community wasn't specifically defined, so it would be of concern to her. Happy Valley got it, they would be adjusting their code and land use plans to determine where in their communities their densities belonged within the framework of the 2040 Growth Concept. That was what the Plan allowed the cities to do. She committed to working on this plan at the local level. Metro had set the regional goals, the regional direction, she committed to being there at the community meetings to help make this happen.

Louise Weidlich, Neighborhoods Protective Assn Director, P. O. Box 19224, Portland, Or. 97219 submitted written testimony. She read the letter into the record. (A copy of this letter may be found in the permanent record of the Council found in the Council office). She touched on opposition to row houses. She included, for the record, the bill of rights, she read article 4, the Right against unreasonable search and seizure. If the Council raised the row housing and took one house that had an elderly person who was retired, was paying taxes on the property and put five row housing next to it, they would be forced to sell because it was raising the taxes to the point that they would have to go into subsidized government housing. There would be no private ownership for that property. She closed by saying that Metro needed to take a second look, when urban renewal strikes and law oppresses blame Metro, light rail was not what we should be depending upon. We should allow the farm people to keep their land. She then quoted Abraham Lincoln.

Councilor McLain said that she wanted Ms. Weidlich to know that this Plan did spring up amongst the people. There had been in the last two and a half years, 40,000 people who had touched this Plan through hotlines, faxes, open houses, letters, listening posts, public hearings, advisory committees, 2040 management committees, etc.

John Breiling, 4690 NW Columbia, Portland, OR 97229, Chairman of CPO 7, submitted a two page handout (as found in the permanent record of the Council located in the Council Office). He recommended a savings clause that would allow local governments with the advise of their legal counsel to work out any legal issues. There was no way that Mr. Breiling could begin to touch the problems that were in the document. He submitted a listing of issues that came with many of the

provisions but the fact was constitution law was a complex issue, it seesawed back and forth due to Supreme Court changes and rather than having this decided in Federal Court, Mr. Breiling would like to see enough flexibility, which he put into the savings clause he drafted throwing back to the local governments issues that must be worked out on individual cases with individual facts, and gave them the discretion to deal with all the problems that the Plan created when applied to the real world. Second, from the Council level, the most useful thing that could be done was to give the communities, cities, and counties specific goals and recommended strategies and then let the local communities work out which strategies worked where. The accessory amendment that was added would work some places but in Washington County it wiped out a good chunk of the Washington County Development Code and gave a major 4th and 5th amendment problem because it wiped out the zoning code for residential housing, the accessory uses were allowed but very much more restricted than what was in the Functional Plan. Every jurisdiction was different, he asked that the Council let the local jurisdictions work out the problems.

Richard Lishner 2545 SE 37th Avenue, Portland, Or. 97202 commended the Council for all the work on the 2040 plan, this was urban design in the United States. He had campaigned and supported the zero growth option. He asked the Council to hold fast to their goals, these details were important. He believed that the urban reserves should be understood as reserves that would only be used when everything else was used up inside the urban boundary. Inside the boundary was what was important, the center should be developed and the reserves would be dealt with later. Metro needed to tell the truth, we couldn't have it all ways, we couldn't have more lanes for cars and more transit. In order to make transit work we must have density. He felt we already had urban sprawl.

Presiding Officer Kvistad closed the Public Hearing at 5:20 p.m. He called for a 5 minutes recess.

Presiding Officer Kvistad called the meeting back into session at 5:33 p.m. He reviewed procedures for the rest of the meeting, voting on those amendments that have already been moved and seconded and then entertaining any new amendments that Council wished to bring forward. He noted that the Council had already voted on McCaig Amendment No. 8 and McLain Amendment No. 13. He asked Mr. Morrissey to state the amendment to be voted upon and synopsise what it dealt with. Mr. Morrissey followed with:

McCaig Amendment No. 5 - Title 4 having to do with Retail in Employment Areas having to do with subsection B, 60,000 square feet issues.

Motion: Councilor McCaig moved McCaig amendment #5 for adoption.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McCaig said that the only additional comment she would make was responding to Mayor McRobert comment that this amendment would be in violation of RUGGOs. John Fregonese said that his interpretation of this amendment was that it was not in violation of RUGGOs.

Vote: The vote was 4 aye / 2 nay / 0 abstain. Councilor McLain and Monroe voted no. This amendment was adopted and added to the Urban Growth Functional Plan.

McLain Amendment No. 11 - Title 4 Clarification, the definition of adequate as it relates to transportation uses in retail siting.

Motion: **Councilor McLain** moved the McLain amendment #11.

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

Discussion: **Councilor McLain** felt this amendment was made obsolete with the passing of the McCaig amendment #5. There was now a loop hole in Title 4. She said she would be back at the next meeting with Title 4 in its better form.

Presiding Officer Kvistad asked the Council make sure they had four votes prior to bringing them forward so that it was not necessary to deal with amendments that did not have a majority.

Councilor McLain indicated that she planned on bringing that amendment up at the November 7, 1996 Council meeting.

Councilor McCaig said that it was her understanding that all amendments were to be in. Was this correct?

Presiding Officer Kvistad clarified that the Council process was that at any time until final adoption of any ordinance or resolution, a Councilor may bring forward an amendment. He did ask that after the draft plan was completed and it was moved forward to findings, he would prefer that the Councilor have the four votes in order to pass the amendment rather than to bring it forward simply for discussion.

Councilor McLain indicated that she would have four votes.

Presiding Officer Kvistad announced that this amendment was set aside.

McCaig Amendment No. 6. - Title 4, Retail in Employment Areas, Exceptions under section 3 deleting subsection C having to do with market area.

Motion: **Councilor McCaig** moved the adoption of McCaig amendment #6.

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

Discussion: No future discussion occurred.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

McLain Amendment No. 12 - Title 6, Street Connectivity.

Motion: **Councilor McLain** moved the adoption of McLain amendment #12

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

Discussion: **Councilor McLain** reiterated that this amendment was to make sure that typographics features were dealt with in the Plan.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Kvistad Amendment No. 6 - Title 8, Compliance Extension Process.

Motion: **Presiding Officer Kvistad** moved the adoption of Kvistad amendment #6.

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

Discussion: **Presiding Officer Kvistad** briefed that the Council indicating that this amendment was in response to local governments who had upcoming state periodic review granting an extension to those community who had demonstrated substantial progress or proof of good cause for failing to complete the requirements on time.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The votes passed unanimously of those present.

McCaig Amendment No. 7 - Title 8, modifying Section 5 and 6 which is the Functional Plan Interpretation Process and Citizen Review Process.

Motion: **Councilor McCaig** moved the adoption of McCaig amendment #7.

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

Discussion: **Councilor McCaig** raised two issues, several comments which dealt with Title 8 but were not included in her amendment. She did not intend to bring those forward but she wished to make it clear that these amendments dealt specifically with the Functional Plan interpretation which was newly created by the Council and the citizen review process which was newly created and then sent to MPAC and MTAC for review. The other items, section 1 through 4 were already existing. She was not prepared to do anything about those issues. Second, she raised the issue of appointing a work group to come back to Committee before the effective date dealing with any issues that they see which might streamline the process or improve it.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

McLain Amendment No. 14 - Covers several titles, Consistency Amendments

Motion: **Councilor McLain** moved the adoption of McLain amendment #14.

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

Discussion: **Councilor McLain** asked that each of the amendments within this amendment be voted upon separately.

Motion: **Councilor McLain** moved McLain amendment #14, Item 1, line 144, which made the Council legal and spoke to cities and counties inside the Urban Growth Boundary.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 2 lines 166 and 168

that 'and' be put at the end of "d" after the comma, then there would be a period after regulation.

Discussion: **Michael Morrissey** clarified the amendment.

Councilor Washington asked for further clarification.

Vote: The vote was 6 aye / 0 aye / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 3 lines 379 to have "no" remain in the sentence.

Councilor Morissette asked what this amendment did?

Councilor McLain responded that this made the sentence say, 'cities and counties shall require no more parking than'....

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 4, line 396 the word "employment" should remain in the sentence.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 5, line 989 that subsection letter "a" should remain.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 6, line 1165 which added, in the terminology section, a definition of development application.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Councilor McLain asked that Mr. Cooper and Mr. Shaw define 'prior commitment' in Title 10 as a necessary definition and would like to have that drafted. She would bring that definition forward in November.

Presiding Officer Kvistad announced that this completed those written amendments that were before Council at this meeting and opened up for any additional amendments based on the Public Testimony.

Councilor Morissette asked that the Council create a working group of interested parties for the Performance Measures so that the Council could get some ideas on what might work well. He was not sure if this had to be in the Functional Plan but he felt a working group would be helpful to advise the Council on Performance Measures.

Councilor McCaig responded that current language required the Executive to convene a group of people to bring back suggestions on Performance Measures before implementation of the Functional Plan.

Councilor Morissette withdrew his request since this was already in place.

Presiding Officer Kvistad asked the Executive to keep the Council apprised of the action of any subgroup that derived from the discussion.

Councilor Washington asked Councilor McCaig if the piece that she wrote should be in the form of an amendment under the housing area.

Councilor McCaig responded that there had been public testimony on lines 876 and 880-1 where every time the word non-profit appears to include 'and government'. She believed that it appeared in two of the four sections.

Presiding Officer Kvistad said that we would need an amendment to make this change.

Motion: **Councilor McCaig** moved to amend lines 876 and 880-1 to include the word 'and government' where the word non-profit appeared.

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

Discussion: **Councilor Morissette** said that out of the 9,000 units built here annually, very few were built by governments or non-profits. He asked what was wrong with adding some language about the private sector also if there was going to be language added. The private sector provided the mass majority of housing, he believed that we would want them to help us with affordable housing as well.

Councilor Washington responded to Councilor Morissette by saying that all we were going to do was add another player. He didn't have any problem with adding the Morissette language and asked legal and staff if there was a problem to add this.

Dan Cooper said the context for this amendment was under recommendations for tools for local governments. The first place was a recommendation that governments donate tax foreclosed properties to non-profit organizations. There was a statute that specifically allowed that to occur, a government could also transfer tax foreclosed properties to another government as well, it would not be allowed under current law for a governmental unit to donate tax foreclosed property to a private developer. It may be in the future that this could happen, but right now this would be inconsistent with the tools that were available. He thought that to provide fee waivers and property tax exemptions was also something that local governments couldn't do now for the for-profit developers. This was not the current status of the law. Councilor Morissette could still make that recommendation as a policy matter, it was just that it could not be carried out until other laws changed.

Councilor McLain said that the testimony asked for "and/or" we did not want government and non-profit, we wanted either government or non-profit or both.

Councilors McCaig and Washington accepted Councilor McLain amendment as a friendly amendment.

Councilor McCaig said yes, in section A and C.

Presiding Officer Kvistad declared the friendly amendment on the table as accepted.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The amended motion passed unanimously of those present.

Presiding Officer Kvistad asked Mr. Cooper about an amendment that was adopted on a 4 to 3 vote. What would be his opportunities to revisit that amendment being on the losing side of that amendment?

Dan Cooper answered that if someone who was on the prevailing side of the amendment wanted to move reconsideration of the vote on the amendment, that would be proper during this meeting. As announced previously, any Councilor had the opportunity to introduce further amendments at any time until this ordinance was finally adopted and no longer on the Council agenda. Presiding Officer Kvistad could not move reconsideration.

Presiding Officer Kvistad said that he could however move and make a motion to change the language to recommend an individual motion.

Dan Cooper said that Presiding Officer Kvistad could make a motion for another amendment.

Presiding Officer Kvistad said that if he received a second, then under the system and process, that did not constitute reconsideration so it was appropriate and proper.

Dan Cooper answered affirmatively.

Councilor McCaig said that the fourth vote, Councilor McFarland was now missing, as a result of her absence, Councilor McCaig asked that any action on the amendment be considered when Councilor McFarland was present.

Presiding Officer Kvistad asked Mr. Cooper that if he moved his amendment, received a second and then waited until a later date to vote, would this be appropriate?

Dan Cooper said that the first rule of Roberts Rules of Order was that the chair's rulings were always right unless the body appealed them. He also noted that Presiding Officer Kvistad's motion would need 4 yes votes to pass.

Motion: **Presiding Officer Kvistad** moved to change the word 'required' to 'recommended' in Title 4.

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

Discussion: **Councilor Morissette** said that he would really prefer that all seven Councilors be available to have the discussion and asked that the discussion occur at another meeting when all were present.

Presiding Officer Kvistad said that his request was correct and that his motion at this time was to get it on the table so that there could be further comment. He felt very strongly about this item.

Councilor McLain asked to make two comments. First, the Title 4 issue that was defeated by a 4 to 3 vote was one of those issues that she had worked two and a half years gathering information from policy advisors, local governments, retail, 2040 means business and a number of other individuals including citizens. There was a difference of opinion on this retail issue and most of the opinion lay with whether one believed that retail was the only part of the community that counted. The retail folks asked for exceptions and these were given. We asked them what it was they wanted, they responded that they wanted Title 4 deleted. Title 4 was going to continue to be in the Functional Plan but they asked the retailers what exceptions were specifically needed? They described them. At this point what had been done was to cause Title 6 not to work, causing the design type of the 2040 Growth Concept to have no meaning because if what was suggested was done the traffic patterns and the parking would not be able to bring the kinds of results that were desired. If one believed in the 2040 Growth Concept, Council must understand that retail must do their part as well. She supported the original Title 4 with the amendment that was passed in the October 17th Council meeting. She suggested that the Council relook at RUGGOs, look at the future vision and look at Title 6. If Council believed in parking and serviceability, it was important that the Council look at these items before Title 4 was voted upon.

Councilor Morissette said he would be voting no on the Urban Growth Functional Plan. He believed Gussie McRobert, the Mayor of Gresham, made the comment, if it did not feel right or if you didn't feel that you were going to make it a better region, then, you had better vote no. He firmly believed that. He whole heartedly supported the 2040 Concept, he believed we could have a more compact urban form, that people would live in higher density housing through this boundary, but with Table 1 as an attachment to this Functional Plan as well as some other issues, Councilor Morissette believed we were heading in a direction that was pushing way too hard. He quantified that we were moving forward an additional 244,000 housing units in this Urban Growth Boundary. We had about 450,000 housing units in the Urban Growth Boundary. This was basically one new home for every two that currently existed. It was not quite as easy as one new home in your neighborhood. He had been accused, being a home builder, of economic benefits. This was very important to him. The land he owned was inside of this Urban Growth Boundary. Freezing the boundary, which was something he had not been advocating, economically benefitted him. He did not financially benefit by moving the boundary but moving the boundary in conjunction with higher density housing meant people had options, not just high density housing other than for the very wealthy. This Urban Growth Boundary represented about one third of one percent of the land in the state of Oregon. It housed somewhere around 43% of the state's population. We were not sprawling like many other communities. It did not mean we couldn't use the land more wisely but we must be careful that we didn't push too hard, he believed that this Plan did just that. Density was a good thing in certain areas not in others, there had been some moves made on the 80% minimum that he believed were good but he still thought that we were pushing too hard. He believed that we were going to get more congestion because the 80% to 90% of those new people coming here even with optimistic increases in the amount of transit ridership, which he supported, would continue to operate motor vehicles. So there would be a lot more congestion. Housing would continue to be more costly as land became less available as we go through this Plan. He did believe there was a link between the Urban Growth Boundary and the cost of housing, it was not the only link. We had heard Councilor McLain talk about consumer goods, he shops at Costco, that did not mean he wanted to exclude people from shopping at other environments, he believed there was an affordability factor that we were missing by pushing these Plan. He wanted the Costcos and the boutiques to win. He believed that this Plan called for more sprawl not less. People were buying homes outside the urban boundary and commuting back to the Metro area. They were commuting because they couldn't find within the boundary what they were looking for in terms of housing type at a price they could afford. More people would need housing subsidies. He asked, are we going to have enough places to put schools? He suggested that we would not. The next big subsidy pie, not just to be arguing over whether we had enough land for corrections, schools, highway and light rail improvements, would be housing subsidy. He believed

there would be a whole lot more people asking the government to help them live here than currently existed. The market, with a balanced approach to the Functional Plan, could provide the majority of that housing. We would have less choice for the average citizen in housing type. The rich would be able to afford it, the average citizen would have a real hard time affording housing inside of this boundary. He rephrased, that this did not mean we couldn't use the land better, but it did not add up to 244,000 more housing units. We would lose a lot of the very valuable open spaces. He supported the Greenspace Plan. He believed that it was important that we had open spaces, but he believed that the Greenspace people could not afford very many places to purchase Greenspaces inside the boundary because the land was so expensive. He believed it was inappropriate to build on places like Alpenrose just to meet an overly restrictive Urban Growth Boundary, there again supporting the Urban Growth Boundary but with more balance. There was a loss of choice in the local governments ability to plan. Councilor Morissette said that when the gentleman from Happy Valley testified that they would be changing their zoning to accommodate the growth the Councilor did not think that he realized that this was a density somewhere between 10 and 15 units per acre. Happy Valley was building a lot of half acre lots. So as the local governments went through this process and tried to allocate the densities that would be required for this Plan he hoped the jurisdictions had analyzed this because the 80% minimum densities in appropriate locations he whole heartedly supported. But he did not support taking away the ability of local planner to plan for their community as they see fit and having as much flexibility as possible. We could use the land better, appropriate density in all locations. We were kidding ourselves if we thought this boundary was going to hold 244,000 more housing units and we would also do ourselves a real disfavor by pushing too hard. He reemphasized that schools were already crowded, there would be a lot of children involved in this plan. An overly restrictive plan like this one that we would be putting forward was going to have a whole lot more people not just living together but a lot more students in school buildings because there was not a whole lot of places to put them. The Functional Plan with Table 1, in his opinion, was the zero option group which said that we could put all of these housing units inside of this boundary. This meant the City of Portland would take 70,000 more housing units. Each and every one of those communities would be happy to do their fair share to manage the growth in this region but this did not add up to 244,000 housing units. He had also had a bit of problem with whenever the Metro Council produced documents. He would like to have had his no vote have a brief explanation. He believed that there would be a lot of people who might like this Functional Plan. He also believed that when it really hit their neighborhood they wouldn't be so happy. He had been worried about this and wanted them to know that he was concerned about their feelings and that when they were upset with their neighborhood densities that they realized that there was at least one person that was concerned about enough to say no.

Presiding Officer Kvistad said that earlier someone said that we must get this done because there were more urgent matters. He believed this is of utmost importance. This document, if crafted properly, could be one of the premiere planning documents any where in the United States. He did have some severe concerns about the document but had tried to be a good partner in crafting it. It was a very difficult process, we had some very divergent views and one did the best one could to try and move forward the agenda and try to do what was right. He thought that as we move forward with 2040 we had tried to develop a concept, do we grow up or do we grow out? As John Fregonese said, "it was how do we grow smart." Presiding Officer Kvistad believed we are working on that. This early Functional Plan and elements gave Metro some tools to do this. It was very forward thinking as well as very dangerous if not done correctly. If not done well, we had a potential for doing severe damage to the region. It was his hope that what was finalized and how the plan was moved forward would show the nation what we as a region could do. He is proud to be a part of this process. He acknowledged the staff and community groups and thanked them for their wonderful efforts.

Motion: **Councilor McLain** moved to continue Ordinance 96-647B as amended to
the

Council Meeting on November 14, 1996 for final approval and adoption and to direct the Office of General Counsel to prepare findings and maps for inclusion of the Ordinance and present the complete record to the Council.

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

Discussion: **Councilor Morissette** did have some written comments to follow up with what he said. He would be submitting those for the record (which may be found in the permanent record of this Council meeting in the Council Office).

Presiding Officer Kvistad noted that his vote on this item did not necessarily represent his vote on the final adoption of the Functional Plan.

Councilor McCaig clarified what the Council was voting on? Are we voting on the document that was amended today. She noted that some Councilors may have some outstanding issues, she did not.

Presiding Officer Kvistad responded that the Council was voting to forward the Plan to staff for findings and for the final adoption of the map, the actual ordinance would be voted on the 14th of November. We were voting on the document we amended at this Council meeting. There were some outstanding issues but the Council was voting on that document to forward it to staff for findings.

Vote: The vote was 5 aye / 1 nay / 0 abstain. Councilor Morissette voted nay, the motion passed.

7. RESOLUTIONS

7.1 **Resolution No. 96-2404**, For the Purpose of Encouraging the Columbia County Board of Commissioners to Approve Extending Lone Star North-West's Aggregate Operation.

This resolution was returned to the Growth management Committee.

7.2 **Resolution No. 96-2405**, For the Purpose of Opposing Ballot Measure 46.

Motion: **Councilor Monroe** moved for the adoption of Resolution No. 96-2405.

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

Discussion: **Councilor Monroe** briefed the Council noting that the Finance Committee reviewed three ballot measures and was recommending that the Council go on record as opposing two of these and supporting the other one, 46 was the ballot measure that allowed dead people to vote and people who had moved their residence or had moved to retirement homes but were still on the roles, they hadn't been purged yet. All count as no votes, if one stayed at home their vote counted as a no vote. This was a bad government policy and would

be very destructive to the future of this region and particularly to the future activities of the Metro Council. Therefore, he recommended as a Council that we oppose ballot measure 46.

Presiding Officer Kvistad commented that he rarely endorsed ballot measures or opposed ballot measures, on this item he would however take a vote.

Vote: The vote was 5 aye / 0 nay / 0 abstain with Councilors McCaig, McLain, Monroe, Washington and Presiding Officer Kvistad present. The motion passed.

7.3 **Resolution No. 96-2406**, For the Purpose of Opposing Ballot Measure 47.

Motion: **Councilor Monroe** moved for the adoption of Resolution No. 96-2406.

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

Discussion: **Councilor Monroe** indicated that this measure was the so called cut and cap.

There was evidence that showed this measure would damage the Zoo and would also reduce revenue to cities, counties and school districts making it much more difficult for cities to implement 2040 and to provide necessary fire, police, parks, lighting and the other things that cities, counties and recreation districts were involved in. This put the Council on record as opposing ballot measure 47.

Vote: The vote was 4 aye / 0 nay / 1 abstain. Presiding Officer Kvistad abstained, the motion passed.

7.4 **Resolution No. 96-2410**, For the Purpose of Supporting Ballot Measure 32.

Motion: **Councilor Monroe** moved for approval of Resolution No. 96-2410.

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

Discussion: **Councilor Monroe** said that this is the ballot measure that called for support of the legislatively approved package which would provide the statewide match for light rail and would also provide for a statewide network of highway projects to be funded predominantly by lottery money and by some regional transportation money from this area. This was approved by the legislature, the voters of this region had already voted by more than

60% in each of the three counties to approve the local funding and the federal government had assured Metro that the federal funding, about 50% of the cost of south/north light rail, would be forth coming thanks to the congressional delegation particularly Senator Mark Hatfield. He urged the Council's support.

Vote: The vote was 4 aye / 0 nay / 1 abstain. Presiding Officer Kvistad abstained, the motion passed.

8. **COUNCILOR COMMUNICATIONS**

None.

9. **ADJOURN**

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 6:20 pm.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Name and Address	Document Date
102496-01	Mayor Gussie McRobert City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030-3813	10/24/96
102496-02	Mayor Gussie McRobert City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030-3813	10/23/96
102496-03	Fred Holz Westlake Consultants TVEDC Housing and Land Use Committee Tualatin Valley Economic Development Corp 10200 SW Nimbus Suite G-3 Tigard, OR 97223	10/18/96
102496-04	Mayor Gordon Faber City of Hillsboro 123 West Main St Hillsboro, OR 97123-3999	10/24/96
102496-05	Mayor Rob Drake City of Beaverton 4755 SW Griffith Drive PO Boc 4755 Beaverton, OR 97076	10/24/96
102496-06	Mayor Jim Nicoli City of Tigard 13125 SW Hall Blvd Tigard, OR 97223	10/23/96
102496-07	Louise Weidlich, Director Neighborhoods Protective Assoc. PO Box 19224 Portland, OR 97219	10/24/96
102496-08	Keith Bartholomew 1000 Friends of Oregon 534 SW Third Ave Suite 300 Portland, OR 97204-2597	10/24/96

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102496-09	Tryon Creek Management Partnership 6039 SW Knightsbridge Drive Portland, OR 97219	9/24/96
102496-10	Tryon Creek Management Partnership 6039 SW Knightsbridge Drive Portland, OR 97219	10/24/96
102496-11	Mark Whitlow Bogles & Gate PLLC 222 SW Columbia Portland, OR 97201	10/24/96
102496-12	Peg Mallory, Executive Director Portland Housing Center 1605 NE 45th Avenue Portland OR 97213	10/24/96
102496-13	Mike Burton Executive Officer Metro 600 NE Grand Portland, OR 97232	10/24/96
102496-14	Councilor Don Morissette Metro Council 600 NE Grand Portland, OR 97232	10/24/96
102496-15	Betty Atteberry Executive Director Sunset Corridor Association 15455 NW Greenbrier Pkwy Suite 210 Beaverton, OR 97006	11/05/96