



TUALATIN Riverkeepers

16340 SW Beef Bend Rd. Sherwood, OR 97140
(503) 590-5813 • fax: (503) 590-6702 • triverk@teleport.com
www.teleport.com/~triverk



Sept. 22, 1997

Mr. Ed Washington
Metro Council
600 NE Grand Ave
Portland, OR 97232

Re: Support of Green Infrastructure Resolution

Dear Councilor Washington,

The Tualatin Riverkeepers urge your support of the Green Infrastructure Resolution. The protection of parks, open spaces, recreational trails, and sensitive lands need to be strongly affirmed by Metro.

Metro's positive leadership role in preserving critical open space along the Tualatin River, we believe, has motivated local jurisdictions to begin preserving river front and developing access points for public use. Cornelius, Hillsboro, Sherwood, Tualatin, West Linn are all developing public access points on the River. A remarkable accomplishment, when you consider that quite recently the Tualatin was perceived by the public as little more than a drainage ditch.

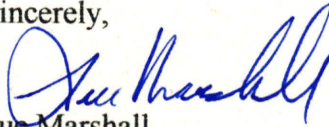
The above example illustrates how effective Metro can be in dealing regionally with growth issues. We applaud Metro's efforts in development of the Draft Regional Framework Plan, particularly Title 3. Water Quality and Floodplain Management Model Ordinance.

The need remains critical for stronger, regionally consistent policies that will protect the floodplain and environmentally sensitive lands. While the water quality of the Tualatin has improved greatly, the entire length of the Tualatin River and 28 of its tributaries are listed as water quality limited by the Department of Environmental Quality, DEQ. The Clean Water Act requires states to identify and prioritize heavily polluted waters, referred to as the 303 d. list. Title 3 can help the Designated Management Agencies meet their mandate to control nonpoint sources of pollution and protect the water quality of the Tualatin River and its tributaries.

We believe protection and preservation of open spaces, riparian areas, floodplains, and sensitive lands makes good public policy. There is no better legacy for our children than to assure a high quality of life; clean water, neighborhood parks, woods and wildlife to enjoy.

Please support the Green Infrastructure Resolution and thank you for your support of open space in the Tualatin Watershed.

Sincerely,



Sue Marshall
Tualatin Riverkeepers

TO: Metro Council
FROM: Don Morissette
DATE: September 25, 1997
RE: Proposed Amendment to Resolution 97-2562A

Proposal

I propose to amend this resolution in the following manner: The third clause under BE IT RESOLVED would now read:

The protection of environmentally sensitive lands from development could result in a decline in net buildable acres in a local jurisdiction. Upon demonstration by a local jurisdiction that such protection results in an inability to meet jobs, housing and other targets established in the Urban Growth Management Functional Plan, which includes a recommendation which identifies land that would provide for the unaccommodated capacity located inside or outside the urban growth boundary and near or adjacent to the city or county, the Metro Council will grant an exception consistent with Title 8 of the Functional Plan. The exception will be granted to the extent the local jurisdiction establishes that the decline in net buildable acres is the result of lands being protected from development by locally adopted and implemented regulations.

Rationale

This language currently exists in title 8 (Compliance Procedures) of the Functional Plan (although the relevant section of Title 8 does not contain the word "inside"). It is cited in an August 22, 1997 memo from Mr. Burton in support of the resolution. This amendment makes that title 8 language explicit in the resolution, in acknowledgement of the fact that capacity has been decreased inside the urban growth boundary"). The local jurisdiction will then be required to recommend where this capacity could be added back, and will allow the Metro Council to consider this recommendation.

July 14th, '96

To the Editor,

What cotton candy the Oregonian 7-14 Forum, "Road to Tomorrow" * was. Not so sweet when mixed with foul-tasting costs of dependence upon autos: roads & maintenance, loss of greenspace, urban sprawl, car-related accidental death and injury, colossal industrial waste & inefficiency, societal isolation, segregation, alienation, environmental poisons, global warming. The high-tech car future portrayed is indigestible, car-industry junk-food. A healthy balance is needed between the private auto and mass transit. Holistic planning that evolves around pedestrian-oriented, mixed-use communities with transportation options that promote inner, & inter-urban rail transit is the sweetest future vision.

* High-tech cars & highways.

Art Lewellan 238-4075
2305 SE 8th #9
Portland, Or. 97202



Robert F. Kennedy quote from "Air Pollution and the Death of our Cities", published in "Air and Water Pollution", Washington Square Press, 1969.

"Municipal transportation ought to move immediately to a serious consideration of electrically powered buses. There is no reason why buses which travel relatively short distances each day, cannot be developed with electric motors. This development would radically change one of the most annoying of all pollution irritants".

RLIS Data:

Customer Survey and Implications

RLIS

- Metro uses RLIS for its own planning
- Metro sells RLIS products to local governments and private sector
- \$1.3 million revenue 1993-97 with \$1.2 million costs

Customer Survey

- Satisfaction required to continue revenue source
- Customer feedback on usefulness, accuracy, coverage and detail

Survey Statistics

- Users of RLIS products purchased in last 2 yr
- 58% response rate was excellent and representative of users
- Primary users:
government, consulting,
real estate development

Survey

Statistics (cont.)

- Main uses included planning, custom applications, real estate development
- Overall satisfaction good
- Some who value RLIS had some problems

Types of Problems with RLIS Data

- Taxlot and assessor data
- Demographic data
- Vacant lands data
- Zoning data
- Price and accessibility
- Overall accuracy

Survey Conclusions

- DRC successful
generating revenues
- Average satisfaction
ranged from 6.54 to 7.98
- Customers with high
ratings still had some
complaints

Survey Conclusions

(cont.)

- Metro perceived as originator of data
- Metro held responsible for inaccuracies
- Fail to consider Metro's warnings on limitations
- Probable limits to improving accuracy

Recommendations

- Develop plan to improve products
- Improve customer communication

Customer Communication

- Expand efforts to explain limitations
- Develop formal system to track problems
- Provide clear, detailed explanations of items billed

Customer Communication

- Consider issuing a subscriber newsletter
- Consider meeting with customers to discuss market and how to provide services

Recommendations (cont.)

- Continue exploring use of value-added resellers

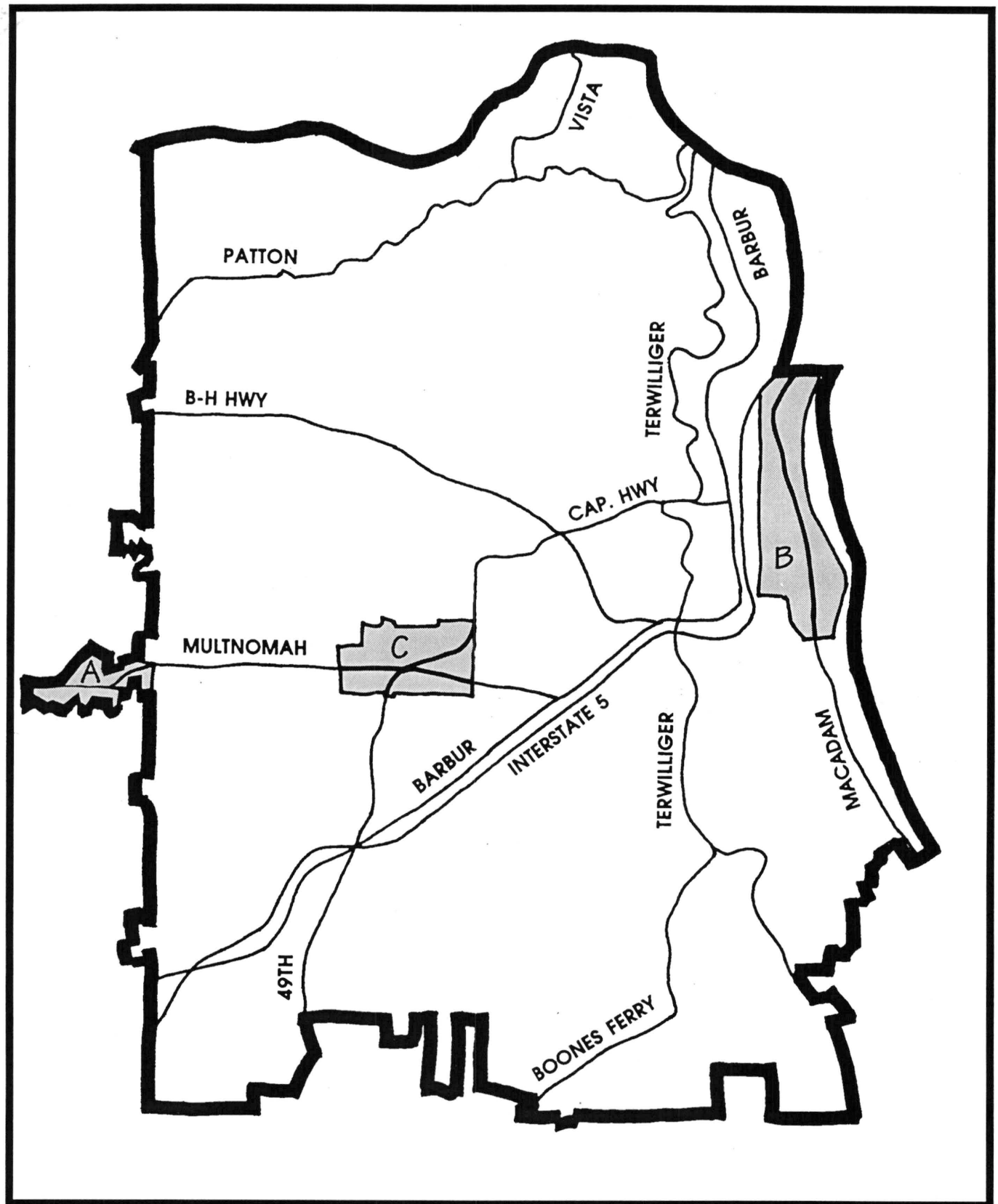
092597c-05

MULTNOMAH MAIN STREET
STAFF RESPONSE

September 1997

To help ensure equal access to information, the City of Portland Bureau of Planning offers the following services to disabled citizens:

- Interpreter (two working days notice required);
 - Accessible meeting places;
 - Audio Loop equipped hearing rooms in City Hall and the Portland Building; and
 - Planning documents printed in large type sizes for the visually-impaired (two working days notice required).
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SOUTHWEST COMMUNITY PLAN

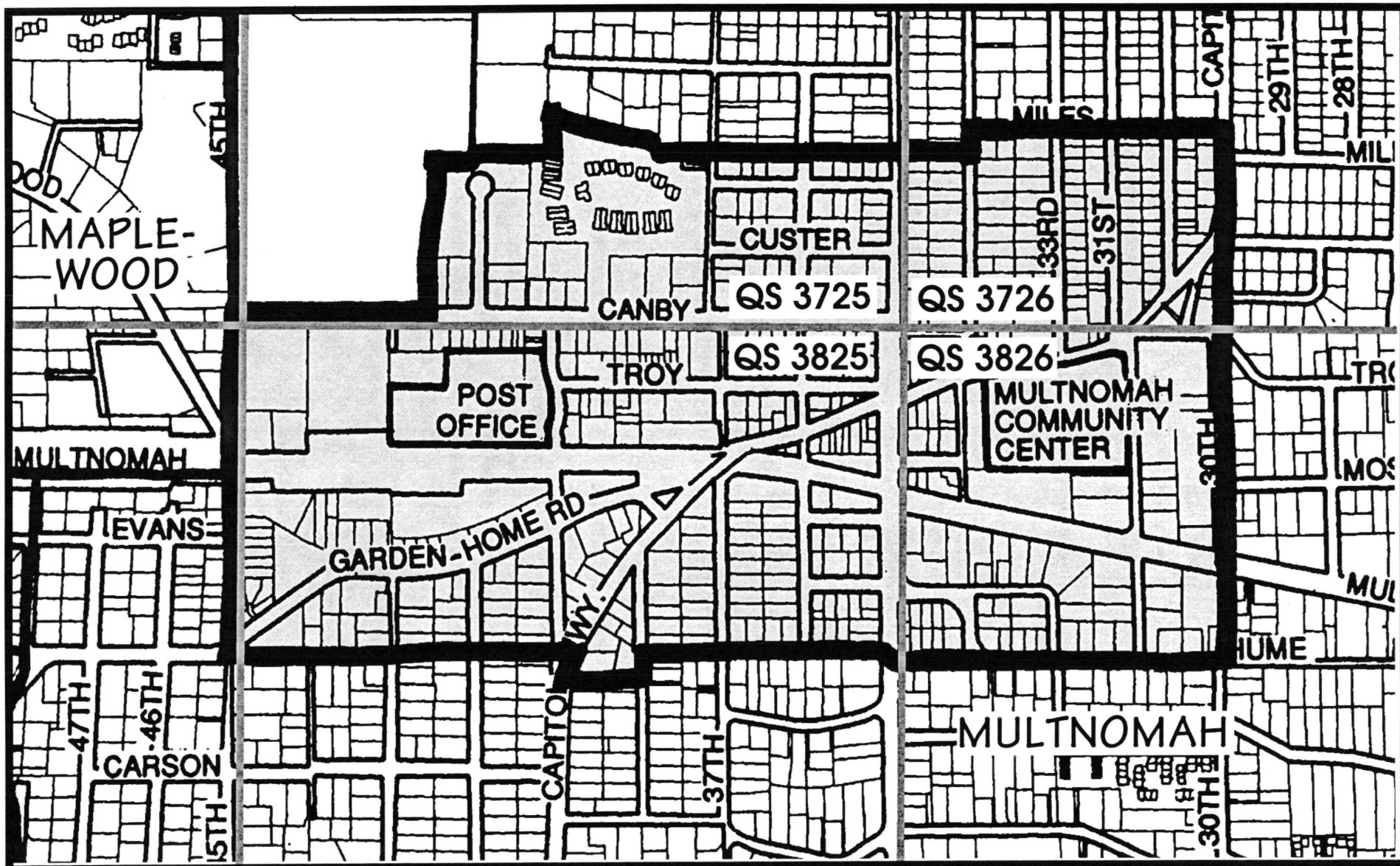
Main Streets

Bureau of Planning • September 1997



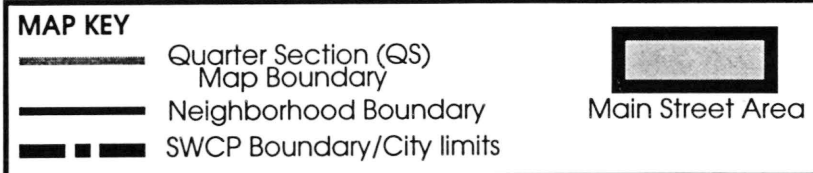
MAP KEY

- A GARDEN HOME MAIN STREET
- B MACADAM MAIN STREET
- C MULTNOMAH MAIN STREET



MULTNOMAH MAIN STREET (MMS)
Area Map

Bureau of Planning • September 1997



Multnomah Main Street (MMS)

Location

The Multnomah Main Street centers on the intersection of Capitol Highway and SW 35th Avenue.

Area Boundaries

North: Miles Street, Gabriel Park
South: Hume Street
East: 30th Avenue
West: 45th Avenue

Neighborhood Associations Covered in this Response

The Multnomah Main Street area is comprised of all or portions of the following neighborhoods:

- Multnomah

Area Character

Multnomah is a focal point and meeting place at the geographic center of Southwest Portland. The main street area includes the intersection of Multnomah Boulevard and Southwest Capitol Highway and the immediate surrounding business and residential areas. The main street is composed of a mix of residential and commercial uses, drawing patrons from around the city and the region. Transportation amenities include sidewalks in the commercial area and frequent transit service to downtown Portland, the Washington Square regional center, and other destinations via the Barbur Transit Center. The main street area has a direct auto connection to downtown Portland via I-5.

The main street area is near Gabriel Park, a 90 acre park and one of the largest in the SWCP study area. It is used by citizens from throughout Southwest Portland and the region. The Multnomah Community Center provides arts and cultural learning facilities, services for seniors, and community gathering spaces. The community center is located on Capitol Highway, in the heart of the main street area.

"Multnomah Village," the commercial center of the Multnomah Main Street, is composed of small shops with a storefront development pattern built along a historic rail line that brought residents of Portland to the southwest. Today, Multnomah Village draws patrons from around the city and the region as a destination for antique and specialty shopping. In addition to specialty stores, there is a range of existing services and recreational opportunities in the Multnomah Main Street area to serve the surrounding residential neighborhoods.

BOP Supported Neighborhood Proposals

1. The neighborhood proposal suggests urban commercial designation of the CS zone along Capitol Highway in the northeast portion of the main street. This changes the CG designation along the highway. The CS designation would promote more pedestrian-oriented development and continue the storefront character of the main commercial area north along Capitol Highway.
2. The neighborhood proposal suggests an R1 designation on selected sites along SW 30th Avenue north of Multnomah Boulevard. Although the largest of these sites is currently an institutional use, and the others have existing multifamily uses, the R1 designation would allow incremental addition of units to these properties.
3. The neighborhood proposal suggests the CM designation on the Copeland Lumber site, located at SW 31st Avenue and Troy Street. If the site redevelops, a CM designation could promote a mixed-use development that would support the character of the main street area. The BOP suggests that the site might also be appropriate for the placement of a new mixed residential-commercial designation that is being discussed for other areas of Southwest. The new designation would emphasize residential development, but allow some commercial services.

BOP Recommended Changes to the Neighborhood Proposal

BOP staff and Multnomah neighborhood leaders have proposed conducting a design "charrette," an intensive working session, to generate a vision for Multnomah Village and identify tools necessary to implement that vision. Through this charrette, staff and neighborhood leaders hope to focus on creative techniques or approaches--perhaps beyond those currently available in the zoning code--to achieve the desired village character.

The majority of the changes to the neighborhood proposal listed in this response are BOP recommendations to retain the existing Comprehensive Plan/zoning map designation. **These recommendations are fluid and may be further shaped by the outcome of the planned design charrette.** The Multnomah Main Street area is already recognized as a regional example of a thriving, established main street. Much of the existing Comprehensive Plan pattern in the main street area is already appropriate to support the mix of uses and level of activity envisioned for main streets. Most of the BOP recommendations are aimed at retaining and enhancing the existing main street character and function.

The following table lists six categories of information. The site identification category refers to the sites labeled on the maps included as part of this report. Other categories are the four different map designations. They are current zoning, current Comprehensive Plan designation, neighborhood proposed Comprehensive Plan/zoning map designation, and BOP recommended Comprehensive Plan/zoning map designation. Lastly, the table identifies the quarter section map number, which references the page where the site is located in the City's official Zoning Atlas.

The term "site," as used in this response, means a grouping of parcels as delineated on the maps at the end of this section. Each site may include one or more parcels and one or more Comprehensive Plan/zoning map designations.

Comprehensive Plan/Zoning Map Designation

Site Identi- fication	Current Zoning	Current Comp. Plan Designation	Neighborhood Proposed Comp. Plan/Zoning Map Designation	BOP Recommended Comp. Plan/ Zoning Map Designation	Quarter Section Map Number
MMS-1	R7	R2.5	R10	R2	3725
MMS-2	R7, R1	R2.5, R1	OS	R2.5, R1	3825
MMS-3	R7	R2.5	R7,R5	R2	3725, 3825
MMS-4	R7,R2	R2	R5	R1	3825
MMS-5	R7	R2	R5	R2	3825
MMS-6	CG	CG	R2	CG	3825
MMS-7	CN1	CN1	R5	CN1	3825
MMS-8	CN2	CN2	R5	CN2	3825
MMS-9	CN2	CN2	R1	CN2	3825
MMS-10	R2.5, R2	R2.5, R2	R5	R2, R2.5	3825
MMS-11	R7	R7	R5	CN2	3825
MMS-12	CG	CG	R2, R2.5	CS	3825
MMS-13	R5	R2.5	R5	R2.5	3826
MMS-14	R2,R7	R2	R1,R5	R1	3826
MMS-15	R7	R2.5	R1,R5	R2	3826
MMS-16	R7,R2.5	R2,R2.5	R7,R5,R2.5	R2	3826
MMS-17	R5	R1	CS	R1	3826
MMS-18	R7	R2.5	R1,R5,R7	R1,R2	3826
MMS-19	R2	R1	R2	R1	3826
MMS-20	R1	R1	R5	CS	3825
MMS-21	R1, R2	R1, R2	R5, R2.5, R2	R1, R2	3825
MMS-22	R2	R2	R2.5, R5	R2	3726

****NOTE:** This table only lists base zones; no overlay zones are shown.

Sites

MMS-1

Description: The site is bordered by Gabriel Park on the east and north. Canby Street is to the south and SW 40th Avenue borders on the west. The neighborhood proposal changes the existing R2.5 designation to R10.

Staff Comments: This proposal is a downzoning. The site is adjacent to Gabriel Park, a regional recreation facility that provides a substantial amenity to the community. Downzoning would reduce the potential number of households within walking distance of the park. Staff supports providing access to Gabriel Park for more households. This could contribute to reducing automobile trips to and from the park. The large, deep lot configuration is more appropriate for an R2 designation than the existing designation of R2.5, which is typically appropriate for shallow lots with continuous street frontage.

BOP Recommendation: Change the Comprehensive Plan/zoning map designation of R2.5 and the neighborhood proposal of R10 to R2.

MMS-2

Description: The site is bordered by Gabriel Park to the north, and by Multnomah Boulevard to the south. The neighborhood proposal changes the existing R2.5 and R1 designations to OS.

Staff Comments: This proposal is a downzoning. The OS designation takes virtually all economic value from a private property owner because the property is no longer developable for any use but recreation or as a cemetery. Neighborhoods can work with property owners and the City of Portland to pursue possible donating or dedicating of parcels to public ownership. Following dedication or acquisition, the OS designation may be placed to protect the property. The BOP has not received a request from the property owner to dedicate the land as OS.

If the neighborhood association feels that this site contains important natural resources that need more protection than the current overlay zones offer, it may request in its neighborhood plan that city agencies explore acquisition of this site for public open space.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designations of R2.5 and R1.

MMS-3

Description: The site is bordered by SW 37th Avenue on the east, SW 40th Avenue on the west (except for one parcel on the west side of 40th), and includes parcels on the north and south sides of Canby Street. The site surrounds the Gabriel Commons Condominium development on two sides. The neighborhood proposal changes the site from the existing R2.5 designation to R7 north of Canby Street and R5 south of Canby Street.

Staff Comments: This proposal is a downzoning. These sites are located immediately adjacent to the "heart" of the main street area and within close walking distance of Gabriel Park. The lots are large, with single-family homes of varying age and condition. There may be the potential of redevelopment and infill.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R2.5 and the neighborhood proposal of R7 and R5 to R2.

MMS-4

Description: The site is bordered by Garden Home Road to the south, SW 40th Avenue to the west and Multnomah Boulevard to the north. The neighborhood proposal changes six properties on the south side of the site from R2 to R5.

Staff Comments: This proposal is a downzoning. The site is developed with predominantly multifamily uses. The proposal would create a large area of nonconforming uses, a result which is not generally supported by the BOP. In addition, the properties that front on Garden Home Road have access to frequent transit. (Tri-Met line No.45 runs on Garden Home Road.) A designation of R1 would allow incremental addition of units to the existing developments and would provide transit-supportive densities for the main street area.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R2 and the neighborhood proposal of R5 to R1.

MMS-5

Description: The site is bordered by Garden Home Road to the north, SW 41st Avenue to the east, and Hume Street to the south. The neighborhood proposal changes ten properties from R2 to R5.

Staff Comments: This proposal is a downzoning. The three properties at the northeast corner of the site have good access to Garden Home Road. The remaining properties are accessed by SW 42nd Avenue, which is a gravel street at this location. The properties on the west side of SW 42nd Avenue are immediately adjacent to several parcels of existing multifamily development. This is an appropriate site for multifamily development.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of R2.

MMS-6

Description: The site is bordered by Multnomah Boulevard to the north, SW 36th Avenue to the east, and SW 37th Avenue to the west. The neighborhood proposal changes two parcels with the existing Comprehensive Plan/zoning map designation of CG to R2.

Staff Comments: This proposal is a downzoning. The existing use of the site is an apartment building with both commercial and residential tenants. The neighborhood proposal would create a nonconforming use (the commercial tenants), a result which is not generally supported by the BOP. The site is accessed off of SW 36th Avenue, and is an appropriate site for commercial uses that support the main street.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of CG.

MMS-7

Description: The site is located at the intersection of Garden Home Road, Capitol Highway and SW 37th Avenue. It is below the grade of the Capitol Highway Bridge, which crosses over Multnomah Boulevard and is isolated from direct access from Capitol Highway. The neighborhood proposal changes the existing Comprehensive Plan/zoning map designation of CN1 to R5.

Staff Comments: This proposal is a downzoning. The site configuration and location make this a good site for commercial rather than residential.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of CN1.

MMS-8

Description: The site is located immediately east of the Capitol Highway as it crosses over Multnomah Boulevard. It is in the center of a block between SW 39th Avenue and SW 37th Avenue. The neighborhood proposal changes the existing Comprehensive Plan/zoning map designation from CN2 to R5.

Staff Comments: This proposal is a downzoning. The site is accessible only through adjacent parcels; it is below the grade of Capitol Highway and has no direct street access. Retaining the commercial designation might promote parcel consolidation with adjacent properties and either a residential or commercial utilization of the site.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of CN2.

MMS-9

Description: The site is located on the south side of Garden Home Road, at the intersection of Garden Home Road and Capitol Highway. The neighborhood proposal changes the existing Comprehensive Plan/zoning map designation from CN2 to R1.

Staff Comments: This proposal is a downzoning. The site is a small parcel, surrounded on all sides by streets. The minimum densities required by the R1 designation would necessitate a multistory building that would have its second or third floor at the grade of the Capitol Highway bridge over Multnomah Boulevard. This condition would provide a substantial disincentive for residential uses on the site.

The size and configuration of the site is more suited to commercial development than residential. It has direct access to Garden Home Road, and is adjacent to an existing vehicle service use.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of CN2.

MMS-10

Description: The site is four properties that comprise the north half of a block bordered by SW 36th Avenue to the west, SW 37th Avenue to the east, and Evans Street (a gravel road at this location) to the north. The neighborhood proposal changes the existing Comprehensive Plan/zoning map designation of R2.5 and R2 to R5.

Staff Comments: This proposal is a downzoning. All but one parcel on the site have existing multifamily uses. The neighborhood proposal would create nonconforming uses, a result which is not generally supported by the BOP. This site is within close proximity to the transit available along Capitol Highway. It has good access to Multnomah Boulevard. The existing Comprehensive Plan/zoning map designations will support pedestrian-transit use objectives for the main street area.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designations of R2 and R2.5.

MMS-11

Description: The site is bordered by Capitol Highway to the south and east and Garden Home Road to the north. The neighborhood proposal changes two parcels of R7 to R5, as part of an entire block suggested for the R5 designation.

Staff Comments: The site contains an existing nonconforming use (a gas station) and is not likely to redevelop into a residential use during the duration of the SWCP (20 years). The location of the site, at the intersection of two busy streets, lends itself better to commercial use than residential.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R7 and the neighborhood proposal of R5 to CN2.

MMS-12

Description: The area is between 34th and 35th Avenues with Multnomah Boulevard to the north and Falcon Street to the south. The neighborhood proposal changes the existing designation of CG to R2 and R2.5.

Staff Comments: This proposal is a downzoning. The site has existing commercial and light industrial uses, new multifamily uses, and a Portland General Electric substation. Downzoning would create nonconforming uses, a result which is not generally supported by the BOP.

The site is accessed off of Falcon Street and 35th Avenue. It is an appropriate location for future commercial development that contributes to the character and viability of the main street.

In addition, the uses on the site do not appear likely to redevelop in the next 20 years. It is unlikely that the proposed residential designation would produce any new housing opportunity during the duration of the SWCP. However, residential development is allowed in most commercial zones. A commercial designation will not preclude residential use if the property owner chooses to pursue it.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of CG and the neighborhood proposal of R2 and R2.5 to CS.

MMS-13

Description: The site is between SW 31st and SW 34th Avenues with Multnomah Boulevard to the north, and Falcon Street to the south. The neighborhood proposal changes the existing Comprehensive Plan/zoning map designation of R2.5 to R5.

Staff Comments: This proposal is a downzoning. The site is currently developed with new homes, reducing the possibility for redevelopment in the next 20 years. However, the site has good access to Multnomah Boulevard, and to the services located in the village area. Retaining the R2.5 designation would maintain a consistent pattern of higher-intensity designations along Multnomah between 30th and 35th Avenues. R2.5 allows single-family homes on 5,000 square foot lots. The residences could expand to duplexes, should the owners desire.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of R2.5.

MMS-14

Description: The area is between SW 30th and SW 31st Avenues with Multnomah Boulevard to the north, and Hume Street to the south. The neighborhood proposal designates most of the block R1, but changes three parcels of existing R2 designation to R5.

Staff Comments: A portion of this proposal is a downzoning. The parcels proposed for the R1 designation are already developed with multifamily uses. The parcels proposed for the R5 designation are single-family homes surrounded by multifamily uses. Comprehensive Plan designations are generally applied in full block patterns where feasible. Designating the site R1 would allow incremental addition of units to existing multifamily developments and for a consistent development pattern on the block.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R2 and the neighborhood proposal of R1 and R5 to R1.

MMS-15

Description: The area is between Multnomah Boulevard to the north and Hume Street to the south. The neighborhood proposal changes four parcels from R2.5 to R5 and changes one site from R2.5 to R1.

Staff Comments: The proposal to change from R2.5 to R5 is a downzoning. The four parcels proposed for the R5 designation have existing, older, single-family homes. The parcel proposed for R1 contains brand new townhouses, still under construction. The R1 designation on this parcel with townhouse construction would not likely produce any new housing in the next 20 years. A designation of R2 on all parcels would provide more housing opportunity and housing types with good access to Multnomah Boulevard.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R2.5 and the neighborhood proposal of R1 and R5 to R2.

MMS-16

Description: The site is between SW 28th and SW 30th Avenues with Moss Street to the south and Troy Street to the north. The neighborhood proposal changes five parcels on the north side of the block from R2 to R2.5. It also changes the remainder of the parcels in the block from R2.5 to R5 and R7.

Staff Comments: This proposal is a downzoning. Although the major access to the site is from gravel streets (Moss Street and SW 30th Avenue), the site is close to the "heart" of the main street area, with easy access to transit service located along Capitol Highway.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R2.5 on parts of the site and the neighborhood proposal of R7, R5, and R2.5 to R2.

MMS-17

Description: The site is bordered by Capitol Highway to the north, SW 31st Avenue on the east, and SW 34th Avenue on the west. The neighborhood proposal changes the designation on the Multnomah Community Center site from R1 to CS.

Staff Comments: The community center currently operates as a conditional use in the existing residential zone. If the CS designation was adopted for the site, the existing community center use would have nonconforming development standards. This could create a disincentive for the Parks Bureau and Portland Public Schools, who share ownership of the site, to improve the facility in the future.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of R1.

MMS-18

Description: The site is between SW 28th and SW 30th Avenues with Moss Street to the north and Multnomah Boulevard to the south. The neighborhood proposal changes most of the parcels on the block from R2.5 and R1 to R7. One parcel is proposed to change from R1 to R5.

Staff Comments: This proposal is a downzoning. The site is composed primarily of single-family homes of varying ages and conditions. There is one multifamily use that fronts on Multnomah Boulevard. The R5 designation proposed for the parcel with multifamily uses would create a nonconforming use, a result which is not generally supported by the BOP.

This site has good access to both Multnomah Boulevard and to the transit located on Capitol Highway. This site may potentially redevelop in the next 20 years.

BOP Recommendation: For the properties fronting on Moss Street: change the existing Comprehensive Plan/zoning map designation of R2.5 and the neighborhood proposal of R7 to R2.

For the properties fronting on Multnomah Boulevard: retain the existing Comprehensive Plan/zoning map designation of R1.

MMS-19

Description: The site is on the northeast corner of the intersection of Multnomah Boulevard and SW 28th Avenue. The neighborhood proposal changes the designation from R1 to R2.

Staff Comments: This proposal is a downzoning. The site is already developed as a multifamily use. It has good access to Multnomah Boulevard. The R1 designation would allow an incremental increase in housing units, if the owner of the existing apartment complex chose to expand.

BOP Recommendation: Retain the existing Comprehensive Plan/zoning map designation of R1.

MMS-20

Description: The site is in the northern, center part of the block between SW 36th and SW 37th Avenues with Troy Street to the north and Capitol Highway to the south. The neighborhood proposal changes two properties from R1 to R5.

Staff Comments: This proposal is a downzoning. The site is located at the "heart" of the main street area. It is the only residential use in a full block of commercial uses. The existing single-family home is small and adjacent to a parcel used for parking. A commercial designation on the site would allow a contiguous development pattern of commercial storefronts along the block.

BOP Recommendation: Change the existing Comprehensive Plan/zoning map designation of R1 and the neighborhood proposal of R5 to CS.

MMS-21

Description: The site is between Canby Street to the north and Troy Street to the south. SW 37th Avenue borders the site on the west. The neighborhood proposal changes five properties on the northern half of the site from R2 to R5 and R2.5. The proposal changes four properties on the southern half of the site from R1 to R2.

Staff Comments: This proposal is a downzoning. The site has excellent access to transit on either Capitol Highway or SW 35th Avenue and is located in the "heart" of the main street area. The southern half of the site fronts on Troy Street and has existing sidewalks along the block to Capitol Highway. The site is composed of a mix of single-family uses, older multifamily uses (one in noticeable disrepair), and a nonconforming commercial establishment.

BOP Recommendation: Retain the current Comprehensive Plan/zoning map designation on these properties (R2 on the north half of the site, R1 on the south half of the site).

MMS-22

Description: The site is between SW 33rd and SW 35th Avenues with Canby Street to the south. The site is bisected by SW 34th Avenue. The neighborhood proposal changes two properties on the west side of SW 34th Avenue from R2 to R2.5. The neighborhood proposal also changes a group of properties between SW 34th and SW 33rd Avenues and a property on the east side of SW 33rd Avenue from R2 to R5.

Staff Comments: This proposal is a downzoning. The parcels proposed for R2.5 on the west side of SW 34th Avenue contain an existing multifamily use. The R2.5

designation may create a nonconforming use; this is generally not a result the BOP supports. This site has excellent access to transit, and is located near the center of the main street area.

BOP Recommendation: Retain current Comprehensive Plan/zoning map designation of R2 on this site.

Historic Resource Protection Overlay Zone (Historic District)

Description: The neighborhood proposes either a conservation district or a historic district in the area mapped on the neighborhood proposed plan districts and overlay zones map.

Staff Comments: The BOP has indicated to the neighborhood association that they support the concept, however, funds are not available to pursue a historic district for Multnomah at this time. In the past, neighborhoods such as Ladd's Addition in east Portland have created historic districts through citizen efforts.

BOP Recommendation: Add an action item to the Multnomah Neighborhood Plan to do the research required to consider future designation of a historic district. The research could be implemented by the Multnomah Historical Society, the Multnomah Neighborhood Association, the Multnomah Village Business Association, and the Bureau of Planning, as funding becomes available.

Multnomah Main Street Plan District

Description: The neighborhood proposal suggests a plan district that would limit building heights to 30 feet in the area mapped on the neighborhood proposed plan districts and overlay zones map.

Staff Comments: The existing and proposed designation in this area is CS, which has a maximum height limit of 45 feet. This height limit has been in effect for many years in this location, yet the village is comprised primarily of single story buildings, which is under the current height limit. A 30 foot height limit could present a barrier to effective enhancement or redevelopment of some sites the neighborhood has suggested to designate CS. This limit would also be a deterrent to developing housing above the storefront commercial uses.

The BOP is currently working with the neighborhood to plan a workshop in which the neighborhood will have an opportunity to define its goals for the aesthetics and character of the main street area. A plan district, or other approach, can then be defined that addresses the goals that result from the workshop.

BOP Recommendation: Do not adopt a plan district that limits heights to 30 feet in the areas specified, but consider other techniques to address neighborhood concerns about design, scale, building mass, and retention of views of tree canopy.

Multnomah Main Street Design Overlay Zone

Description: The neighborhood proposes that the 'd' overlay zone be adopted for the properties mapped on the neighborhood proposed plan districts and overlay zones map. The areas shown are all properties with commercial designations suggested by the neighborhood.

Staff Comments: For main street areas, staff recommends that commercial properties as well as all residential properties with a designation of R2 and higher be subject to design review. This would include more properties than suggested in the neighborhood proposal.

BOP Recommendation: Within the main street area boundaries, apply the 'd' overlay zone to all commercial properties, and all residential properties with a designation of R2 or higher.

Multnomah Pedestrian District

Staff Comments: The proposed boundary of the Multnomah Pedestrian District follows closely the boundary of the Comprehensive Plan designations that are supportive of pedestrian district environments. The Comprehensive Plan/zoning map pattern in this area includes zoning that is supportive of pedestrian districts. The area zones are CM, CS, R1, R2, and R2.5. Portland adopts pedestrian districts as part of the Transportation Element of the Comprehensive Plan. They are areas where frequent pedestrian use exists or is intended and where priority is given to pedestrian access and activities. Pedestrian districts are characterized by dense, mixed-use development and transit-supportive residential areas.

The zoning pattern of pedestrian districts should reflect a dense, mixed-use character. PDOT does not support adopting pedestrian districts for areas that do not meet this criterion.

Pedestrian districts should be bounded by streets. PDOT considers the parcels on each side of a boundary street as part of the district. The zoning pattern of these parcels needs to support land uses appropriate for a pedestrian district.

BOP Recommendation: Adopt a conceptual pedestrian district for the Multnomah Main Street area. The adopted boundaries of the district will be finalized at the time of adoption of the Comprehensive Plan/zoning map pattern. The final pedestrian district will incorporate parcels within the area that contain a Comprehensive Plan/zoning map designation supportive of pedestrian-oriented uses. The final boundaries will follow streets, and will encompass a logical, contiguous geographic area that is consistent with the scale of walking trips expected to occur within the district.

Please see the attached map that illustrates a pedestrian district boundary for the Multnomah Main Street area that is consistent with the staff-recommended Comprehensive Plan/zoning map pattern.

Multnomah Main Street Boundary

Staff Comments: The main street boundary is not a regulatory tool. It is a conceptual boundary that encloses the street (a portion of Capitol Highway, where it intersects with Multnomah Boulevard) and a surrounding pattern of commercial services and high-intensity residential uses. The boundary is a useful guideline for determining the extent of some proposed regulatory tools, such as where design districts should be placed. It may also be important for defining priorities for future expenditures on infrastructure improvements, such as pedestrian and street improvements.

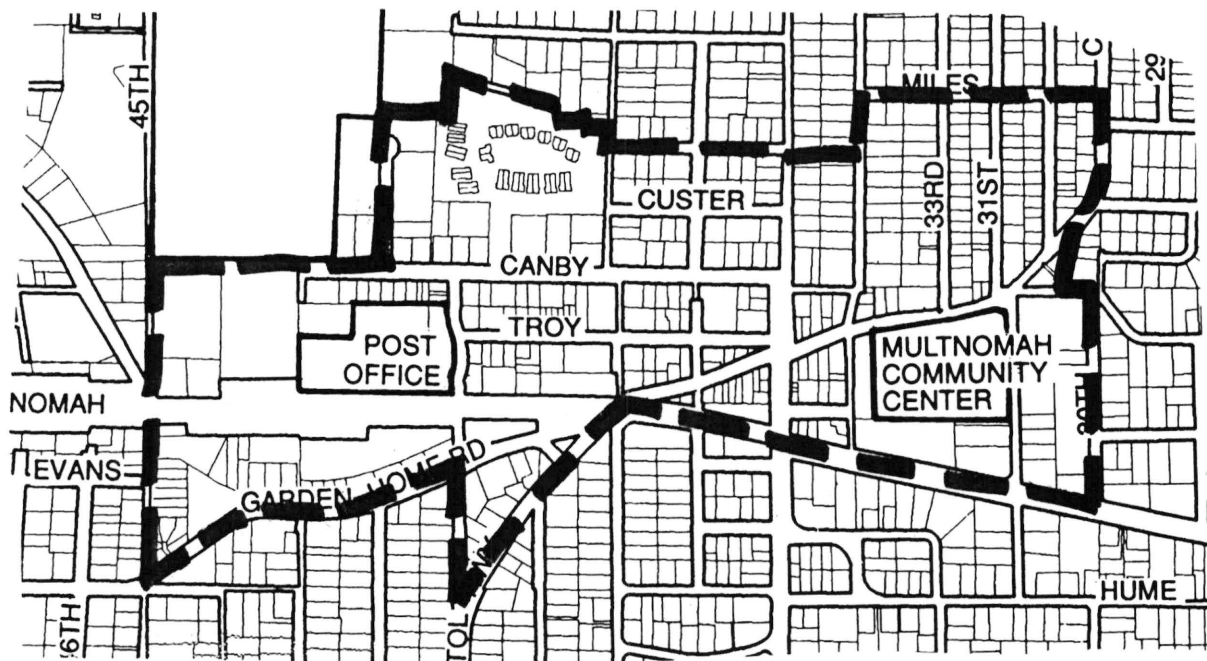
The Comprehensive Plan/zoning map pattern that is adopted for each main street area should be consistent with the regional goal for main streets: to create mixed-use areas that contain both commercial services and opportunities for a variety of housing types. The designations used in main streets should predominantly consist of those designations listed in the Southwest Community Plan's "Criteria for an Adoptable Plan" document that was distributed to Southwest neighborhood associations in January of 1997. They consist of the following:

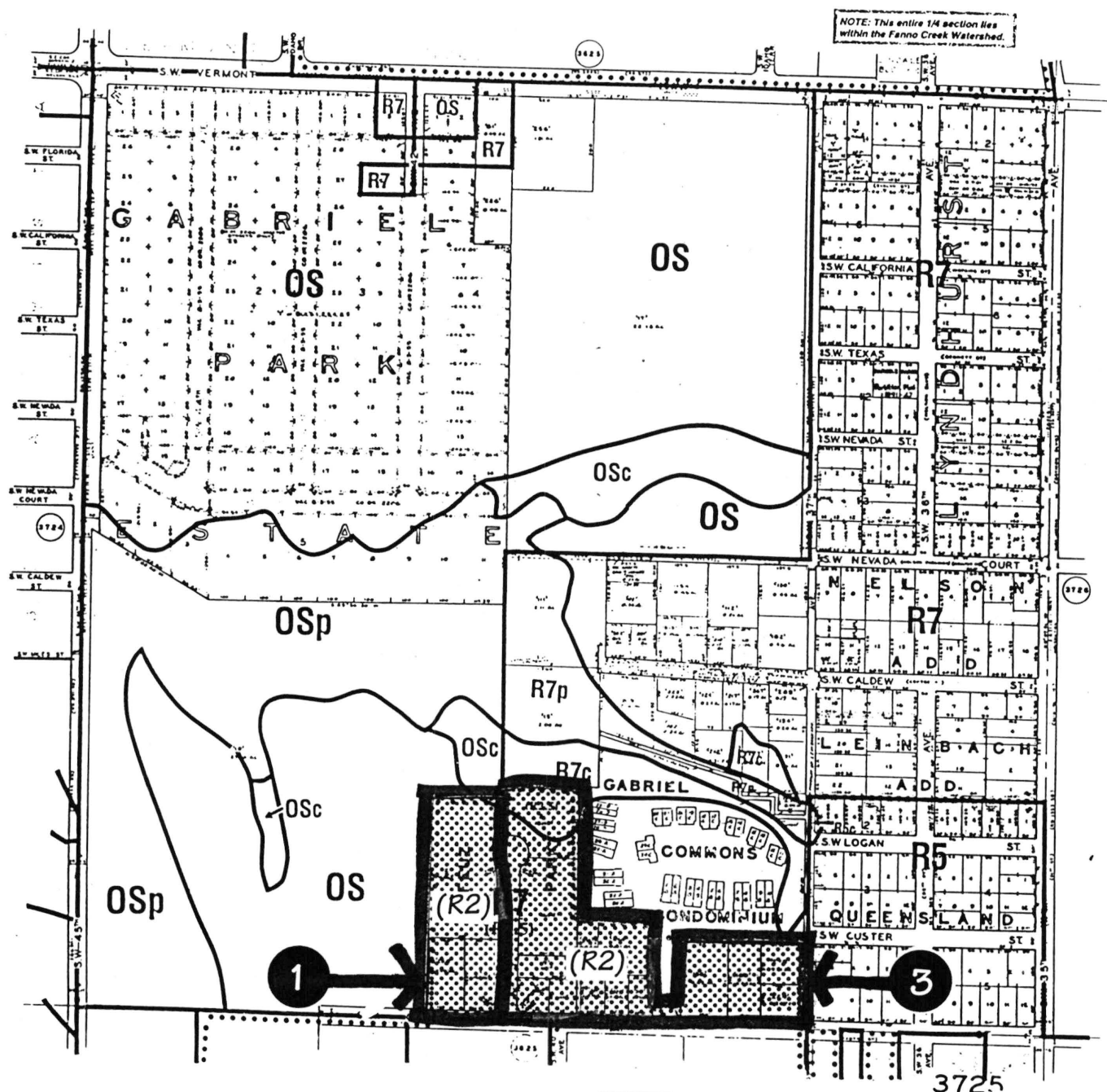
EX, CX, CG, CS, CM, CN2, CN1, R3, R2.5, R2, R1, RH, RX, CO1, IR, and OS.

BOP Recommendation: Adopt a main street boundary that encloses the main street and the adjacent areas that contain the appropriate Comprehensive Plan/zoning map designations to support the main street character.

sg. bl 690,000 to R2
sg. bl 80,000 to R1
CAB PARK!
KE-1 BANK

Map MMS-PD:
**Recommended Multnomah
Main Street Pedestrian District**
(not to scale)





NOTE: Zoning designations are subject to change; verify zoning prior to development or sales.

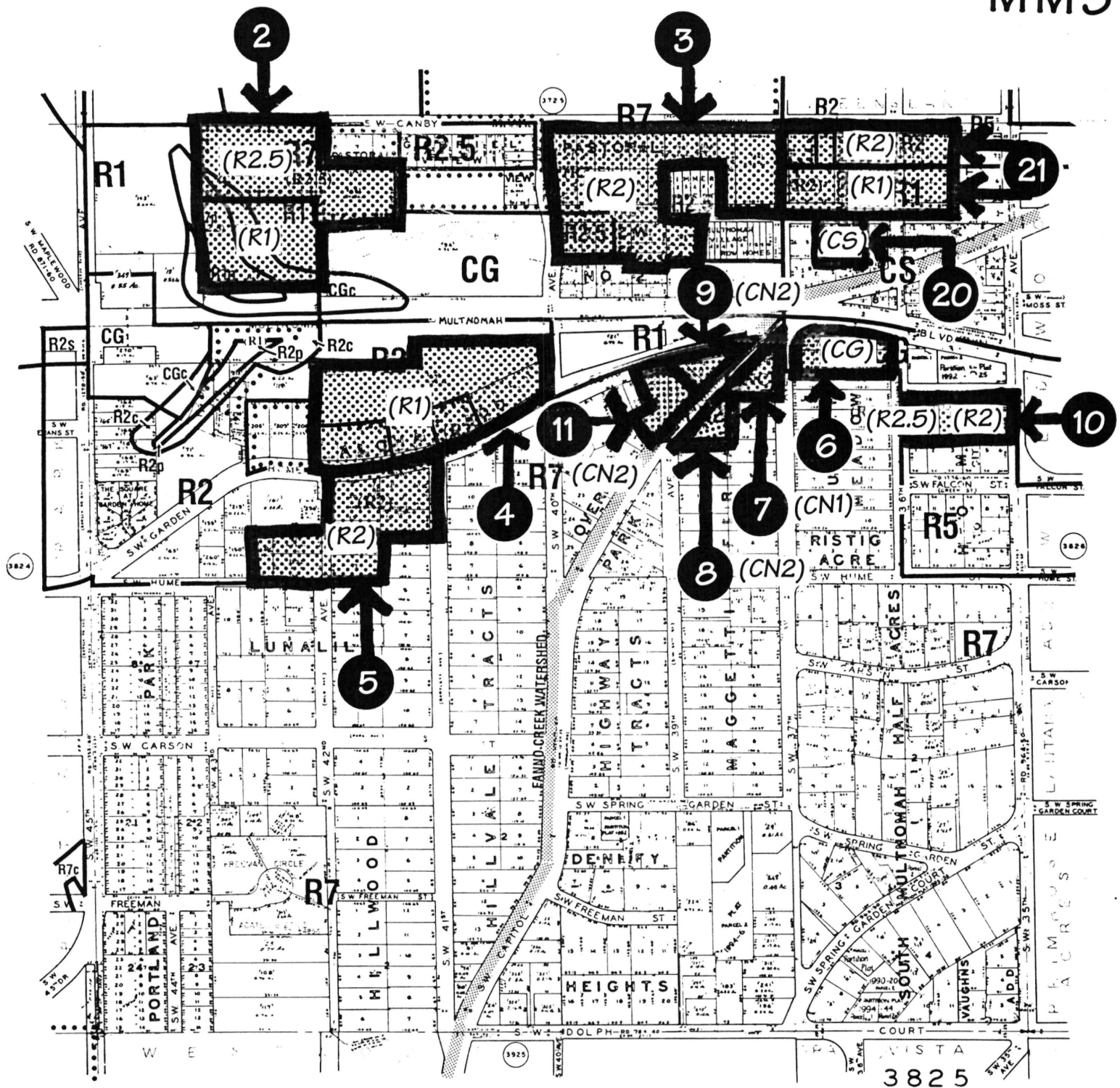
NOTE: This entire 1/4 section lies within the Fanno Creek Watershed.

R10 Current Zoning	ZONING REVISED 4-97	CITY OF PORTLAND BUREAU OF PLANNING	
..... Maximum Potential (R10) Zoning as per Comprehensive Plan	BASEMAP ACQUIRED 5-89		0 100' 200' 300' SCALE IN FEET
	LEGAL DESCRIPTION NW 1/4 SEC. 20-15-1E		3725

MAP KEY

1 Site Identification Number

(R5) BOP Recommended Comp. Plan/Zoning



NOTE: Zoning designations are subject to change; verify zoning prior to development or sales.

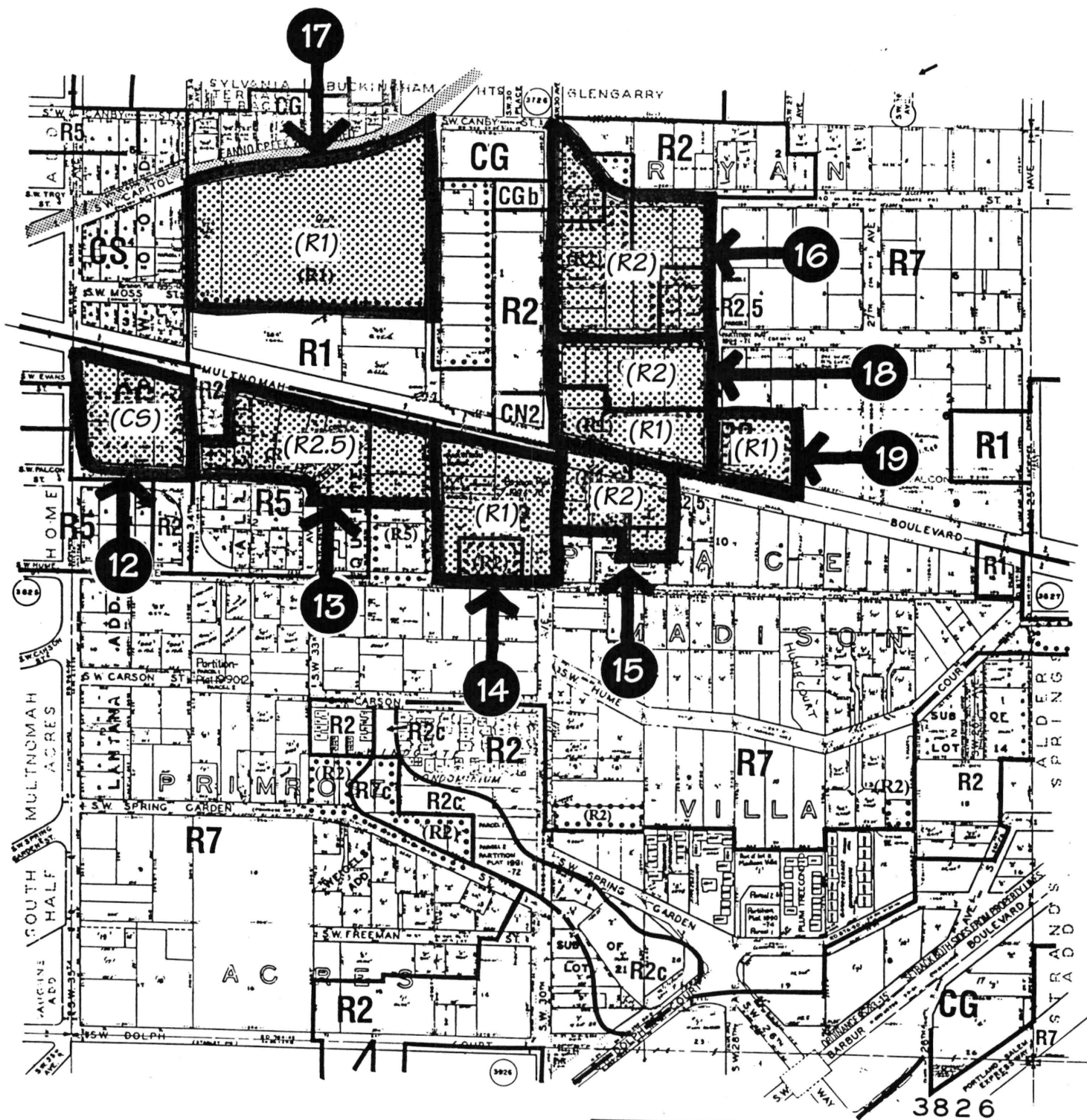
R10	Current Zoning	ZONING REVISED 10-95	CITY OF PORTLAND BUREAU OF PLANNING
		BASEMAP ACQUIRED 5-84	SCALE IN FEET 0 100 200 300
		LEGAL DESCRIPTION SW 1/4 SEC. 20-1S-1E	3825

MAP KEY

1

Site Identification Number


(R5) BOP Recommended Comp. Plan/Zoning

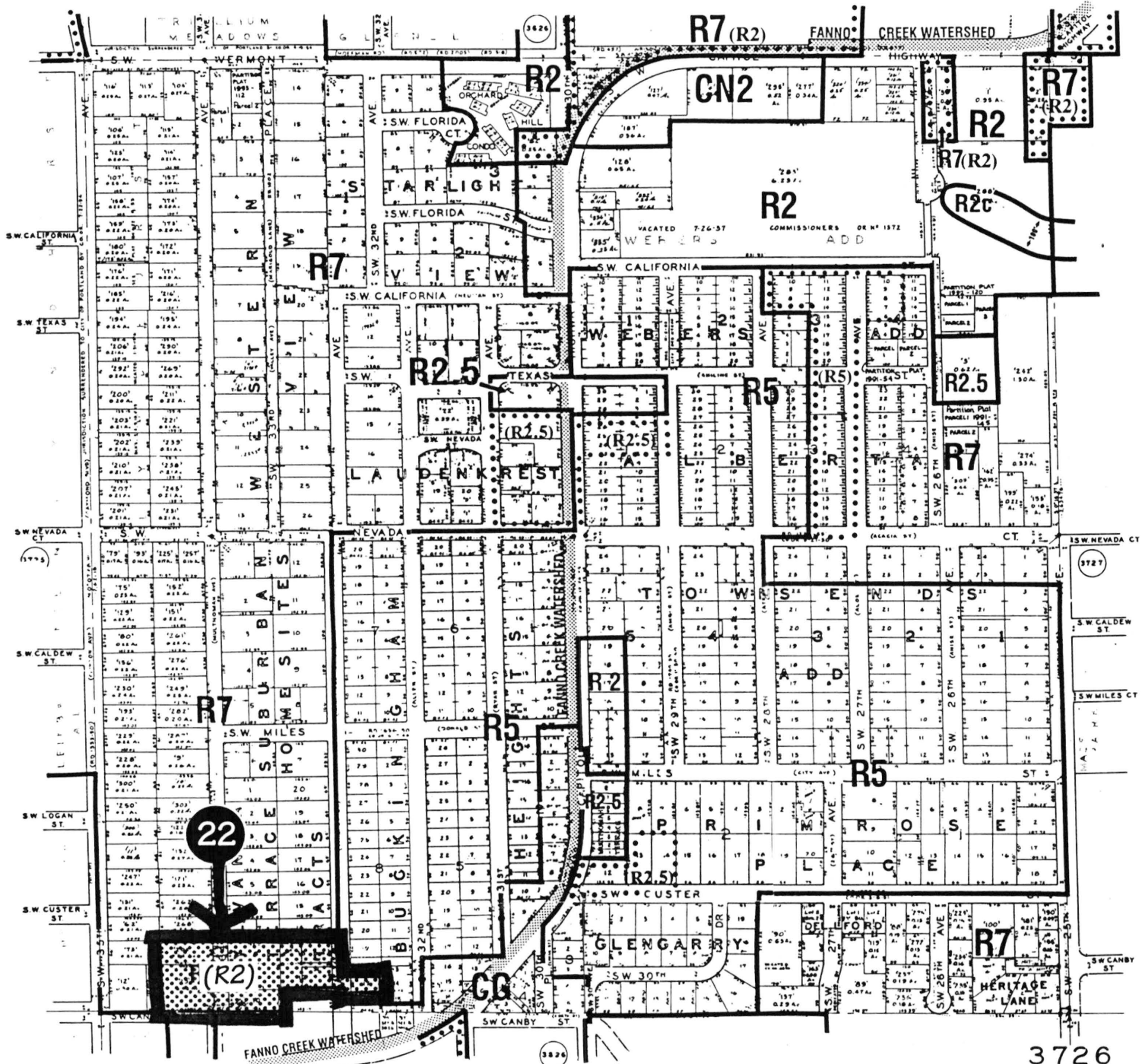


MAP KEY

- 1 Site Identification Number

- (R5) BOP Recommended Comp. Plan/Zoning

R10 Current Zoning Maximum Potential Zoning as per Comprehensive Plan	ZONING REVISED 5.96	CITY OF PORTLAND BUREAU OF PLANNING 
	BASEMAP ACQUIRED 5.89	
	LEGAL DESCRIPTION SE 1/4 SEC. 20-1S-1E	3826



NOTE: Zoning designations are subject to change; verify zoning prior to development or sales.

MAP KEY

- 1** Site Identification Number
- (R5)** BOP Recommended Comp. Plan/Zoning

R10 Current Zoning	ZONING REVISED 5-96	CITY OF PORTLAND BUREAU OF PLANNING
	BASEMAP ACQUIRED 5-89	
	LEGAL DESCRIPTION NE 1/4 SEC. 20-15-1E	
Maximum Potential Zoning as per Comprehensive Plan (R10)		 SCALE IN FEET
		3726

092597c-06



METRO

May 22, 1997

James F. Peterson
Custom Woodworking
2502 SW Multnomah Blvd
Portland, OR 97219

RE: May 7, 1997 "Petition"

Dear Mr. Peterson:

Thank you for your letter. You have correctly cited a portion of Title 8 of the current Urban Growth Management Functional Plan on the Citizen Review Process for application of that Plan. As I understand it, you correctly summarize the position of the Land Conservation and Development Commission on the use of "Market Factor" in determining capacity for urban growth boundaries that the courts have upheld.

However, Metro, not Portland, is responsible for the urban growth boundary and "a document dated 12/9/96 by Colleen Greer Acres" is not included with your petition. Therefore, I cannot find any relationship between any proposal or action of the City of Portland and Metro's Functional Plan.

First, there is no city action identified as a potential conflict with Metro's Functional Plan identified in the Petition.

Second, there is no Functional Plan provision about "market factor" and you have not identified any Functional Plan provision that you seek to have interpreted.

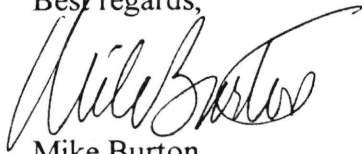
Finally, under Title 8, all cities and counties have two years from February 19, 1997 to make any changes needed to comprehensive plans to comply with the Functional Plan.

Therefore, there is no basis in your Petition to initiate an interpretation or conflict resolution as you request. You should be aware that the Metro Policy Advisory Committee (MPAC) is considering recommending proposed amendments to Title 8 that would omit Section 6 to the Metro Council.

If you have any further questions about whatever actions by the City of Portland that you believe may lead to a violation of the Functional Plan, you may contact my staff at 797-1502, your elected Metro Councilor or ask to speak at an MPAC meeting.

Thank you for your consideration in this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Mike Burton". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Mike Burton
Executive Officer

James F. Peterson
Custom Woodworking
2502 SW Multnomah Blvd
Portland, Oregon 97219

May 27, 1997

Mr. Michael Burton
Metro Executive Officer
600 NE Grand Avenue
Portland, OR 97232

Re: May 7, 1997 Petition

Dear Mr. Burton:

Thank you for your letter of May 22, 1997. I realize that Metro is responsible for the Functional Plan and the Urban Growth Boundary. I understand that we are doing regional planning and as a part of that region, the City of Portland needs to comply with Metro's directives.

Enclosed is an amendment to my original May 7, 1997 petition which includes the supporting evidence you requested that the City of Portland is in fact using a market factor in their planning process. The enclosed amended petition and exhibits clearly establishes the relationship between the City of Portland and Metro's Functional Plan and the conflicts therein.

Thanks for all of your help.

Sincerely,


James F. Peterson

Enclosures:

Amended Petition
Exhibit A
Exhibit B

James F. Peterson
Custom Woodworking 246-0725
2502 SW Multnomah Blvd
Portland, Oregon 97219

May 27, 1997

Mr. Michael Burton
Metro Executive Officer
600 NE Grand Avenue
Portland, OR 97232

AMENDED 5/7/97 PETITION

RE: Ordinance No 96-647C Regional Functional Plan Requirements
Section 6 Citizen Review Process, pp 32 of the Urban Growth
Management Functional Plan.

A citizen who has presented ...testimony...on an
issue of application of this functional plan may
petition the Metro Council to initiate a
functional plan interpretation or conflict
resolution action...

I, James F. Peterson, the undersigned, petition the executive
officer of Metro, Mr. Michael Burton regarding the following:

1. Charlie Hales and the City of Portland Planning Department has failed to comply with Subsection 5 of the Urban Growth Management Functional Plan regarding the use of a Market Factor in determining capacity and zoning targets.
2. Exhibit A: According to the document dated 12/9/96 by Colleen Greer Acres, PhD AICP, the use of the Market Factor was justified by the City of Portland with the reasoning that they have no adjacent Urban Growth Boundary for annexation of new lands.
3. Exhibit B: Technical Memorandum by the City of Portland Bureau of Planning states that they are using a 25% market factor in the SW Community Plan. My understanding from Portland Planners is that they used a 100% market factor in Outer SE and Albina Community Plans.
4. Urban Growth Management Functional Plan Title 8 Section 5 A. 2 pp 6: In determining the calculated capacity of existing comprehensive plans and implementing ordinances, cities and counties shall not use a calculated capacity for dwelling units of more than 80% of maximum zoned residential density...
5. On reviewing a number of court cases and LUBA appeals on this subject for other cities in Oregon, we have realized that the City of Portland is actually engaging in an illegal process by use of a Market Factor to inflate Metro's mandate for determining future housing needs.

I request that Metro initiate an interpretation or conflict resolution process between the Charlie Hales City of Portland Planning Department and the citizens of Portland, Oregon. I would be happy to provide further documentation and answer any questions.

Respectfully submitted,

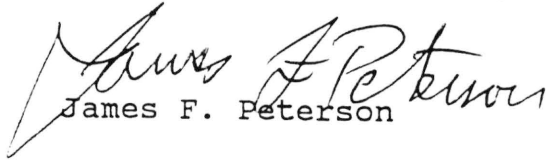

James F. Peterson

Exhibit A

Excerpts from the document dated December 9, 1996 titled Executive Summary & Findings, The Use of a Market Factor by Colleen Greer Acres:

- a. On pp 1:
RECOMMENDATION
Add a 25% market factor to the calculated supply of buildable residential land needed to accommodate projected development over the next 20 years.
- b. On pp 2: No city or county within the UGB uses a market factor as part of their 2040 Urban Growth strategy or affordable housing plan.
- c. On pp 5:
Market factor is defined as the increment added to the calculated supply of buildable residential land beyond that needed to meet projected demand for housing.
- d. On pp 10:
23. A subsequent court challenge led to a judicial directive against the use of a market factor in future calculations and adjustments of the UGB. The court found that the Goal 12 required periodic review and, where necessary, adjustment of the UGB made the use of a [market] factor unnecessary.
- e. On pp 11:
29. The concept of market factor in the City of Portland has a far different import than for many of the other Metro region cities. Portland is essentially landlocked--surrounded by other cities and centrally located rather than placed against the UGB. In contrast, many other cities will be able to add to their housing supply through expansion of the UGB. Consistent with previous court findings, periodic review and potential adjustment of the UGB are expected to ensure continued flexibility in their supply of housing opportunities.
- f. On pp 11:
30. Portland, however, has a finite and limited land supply of buildable vacant residential land both in the short-term and long run.

Exhibit B

Excerpts from a document titled Technical Memorandum: Explanation of Southwest Community Plan Housing Targets, Methodology and Assumptions dated April 3, 1997 by the City of Portland Bureau of Planning:

a. On pp 46:

Market Factor A market factor is an increment added to an inventory of buildable residential land to ensure that the supply exceeds demand over a long range planning period. Since Portland is a contained city, essentially surrounded by other cities, it cannot add significantly to its land supply. Urban reserve study areas adjacent to Portland, now under consideration can only add small increments to Portland's buildable land inventory.

b. On pp 47:

The City of Portland will apply a 25% market factor, meaning that the amount of zoned capacity available on vacant, infill and redevelopment sites should exceed a housing production goal by 25 percent.



METRO

June 3, 1997

James F. Peterson
Custom Woodworking
2502 SW Multnomah Blvd.
Portland, OR 97219

Dear James:

Thank you for your letter and the attached amendment to your original May 7, 1997 petition. The Urban Growth Management Functional Plan, as it is currently written, states that citizen petitions are to be directed to the Metro Council. Because of this, I have forwarded your petition on to the Council.

In addition, I am attaching a memo from Metro's land use attorney, Larry Shaw, that gives some greater clarification of this issue. It appears that there may be a need for the Council to give a more precise interpretation of this section of the Functional Plan.

It is my understanding that both the Metro Policy Advisory Committee and the Metro Council will be considering this issue and looking for greater clarification of this section of the Functional Plan. I encourage you to work directly with the Council and their staff in order to stay informed about their process.

Best regards,

Mike Burton
Executive Officer
(503) 797-1502

c: Metro Council
Larry Shaw

James F. Peterson
Custom Woodworking
2502 SW Multnomah Blvd
Portland, Oregon 97219

July 10, 1997

Mr. Charlie Hales
Commissioner, City of Portland
1220 SW Fifth Avenue, Room 404
Portland, Oregon 97204

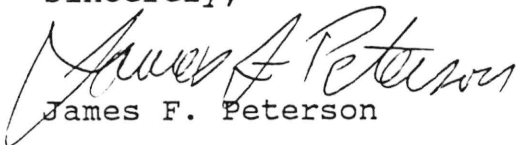
Re: Southwest Community Plan

Dear Mr. Hales:

I am requesting an outline of how a citizen should address conflicts between the City of Portland's planning policies, State Land Use laws and Metro's functional plan through local channels.

If no response is forthcoming within three days, I will assume that no such process exists.

Sincerely,



James F. Peterson

cc: Vera Katz, Mayor
Portland City Council Commissioners
Metro Council Members
Neighborhood Land-Use Chairs
Richard Brenner, LCDC



Buildings • Planning • Transportation

Charlie Hales
Commissioner, City of Portland

Phone: 503/823-4682

FAX: 503/823-4040

e-mail: chales@ci.portland.or.us

Web site: <http://www.ci.portland.or.us/hales>

July 14, 1997

Mr. James F. Peterson
Custom Woodworking
2502 SW Multnomah Blvd.
Portland, OR 97219

Dear Mr. Peterson:

This letter responds to your letter of July 10, 1997 regarding the process to address conflicts between City policies, state law and Metro requirements.

Last week, I provided you with the City code requirements for addressing the Council. If you want to bring your concern directly to the attention of the Council, you should follow the process provided in City Code at Title 3.02.040(E)(5).

If your concern is related to the Southwest Community Plan, there will be multiple opportunities for you to raise these issues. I believe you are working with the Multnomah Neighborhood Association and are aware that Planning Commission hearings on the plan are planned for this fall with City Council hearings to follow in the late fall or early winter of 1998.

The Planning Commission's recommended plan will be reviewed by the State Department of Land Conservation and Development (DLCD) for compliance with state planning goals. DLCD also circulates the City's plans to affected agencies, including Metro, for comment. If there is a conflict between the City's plan and other laws, DLCD will inform the City so that the plan can be appropriately amended when it comes to the City Council. In addition, you may appeal the City's decision regarding the Southwest Community Plan to the Land Use Board of Appeals.

I hope this information is helpful.

Sincerely,

Jillian Detweiler
Planning Liaison

c: Mayor Katz



METRO

092597c-07

To: Jon Kvistad, Presiding Officer

From: Daniel B. Cooper, General Counsel *[Signature]*

Date: September 22, 1997

Re: Contested Case 97-1 (West Linn UGB Amendment)

This matter is a quasi-judicial contested case proceeding subject to the provisions of Metro Code and Oregon Law. This memo addresses the procedural issues that the Council needs to address as it makes its decision in this case.

The petitioner, the City of West Linn, is requesting that the Metro Council approve an approximately 17-acre locational adjustment amendment to increase the area within the Urban Growth Boundary.

The procedure and criteria for approval of locational adjustments are established by Section 3.01.035 of the Metro Code. As discussed below, in quasi-judicial proceedings such as this, the Council does not act with unfettered discretion. It must decide this matter by considering the evidence that is in the record and the criteria established by the Metro Code to determine whether or not the application should be approved. If the evidence in the record establishes that the applicant has satisfied the burden of proof set forth in the Code, then the Council should approve the application. On the other hand, if the Council finds that the evidence does not justify finding that the criteria has been met, then the Council must deny the application. The Hearings Officer's Report and recommendation refers to the adopted criteria and addresses them..

Further, since this is a quasi-judicial proceeding, the Council must confine itself to considering only the evidence that has been placed in the record in front of the hearings officer, and should not make its decision based on other evidence that it might be aware of. In order to safeguard the process in a quasi-judicial proceeding such as this, the parties to the matter are prohibited from having any ex-parte contacts with the decision-making body. Therefore, if any councilor has had any contact with either the applicant, or the other parties to this matter, that contact should be disclosed on the record at the beginning of the proceeding in order to make sure that all of the parties are aware of the nature of the contact and have an opportunity to address and rebut any discussion that the councilor may have had with the party.

In this particular case, one of the parties, Robert Thomas, has requested that the Council allow him to present evidence to the Council that was not presented to the hearings

officer. The Council needs to decide this procedural question prior to making its decision in this matter. A request to submit additional evidence after the hearings officer has closed the record is governed by the provisions of Section 2.05.035(c) of the Metro Code. The provisions of this Code section are quoted herein:

“(c) A party may, in addition to filing written exceptions, file a written request to submit evidence that was not available or offered at the hearing provided for in Code section 2.05.025. A written request to submit additional evidence must explain why the information was not provided at the hearing, and must demonstrate that such evidence meets the standards of section 2.05.030 and would likely result in a different decision. Upon receipt of a written request to submit additional evidence, the council shall:

- (1) Refuse the request; or
- (2) Remand the proceeding to the hearings officer for the limited purpose of receiving the new evidence and oral argument and rebuttal argument by the parties on the new evidence; or
- (3) If the nature of the new evidence to be submitted is such that remand would serve no useful purpose, proceed to hear and consider the evidence and argument and rebuttal from the parties on the evidence.

Requests to submit new evidence must be filed by the deadline for filing written exceptions established pursuant to section 2.05.035(b), unless circumstances regarding the evidence preclude doing so.”

The Council has received copies of Mr. Thomas’ written request which consists of a one paragraph statement that he desires to submit the additional evidence, as well as an additional submission from Mr. Thomas which contains factual statements that are not currently in the record. While it is not clear from Mr. Thomas’ written submission (Mr. Thomas is not an attorney), it appears that the factual statements that he makes in his five-page written submission to the Council may be the evidence which he seeks to submit into the record. These factual statements regarding the pumping capacity and storage capacity of the West Linn water system are not in the record that was submitted to the hearings officer. Therefore, the Council should not consider these factual statements in making its decision until it first decides whether or not to grant Mr. Thomas’ request to submit this additional evidence. Because these factual statements are subject to being rebutted by the applicant and other parties in favor of the petition, it is the recommendation of this office that if the Council decides to allow Mr. Thomas to submit additional evidence at this time, the Council should, pursuant to Code Chapter

2.05.035(c)(2), remand this matter to the hearings officer for the limited purpose of receiving the new evidence. If the Council determines that Mr. Thomas has not met the criteria for submitting new evidence as set forth in the Code, then it should refuse the request and proceed to decide this matter based on the hearings officer's report and recommendation and the evidence that is in the record.

This matter is in front of the Council on first reading of an ordinance. If the Council determines that it desires to approve the application, the matter should be forwarded to a future Council agenda for a final vote on the adoption of the ordinance and acceptance of the hearings officer's report and recommendation. If the Council determines that it is the desire of the Council to reject the petition and deny the request, then the Council should direct either the hearings officer or the Office of General Counsel to prepare written findings that would support the rejection of the request, and have those written findings presented to the Council at some time in the future. If Council makes a Motion to reject the report and recommendation, the Motion should reflect the factual assumptions and criteria that are the basis for the action.

DBC:pm/kms


cc: Council Members
Ray Valone

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METRO

To: Jon Kvistad, Presiding Officer

From: Daniel B. Cooper, General Counsel 

Date: September 22, 1997

Re: West Linn School District UGB Proceeding

This matter will come before the Council at its September 25, 1997 meeting. As in the past, when UGB amendments are considered they come straight to the Council rather than being processed through any committee. This is pursuant to the Council's standing rules. I have prepared a somewhat more detailed memo for you and the full Council on this matter. This memo is a short version addressing procedural questions for you.

I recommend that you open this matter by having the clerk read the title and then ask me to give a brief explanation of the procedures that the Council will follow. It would then be appropriate to ask the planning staff person, Ray Valone, to do a brief overview of the facts of this case, i.e., applicant is City of West Linn, proposal is for 17.35 acres addition to the UGB, Richard Forester was the hearings officer. Mr. Valone will introduce Mr. Forester who will then present the hearings officer's report and recommendation. After hearing the hearings officer's report and recommendation, the Council should then address the issue of Mr. Thomas' request to submit additional evidence.

Have Mr. Thomas briefly explain why he is asking the Council for permission to submit additional evidence and to address the Code criteria.

After his presentation, you should then allow any of the other parties to present argument to the Council on their position on Mr. Thomas' request. After you have heard his request and any opposition thereto, then the Council should proceed, by motion, to either grant or deny the request. If the motion is made and passed by the Council to grant the request, it is my recommendation that the case be sent back to the hearings officer for additional proceedings. If the result is to admit the evidence and remand the matter to the hearings officer, then the Council is done with this until the hearings officer considers the matter and files an additional report. If the Council refuses the request, you should then proceed to hear argument on the two exceptions that have been filed by Mr. Thomas and Mr. Shonkwiler. You should allow both of them to briefly describe their arguments as to

why the hearings officer's report and recommendation should be rejected, and then allow any other party who wishes to speak on the matter.

After all parties have had the opportunity to present arguments to the Council, and the Council has had the opportunity to ask any questions it wants of any of the parties, or the hearings officer, you may either seek a motion from the Council for a preliminary determination of this matter, or continue the matter for further deliberations and decision.

The Council may not take any final action on this matter at this meeting. Its choices are to either affirmatively move the matter forward, expressing its intent to approve it, move forward for future deliberations and make no indication of the final will of the Council at this time, or have a motion adopted by the Council to preliminarily reject the matter subject to the preparation of further findings by either the general counsel or the hearings officer. If the matter is continued with no preliminary action by the Council, then either a motion to adopt the ordinance and accept the hearings officer's report and recommendation, or to reject the hearings officer's report and recommendation and seek preparation of new findings could be made at a subsequent meeting.

In summary:

- Have clerk read Title
- Have Cooper explain rules to Council
- Call on Ray Valone (staff) to introduce Hearings Officer (Forester)
- Hear Forester's report
- Call on Robert Thomas to explain request to allow new evidence (3 minutes)
- Let other parties speak to this issue only (3 minutes each)
- Council Motion on new evidence issue
- If YES, refer case back to Hearings Officer
- If NO, call on Shonkwiler and Thomas for argument on exceptions; call on other parties to respond
- Council questions of Hearings Officer
- Continue to future agenda
- (Possible motion now for preliminary decision, especially to reject report and recommendation)

BEFORE THE METRO COUNCIL

In the Matter of the Petition of the City of)	UGB Case No. 97-1
West Linn for a Locational Adjustment to)	
the Urban Growth Boundary ("UGB"))	RESPONSE TO EXCEPTIONS OF
)	CURTIS HUNTER AND JEFFREY
)	SEYMOUR

SUMMARY AND INTRODUCTION

The City of West Linn submits the following argument in response to the exceptions filed by Curtis Hunter and Jeffrey Seymour in this locational adjustment proceeding. It is the City's position that the Hearings Officer's decision is supported by substantial evidence as to all criteria, and should be upheld. Following are responses to each point raised in these exceptions.

1. RESPONSE TO ORDERLY AND ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES [3.01.35(C)(1)]:

- a. Response to First Point: The applicant agrees with the interpretation of the Hearings Officer. This criterion allows Metro to exercise judgment in evaluating all relevant facilities and services -- including schools.
- b. Response to Second Point: Substantial evidence is in the record showing that sufficient water services and facilities are in the record. This includes:

The service provider form from the city indicating that water is available (Appendix B of the application).

Information provided in the application (pp. 14-16).

The Hearings Officer already addressed in great depth the concerns of Mr. Thomas and Mr. Shonkwiler regarding water availability, and has found "no basis to dispute specific testimony and comments from the City of West Linn that water is available for the proposed school." Report and Recommendation of Hearings Officer, p. 9. Further, objectors' reference to the Boundary Commission's 1992 order approving annexation to the City of West Linn are inaccurate. No condition limiting future annexations is contained in the Boundary Commission's order. The substantial evidence in this record supports the Hearings Officer's decision as to availability of water.

- c. Response to Third Point: The assertion that the sanitary sewer will not work because there will not be enough water is totally unfounded, and is not supported by any evidence in the record.
- d. Response to Fourth Point: The issue here is the adequacy of the storm drainage system that serves the property -- not specific site drainage issues. A storm sewer service provider (Appendix B) indicates that appropriate storm water facilities and treatment can be accomplished. The final storm drainage system for the school will be reviewed and approved by both Clackamas County and the City of West Linn.
- e. Response to Fifth Point: The availability of funding is not relevant.
- f. Response to Sixth Point: The Hearings Officer does have evidence in the record, as indicated above, to substantiate his recommendation.
- g. Response to Seventh Point: Archaeological resources are protected by state and federal law. A study of the site was conducted by Archaeological Investigations Northwest, Inc. (Appendix G, Clackamas County Conditional Use application which is in the record but not in the Metro Council packet). The study showed evidence indicating the possibility of artifacts, and it recommends further study prior to and/or during construction on the site. While any discovered archaeological items must be properly recovered and evaluated, the study in no way indicates that development on the site should be precluded.

2. RESPONSE TO MAXIMUM EFFICIENCY OF LAND USES [3.01.35(C)(2)]:

- a. Response to First Point: This statement is erroneous. The Tanner Basin Master Plan identifies a middle school site (Figure 3, Plan map on p. 6 of the application). The plan also states that "[i]t is anticipated that the middle school would extend outside the Urban Growth Boundary and serve the Tanner Basin and the overall School District needs." (p. 3 of the application and pp. 7-8 of the Tanner Basin Master Plan).
- b. Response to Second Point: The FU-10 zone will be changed to an appropriate city zone as part of the development review, zone change, and annexation process. The land which is the subject of this application is within Clackamas County. It is zoned RRFF-5, which allow schools as a conditional use.
- c. Response to Third Point: There is evidence in the record to support the conclusion that the school will facilitate development in the area according to the

Tanner Basin Master Plan. The Locational Adjustment and the Conditional Use applications provide detailed descriptions of the public improvements that will be a general benefit to the surrounding area.

d. Response to Fourth Point: As noted above, the study completed on the site does not indicate any likely potential that development on the site will be precluded because of any archaeological resources that may be discovered.

e. Response to Fifth ("Finally") Point: The five potential sites identified in the Conditional Use application (pp. II-7 - II-8) were evaluated according to the district's criteria. The basic problems with the alternative sites were steep slopes, small size with no real opportunity to assemble parcels into one site, and competing land needs for the future primary school identified in the Tanner Basin Master Plan. Importantly, the Metro staff conducted their own site search, and also concluded that the subject school site was appropriate.

The opponent indicates that the school district had previously chosen the Dollar Street site to the south as the middle school site and implies that the district has abandoned this site for the one now under construction. The district still intends to use the Dollar Street location for the second new middle school to serve the West Linn area (*see*, Figure 4, p. 7 of the application and Appendix A of the Conditional Use application).

3. RESPONSE TO ENVIRONMENTAL, ENERGY, ECONOMIC AND SOCIAL CONSEQUENCES [3.01.35(C)(3)]:

a. Response to First Point: As noted above, there is no evidence to conclude that any potential archaeological resources which may be found on the site will preclude construction of the school.

b. Response to Second Point: The school site is located in the manner described in the Tanner Basin Master Plan (Figure 3, p. 6 of the application).

c. Response to Third Point: Public water is available, as noted above in Response 1b.

d. Response to Fourth Point: The inclusion of this property within the UGB does not approve any specific use of the property. The development of the property is a Conditional Use and Site Plan review issue in Clackamas County and the City of

West Linn. At the time of the Hearings Officer's consideration of the request, the Conditional Use application with the county was pending. The impacts of this use on surrounding properties are fully addressed in the County proceeding.

- e. Response to Fifth Point: It is acknowledged that a site totally within the UGB may be closer to a greater percentage of the students. However, as demonstrated in the record, suitable sites within the UGB are not available. The information presented in Appendix A of the Conditional Use application show the "ideal" school location to the east. The closest suitable site found (and confirmed by Metro staff) is the one under consideration.

4. RESPONSE TO RETENTION OF AGRICULTURAL LAND [3.01.35(C)(4)]:

As indicated in a June 3, 1997 letter to Ray Valone, this criterion is not relevant.

5. RESPONSE TO COMPATIBILITY OF PROPOSED URBAN USES WITH NEARBY AGRICULTURAL ACTIVITIES [3.01.35(C)(5)]:

The county RRFF-5 zone and other land use regulations do not include any compatibility criteria that must be met by non-farm uses that are near agricultural activities. The Clackamas County Hearings Officer's decision on the Conditional Use will consider these factors. The proposed school's compatibility with surrounding uses is not relevant to this proceeding, which does not approve any specific use of the property.

6. RESPONSE TO FOR ALL OTHER LOCATIONS THE PROPOSED UGB MUST BE SUPERIOR TO THE UGB AS PRESENTLY LOCATED [3.01.35(F)(2)]:

This site is superior as demonstrated above.

7. RESPONSE TO THE PROPOSED UGB AMENDMENT MUST INCLUDE ALL SIMILARLY SITUATED CONTIGUOUS LAND WHICH COULD ALSO BE APPROPRIATELY INCLUDED WITHIN THE UGB [3.01.35(F)(3)]:

The opponent's statements are erroneous. The Dollar Street site remains as the proposed second middle school in West Linn. The Tanner Basin Master Plan, as noted above, does contemplate a school located as proposed here.

**8. RESPONSE TO THE CONDITION OF APPROVAL "THE SUBJECT SITE
MUST BE DEVELOPED WITH A SCHOOL USE" SHOULD BE ELIMINATED:**

Objectors suggest that a condition limiting the UGB amendment for a school would eliminate the potential to use as 434 housing units, thereby defeating the urbanization of this property as envisioned by the Metro Council by its placement in the Urban Reserves. Not only does this statement conflict with many of the previous assertions made by the objectors re: inadequate services and conflicts with surrounding farm and forest uses, but it reflects a misunderstanding of what public services are required to serve residential areas. Indeed, a school is a necessary component to support housing, and is recognized as such in the City's Comprehensive Plan. Therefore, this condition actually assures the orderly provision of services to the area, such as required by the Metro Code.

JEO/kvw

g:\kvw\acm\Shonkwiler Response

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH

092597c-09

JEFF H. BACHRACH
PAMELA J. BEERY
MARK L. BUSCH
D. DANIEL CHANDLER ++
DOMINIC G. COLLETTA**
CHARLES E. CORRIGAN*
STEPHEN F. CREW
MARTIN C. DOLAN
PAUL C. ELSNER
GARY F. FIRESTONE*
WILLIAM E. GAAR
G. FRANK HAMMOND*
MALCOLM JOHNSON*
MARK P. O'DONNELL
JAMES E. OLIVER, JR.
TIMOTHY V. RAMIS
WILLIAM J. STALNAKER

ATTORNEYS AT LAW
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

September 23, 1997

CLACKAMAS COUNTY OFFICE
181 N. Grant, Suite 202
Canby, Oregon 97013
TELEPHONE: (503) 266-1149

VANCOUVER, WASHINGTON OFFICE
First Independent Place
1220 Main Street, Suite 451
Vancouver, Washington 98660-2964
TELEPHONE: (360) 699-7287
FAX: (360) 699-7221

JAMES M. COLEMAN
SUSAN J. WIDDER
SPECIAL COUNSEL

* ALSO ADMITTED TO PRACTICE IN WASHINGTON
** ALSO ADMITTED TO PRACTICE IN CALIFORNIA
++ ALSO ADMITTED TO PRACTICE IN WASHINGTON AND MONTANA

Chris Billington, Clerk of the Metro Council
METRO COUNCIL
600 NE Grand Avenue
Portland, OR 97232-2736

Re: *UGB Case No. 97-1 West Linn/Objection to the Submission of New Evidence*

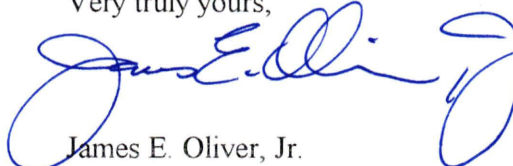
Dear Ms. Billington:

The City of West Linn, the petitioner in the above-referenced matter, writes to request that those portions of the five page testimony attached to an exception form filed by Robert J. Thomas in the above-referenced proceeding be deleted from the record, to the extent that facts, assertions, and other testimonial evidence constitute new evidence which was not presented before the hearings officer below.

Under previous cover, the city has objected to Mr. Thomas's other exception, wherein he filed a Motion to Reopen the Evidentiary Record. If the Motion to Reopen the Evidentiary Record is denied, the portions of Mr. Thomas's five page testimony which contain evidence not presented to the hearings officer constitute new evidence, and should therefore be excluded from the record.

If you have any questions please contact this office.

Very truly yours,



James E. Oliver, Jr.

cc: Robert J. Thomas
J. Richard Forester, Esq.
Keith Liden
John W. Shonkwiler, Esq.
Jeffrey S. Seymour, Esq.
The Honorable Jill Thorn, Mayor
Kent Seida

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH

092597c-10

JEFF H. BACHRACH
PAMELA J. BEERY
MARK L. BUSCH
D. DANIEL CHANDLER ++
DOMINIC G. COLLETTA**
CHARLES E. CORRIGAN*
STEPHEN F. CREW
MARTIN C. DOLAN
PAUL C. ELSNER
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ATTORNEYS AT LAW
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

September 22, 1997

CLACKAMAS COUNTY OFFICE
181 N. Grant, Suite 202
Canby, Oregon 97013
TELEPHONE: (503) 266-1149

VANCOUVER, WASHINGTON OFFICE
First Independent Place
1220 Main Street, Suite 451
Vancouver, Washington 98660-2964
TELEPHONE: (360) 699-7287
FAX: (360) 699-7221

JAMES M. COLEMAN
SUSAN J. WIDDER
SPECIAL COUNSEL

* ALSO ADMITTED TO PRACTICE IN WASHINGTON
** ALSO ADMITTED TO PRACTICE IN CALIFORNIA
++ ALSO ADMITTED TO PRACTICE IN WASHINGTON AND MONTANA

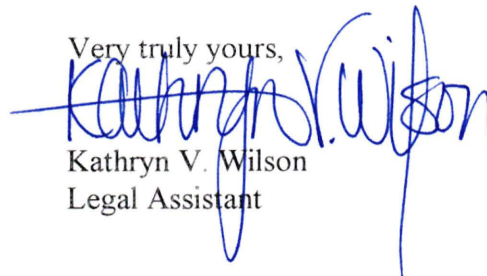
Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Re: *UGB Case No. 97-1/Objection to Motion to Reopen the Record*

Dear Councilors:

Enclosed herein please find the original aforementioned motion plus seven copies. If you have any questions, please do not hesitate to contact Jim Oliver or me.

Very truly yours,



Kathryn V. Wilson
Legal Assistant

/kvw

Enclosures

g:\kvw\acm\MetroL01

cc: Robert J. Thomas
J. Richard Forester, Esq.
Keith Liden
John W. Shonkwiler, Esq.
Jeffrey S. Seymour, Esq.
The Honorable Jill Thorn, Mayor
Kent Seida
James E. Oliver, Esq.

BEFORE THE METRO COUNCIL

In the Matter of the Petition of the City of) UGB Case No. 97-1
West Linn for a Locational Adjustment to the)
Urban Growth Boundary (“UGB”)) **OBJECTION TO MOTION TO REOPEN**
) **THE RECORD**

The City of West Linn (“Petitioner”) objects to the Motion to Reopen the Record filed by Robert J. Thomas under a Metro exception form dated August 4, 1997, (attached as Exhibit “1”).

The City of West Linn objects to the Motion to Reopen the Record for two main reasons. First, the Metro Code does not provide for the record to be reopened at this stage. Under Metro Code § 3.01.060, exceptions to a hearings officer's decision are provided for, but the basis for any exception must relate directly to an interpretation made by the hearings officer of the ways in which a petition satisfies the standards for approving a petition for a UGB amendment. Exceptions, by definition, must rely on the evidence already in the record for the case. Accordingly, a Motion to Reopen the Record filed under the exception process to a hearings officer's decision is inappropriate and should be denied.

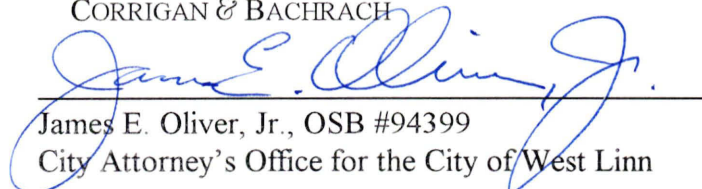
Secondly, even if the Council wished to remand this matter to the hearings officer to reopen the evidentiary record to receive the “new” evidence, the motion should be denied because Mr. Thomas was in possession of the evidence he seeks to submit at the time of the initial evidentiary hearing. There was nothing preventing Mr. Thomas from submitting the evidence in question at the initial evidentiary hearing, other than his personal decision not to do so. His letter attached to the exception form essentially asserts that he should be allowed to submit additional evidence because he disagreed with the conclusions reached by the hearings officer. An unfavorable outcome cannot serve as justification to reopen the record.

Although the Metro Code does not contain criteria or factors to determine whether or not a proceeding should be remanded to the hearings officer to reopen the evidentiary record, many local government jurisdictions in the Metro area do contain such provisions in their codes. For example, the West Linn Community Development Code ("CDC") provides that reviews of certain planning director decisions be confined to the record of the proceedings, but allows the city council to permit the admission of new evidence if each of the certain criteria are met, including "the evidence to be introduced could not have been available at the time of the proceedings before the planning commission or other hearings authority." CDC § 99.280B(1)(a) (Emphasis added.) Additionally, the Tigard Municipal Code ("TMC"), in addressing when an approval authority should remand a matter to reopen an evidentiary record, considers "the convenience or availability of the evidence at the time of the initial hearing." TMC § 18.32.370(B)(2). Finally, the Lane County Land Use and Development Code ("LCC") has a provision addressing whether the Board of County Commissioners should admit additional testimony and other evidence, which considers as a factor "convenience or availability of evidence at the time of the initial hearing." LCC § 14.400(2)(b). If the Metro Council chooses to apply similar factors or criteria to Mr. Thomas's request, considering that Mr. Thomas's proposed additional evidence was completely available to him at the time of the initial evidentiary, the Council should deny Mr. Thomas's Motion to Reopen the Record.

Dated this 22nd day of September, 1997.

Respectfully submitted,

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH



James E. Oliver, Jr., OSB #94399
City Attorney's Office for the City of West Linn

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 1997, I served a true and correct copy of this OBJECTION TO MOTION TO REOPEN RECORD by first class mail and facsimile (where possible) on the following persons:

Robert J. Thomas
2563 Pimlico Drive
West Linn, OR 97068

J. Richard Forester
2121 PacWest Center
1211 SW 5th Avenue
Portland, OR 97204

Keith Liden
McKeever Morris, Inc.
209 SW Oak Street, Suite #200
Portland, OR 97204

John W. Shonkwiler, Esq.
13425 SW 72nd Avenue
Tigard, OR 97223

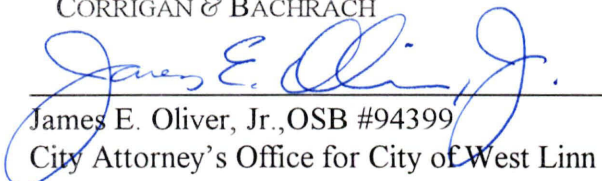
Jeffrey S. Seymour, Esq.
4040 Douglas Way
P.O. Box 1708
Lake Oswego, OR 97035

The Honorable Jill Thorn, Mayor
CITY OF WEST LINN
22825 Willamette Drive
P.O. Box 48
West Linn, OR 97068

Kent Seida
17501 SE Forest Hill Drive
Clackamas, OR 97015

Dated this 22nd day of September, 1997.

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH



James E. Oliver, Jr., OSB #94399
City Attorney's Office for City of West Linn



METRO

EXCEPTION FORM

Metro provides this form for parties to Urban Growth Boundary contested cases who wish to file an exception to the proposed order and findings of the hearings officer.

Standing to file an exception and participate in subsequent hearings is limited to parties to the case.

UGB Contested Case Number: *97-1*

Date: *August 4, 1997*

Name: *Robert J. Thomas*

Address: *2563 Pinalico Drive*

The basis of an exception must relate directly to the interpretation made by the hearings officer of the ways in which the petition satisfies the standards for approving a petition for a UGB amendment. Exceptions must rely on the evidence in the record for the case. Only issues raised at the evidentiary hearing will be addressed because failure to raise an issue constitutes a waiver to the raising of such issues at any subsequent administrative or legal appeal deliberations. (Metro Code 3.10.60(c))

Parties filing an exception with Metro must furnish a copy of their exception to all parties to the case and the hearings officer.

Please state your exception (attach additional sheets as necessary):

*file a motion to reopen the record
See attached single page sheet dated
Aug. 4, 1997 by Robert J. Thomas*

Growth Management Services Department
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Aug 4, 1997

I want to file a motion to reopen the record to receive admissible evidence not available at the hearing. My additional evidence would be to further substantiate my claims that adequate water is not available to serve the proposed school site. This additional evidence was not provided at the hearing because I had no way of knowing that the hearings officer would accept and rely only upon the outdated and very inadequate information supplied by a former city engineering employee, Jim Montgomery and ignore all that I pointed out in regard to water in my testimony and not comment upon it or take it into consideration in coming to his conclusions about water and his recommendation for adjusting the UGB outward to encircle the school site. I had pointed out in my testimony that simply having existing water mains on Rosemont and Day roads is far from being adequate testimony that the school can be provided with adequate fire flow and its equivalent maximum daily demand. This is all that Jim Montgomery referred to in his attestation that adequate water and fire flow could be delivered to the school site. I have also pointed out that Montgomery's attestations and Schwiebes attestations are invalid because they do not meet the requirements of the State Engineers Examiners Board.

Robert J. Jones

STATEMENT OF MAYOR JILL THORN
ORDINANCE 97-712
September 25, 1997

1. In compliance with the requirements of the West Linn Comprehensive Plan, Public Facilities and Services, General Policy 3, access (i.e., roads), storm drainage, water and sewer can be provided coincident with construction of the school, and police and fire protection will be provided in response to construction of the school.
2. The School District has adopted a School Facilities Plan, which provides for the siting of a middle school in this location.
3. The City of West Linn has adopted the Tanner Basin Master Plan that includes the siting of a new middle school along Day Road.
4. The Tanner Basin Master Plan includes the siting of a fire hall along Day Road which, when constructed and staffed, will provide fire service to the Tanner Basin area (i.e., the new middle school).
5. The water system has been designed and is capable of accommodating the demand for water resulting from a new school. In addition, an extraterritorial extension of water service for the school has occurred.
6. The City of West Linn passed Resolution 95-11 calling for the West Linn/Wilsonville School District to properly plan and implement school facilities in the District, and specifically within West Linn.
7. The City of West Linn and the West Linn/Wilsonville School District have signed an Intergovernmental Agreement (IGA) calling for a cooperative effort in providing for needed school facilities.
8. The City of West Linn has supported and requested that Metro extend the UGB based on the need for a new middle school along Day Road via Resolution 96-09.
9. The City supports the adjustment to the UGB with the understanding that:
 - The site may be used only for a school.
 - Subsequent to the UGB adjustment, the Council must approve the extraterritorial extension of services, or annexation must occur, for the school site located outside of current City limits.
 - The school site is within Urban Reserve Area 30. The City of West Linn opposes the expansion of the Urban Growth Boundary in Area 30, with the exception of the school site of approximately 20 acres as contained in this application.
10. The City supports the Hearings Officer's findings and approval of Case No. 97-01, West Linn.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO 97-706A
ORDINANCE NO. 95-625A TO AMEND)	
THE 2040 GROWTH CONCEPT MAP)	Introduced by Presiding Officer Kvistad
AND ORDINANCE NO. 96-647C TO)	
AMEND THE TITLE 4 MAP)	
REGARDING THE WOOD VILLAGE)	
TOWN CENTER)	

WHEREAS, Metro's regional goals and objectives required by ORS 268.380, the Regional Urban Growth Goals and Objectives (RUGGO), were adopted December 14, 1995 in Ordinance No. 95-625A; and

WHEREAS, RUGGO was transmitted to the Land Conservation and Development Commission (LCDC) for acknowledgment of consistency with statewide land use planning goals; and

WHEREAS, LCDC acted on November 1, 1996 to authorize the RUGGO final acknowledgment Order dated December 9, 1996; and

WHEREAS, the Metro Council adopted the Urban Growth Management Functional Plan in Ordinance No. 96-647C on November 21, 1996 which includes Council-approved changes in certain 2040 Growth Concept design type designations as part of 2040 Growth Concept implementation; and

WHEREAS, functional plans must remain consistent with RUGGO, including the 2040 Growth Concept Map; and

WHEREAS, the Urban Growth Management Functional Plan removed the Employment Area designation from the Multnomah Kennel Club property in the City of Wood Village in

anticipation of a Wood Village Town Center designation adjacent to the Fairview Town Center;
and

WHEREAS, RUGGO Goal 1 requires that amendments to RUGGO involve MPAC for
public and local government review prior to final Metro Council action; and

WHEREAS, amendment of acknowledged RUGGO requires a 45 day notice to the
Department of Land Conservation and Development under ORS 197.610 which has been sent;
now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

That the amendment to the 2040 Growth Concept Map is described generally as follows:
The Multnomah Kennel Club property of approximately 100 acres that was designated as
"employment area" is changed to the mixed use designation identified as the Fairview/Wood
Village town center- as shown on the amended 2040 Growth Concept Map attached and
described as Exhibit "A."

ADOPTED by the Metro Council this ____ day of _____ 1997.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

kaj
I:\R-O\97-706.DOC
9/23/97

STAFF REPORT

CONSIDERATION OF ORDINANCE 97-706A, FOR THE PURPOSE OF AMENDING ORDINANCE NO. 95-625A TO AMEND THE 2040 GROWTH CONCEPT MAP REGARDING THE WOOD VILLAGE TOWN CENTER.

Date: September 23, 1997

Presented by: Counselor Kvistad

Background: On July 10, 1997 the Metro Council deferred action on this ordinance, and sent it back to the Growth Management Committee until Wood Village, Gresham, Fairview and the Multnomah Kennel Club completed mediation concerning the proposed redevelopment of the Multnomah Kennel Club property. As outlined in a memo from Metro Executive Mike Burton dated August 29, 1997, the parties successfully completed their mediation and signed a Memorandum of understanding.

At its September 16 meeting, the Growth Management Committee voted to send Ordinance 97-706 to Council for adoption by a 3-0 vote. Subsequent to that decision two housekeeping amendments are being recommended by council staff and legal staff, which can be found in the A version of the Ordinance.

First, no reference was made in the body of the ordinance itself to an exhibit A, the amended 2040 Growth Concept Map. This change is made in the "Ordains" section.

Second, the Title 4 map was amended a year ago October and should not be referred to in the title of the Ordinance.

If these amendments are agreed to, final action cannot be taken on the this ordinance for at least one week.



METRO

092597c-13

Date: August 29, 1997

To: Jon Kvistad, Metro Council Presiding Officer
Susan McLain, Council Growth Management Committee Chair ✓

From: Mike Burton, Executive Officer

Re: ***Ordinance No. 97-706, For the Purpose of Amending Ordinance No. 95-625A to Amend the Growth Concept Map and Ordinance No. 96-647C to Amend the Title 4 Map Regarding the Wood Village Town Center***

At its meeting of July 10, 1997, Metro Council agreed to defer its decision regarding Ordinance No. 97-706 until the mediation entered into by Wood Village, Gresham, Fairview and the Multnomah Kennel Club (MKC) concerning the proposed redevelopment of the MKC property was completed and brought before the Wood Village City Council on August 13, 1997.

Through the mediation process an agreement was reached by the four parties and a Memorandum of Understanding (MOU) was signed outlining the points of agreement. The MOU was the basis for new Comprehensive Plan and Zoning Code Amendments adopted on August 27, 1997.

The MOU included support for amending the 2040 Growth Concept Map designation for the Multnomah Kennel Club to "Town Center":

5. (a) The parties agree that the development allowed under paragraph 1 of this Memorandum of Understanding is consistent with the "Town Center" designation in Metro's Urban Growth Management Functional Plan and therefore
 - v. The parties will support amendment of the 2040 Growth Concept Map by the Metro Council to designate the joint Fairview/Wood Village Town Center, as proposed in Metro Ordinance No. 97-706.

With the successful conclusion of the mediation, there is no longer an objection to Ordinance No. 97-706 by Gresham and Fairview.

MB/BB/srb
I:\GM\BERNARDS\ORDINA~1.DOC

cc: Ruth McFarland, Metro Council District 1
City of Fairview
City of Gresham
City of Wood Village
Multnomah Kennel Club

*Report of the Park Board
With the Report of Messrs. OLMSTED BROS., Landscape Architects
Outlining a System of Parkways, Boulevards and Parks
for the City of Portland
December 31, 1903, Portland, Oregon*

Park Systems Should Be Managed Independently of City Governments.

It has been demonstrated by experience in many cities that the park system more than any other of the undertakings of a city should be managed independently of the common council or legislative body of the city government.

The reason for this is, of course, that the majority of the members of the city government is composed of practical politicians or of men who have about the same education, the same impulses and ideas and about the same taste. It should be clearly understood that, as in the cases of gardeners and civil engineers already touched upon, no blame is meant to be cast upon practical politicians. It is simply a fact that when they control the management of parks, the results attained from the point of view of art are poor, sometimes very bad indeed.

Parks, like public libraries and art museums, must meet the public needs in the main, else they will lose their power for educating the people to better things, but they should be managed by wise and public-spirited men who have high ideals and who will strive to gradually and considerably improve the public taste. The people can be led toward higher ideals, but they must in the main be led unconsciously and by force of example rather than by scolding. It is in this direction that the managers of parks, libraries and art museums can do much good or, on the contrary, can work much evil in matters of taste.

Parks should not be brought into politics not only for the important business reasons that apply in all departments of municipal administration, but for the more important reason that the essential requirement of parks is that they should be naturally and artistically beautiful and because politicians as a class give small consideration to matters of art and beauty of natural scenery and care less whenever they conflict with their business interests. The schools may not be beautiful, but yet may serve all practical purposes; bridges may be and usually are hideous, but we can use them and hope for better things some day, but if parks are not beautiful, they are very nearly useless.

Politicians, as a class, work as hard for power and pecuniary success as any other class of business men, but like most business men, especially retailers, they do not waste much time or money in trying to inspire the masses with high ideals or in improving and refining their taste. Politicians do not make good park commissioners, not alone because they are not good judges of landscape beauty, but because they are strongly biased in the direction of deciding every question in the way that will gain them and their party friends and votes, and because they will inevitably sacrifice what seems to them such trivial things as matters of appearance to oblige people who generally have some personal or selfish or party end in view. The number of cases that arise in park administration in which a politician will decide contrary to the requirements of good taste are far more numerous than anyone who has not had long experience of park matters could imagine, or believe if told.

A political park commissioner will be apt to favor the determination of the number of and the selection of sites for parks that will gain him or his party the most votes, or that will please pecuniarily interested persons or corporations. He will usually prefer to decide all such questions without expert advice, knowing that without such guidance he can surely decide according to his own interest and that of his party, while with it he may be hampered in securing what he wants done. He will favor the employment of experts if they must be employed, who will be subservient and "easy to get along with," and he will prefer a superintendent who will purchase supplies from the "right" dealer. He will want to grant licenses for all sorts of amusement concerns regardless of the park landscape, provided only they are likely to be popular and are run by the "right" men; and so on. As they know the public admire gaudy effects, they cover the park lawns with the most brilliantly colored foliage plants and park buildings with novel and conspicuous details painted with showy and contrasting colors. Naturally, with park

commissioners of this type of mind, the higher beauties of nature and of art in the parks stand very little show to be preserved or created.

Parks should be kept out of politics not only by not having politicians appointed as park commissioners, but remembering that "money is power," by taking the power of making the annual park appropriations from the city government by means of a law giving the park commission a certain minimum and maximum percentage of the total of the assessors' valuation of the taxable property in the city, and providing for long-term loans for land purchases and short-term loans for improvements, each based on a percentage of the total of assessors' valuation of taxable property in the city and requiring compulsory issue by the city government in some cases, after they have been approved by a referendum in some cases. Additional voluntary appropriations by the city government may also be permitted by law.

Page 30. *Report of the Park Board, With the Report of Messrs. OLMSTED BROS., Landscape Architects, Outlining a System of Parkways, Boulevards and Parks for the City of Portland, December 31, 1903, Portland, Oregon.*



CITY OF

PORTLAND, OREGON

DEPARTMENT OF PUBLIC WORKS

092597c-15
Erik Sten, Commissioner
City Hall (503) 823-3589
Fax (503) 823-3596

Mailing Address:
1220 SW 5th Ave Rm 407
Portland OR 97204

Temporarily Located At:
1400 SW 5th Ave Rm 702
Portland Oregon

September 25, 1997

Metro Executive Officer Mike Burton
600 NE Grand Ave.
Portland, OR 97232

Dear Mike,

After nine months on the job as a Portland City Commissioner, I would like to offer some observations and some recommendations for building on our work as partners in regional planning. Although I'm not an environmental expert, my job as commissioner in charge of the Bureau of Environmental Services and the Water Bureau has taught me just how important water-related issues are to the health of Portland and the region as a whole.

I recently had the opportunity to meet with John Fregonese and Rosemary Furfey regarding Title 3 and the Regional Framework Plan. The meeting was very encouraging—like most people, I've been hearing mostly about the UGB, and comparatively little about the important work underway at Metro to protect our environment and the quality of life in existing neighborhoods.

I want to emphasize my strong support for Metro's work to make open spaces, stream corridors, and other environmentally sensitive lands a top priority of the 2040 plan. As we've learned from the challenges of the ongoing Southwest Community Plan, citizens support our goals to protect water quality and open space for the generations to come. It's this strong public support, combined with what I've learned about Outer Southeast Portland and the flooding of Johnson Creek, that leads me to encourage an enhanced approach to planning for the Johnson Creek watershed.

Along with Commissioner Jim Francesconi, I have been focusing a great deal of attention on Outer Southeast Portland and the Johnson Creek watershed. Lents, located at the intersection of Johnson Creek and I-205, is a traditional blue collar neighborhood with a proud history and a troubling present of flooding and economic depression. In Lents, we have worked to combine flood management strategies with neighborhood revitalization plans. For our efforts, we have been rewarded with the support of environmentalists and business alike. In other parts of Johnson Creek, we are working with students and volunteers to restore the health of the creek's banks in places like Tideman-Johnson park. And as you know, we are working closely with Portland Parks and Metro to protect areas like Lower Powell Butte.

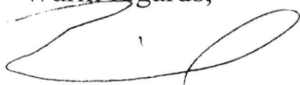
The message from the people who work and live around Johnson Creek comes through loud and clear: "We cannot go it alone." Watersheds do not respect political boundaries; and the decisions we make today will have a permanent impact on flooding and water quality. The people that live there are worried about their future. They want to know what I'm going to do to find answers to stormwater management upstream.

The amount of water in Johnson Creek has risen dramatically as the watershed has become urbanized over the last few decades. The flooding that consistently plagues Lents is largely due to the effect of impervious area on natural stormwater flows. Metro's actions with respect to Pleasant Valley will directly affect the health and safety of Portland residents—more water in the creek means more flooding. Pleasant Valley should not be added to the urban reserves until Metro has fully come to terms with the impacts of stormwater runoff on downstream residents. We ought to draw a firm line in the sand ensuring that urbanization of Pleasant Valley shall not aggravate downstream flooding.

As I discussed with John and Rosemary, I would like to encourage Metro, along with the Johnson Creek Watershed Council, to initiate a pilot project focused on the entire 35 miles of the Johnson Creek watershed. With Metro's leadership, we can coordinate our efforts with all of the other jurisdictions so that everyone is a partner in the solution. The City is ready to help in any way to make sure that the entire reach of Johnson Creek endures as both an environmental and an economic asset.

I look forward to discussing these issues and others with you and the rest of the Metro Council at your earliest convenience.

Warm regards,



Erik Sten

cc: Metro Council
Mayor Rob Drake, MPAC chair
Mayor Gussie McRobert
Gresham City Council
Mayor Craig Lomnicki
Milwaukie City Council
Happy Valley City Council
Clackamas County Commission

Portland City Council
Dean Marriott, Director, Bureau of Environmental Services
John Fregonese, Metro Growth Management
Bob Roth, Johnson Creek Watershed Council
Judy Welch, Lents Neighborhood Association
Ken Turner, Lents Revitalization Task Force
Johnson Creek Neighborhood Associations



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Charlie Hales, Commissioner
David C. Knowles, Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 823-7700
FAX (503) 823-7800

September 23, 1997

Mr. James R. Peterson
Custom woodworking
2502 SW Multnomah Blvd
Portland OR 97219

RE: All reports generated within the last three years by David Evans and Associates, Inc. (DEA)

Dear Mr. Peterson:

In response to your September 19 letter to Commissioner Hales, the Bureau of Planning has not contracted with David Evan and Associates for reports associated with Southwest neighborhoods or 2040 implementation.

Sincerely,

Deborah Stein

cc: Mayor Katz
Commissioners Francesconi, Hales, Kafoury, Sten
Metro Council Members
Southwest Land Use Chair
Michael Hattrich, Senior Deputy DA
Richard Benner, LCDC