



METRO POLICY ADVISORY COMMITTEE

**May 9, 2012**

Metro Regional Center, Council Chambers

MEMBERS PRESENT

Jody Carson, 2<sup>nd</sup> Vice Chair  
Steve Clark  
Andy Duyck  
Maxine Fitzpatrick  
Bob Grover  
Kathryn Harrington  
Tom Imeson  
Keith Mays  
Doug Neeley  
Wilda Parks  
Barbara Roberts  
Jim Rue  
Norm Thomas  
Bill Turlay  
William Wild  
Jerry Willey, Chair

MEMBERS EXCUSED

Sam Adams  
Shane Bemis  
Michael Demagalski  
Dennis Doyle  
Amanda Fritz  
Jack Hoffman  
Carl Hosticka  
Charlotte Lehan  
Annette Mattson  
Marilyn McWilliams  
Loretta Smith, Vice Chair  
Steve Stuart

ALTERNATES PRESENT

Marc San Soucie

AFFILIATION

City of West Linn, representing Clackamas Co. Other Cities  
TriMet Board of Directors  
Washington County Commission  
Multnomah County Citizen  
Washington County Citizen  
Metro Council  
Port of Portland  
City of Sherwood, representing Washington Co. Other Cities  
City of Oregon City, representing Clackamas Co. 2<sup>nd</sup> Largest City  
Clackamas County Citizen  
Metro Council  
Oregon Dept. of Land Conservation & Development  
City of Troutdale, representing other cities in Multnomah Co.  
City of Vancouver  
Clackamas County Special Districts  
City of Hillsboro, representing Washington County Largest City

AFFILIATION

City of Portland Council  
City of Gresham, representing Multnomah Co. 2<sup>nd</sup> Largest City  
City of North Plains, representing Washington Co. outside UGB  
City of Beaverton, representing Washington Co. 2<sup>nd</sup> Largest City  
City of Portland Council  
City of Lake Oswego, representing Clackamas Co. Largest City  
Metro Council  
Clackamas County Commission  
Governing Body of School Districts  
Washington County Special Districts  
Multnomah County Commission  
Clark County, Washington Commission

AFFILIATION

City of Beaverton, representing Washington Co. 2<sup>nd</sup> Largest City

STAFF:

Jessica Atwater, Richard Benner, Nick Christensen, Andy Cotugno, Robin McArthur, Lake McTighe, John Mermin, Sherry Oeser, Katie Shriver, Ramona Perrault, Ken Ray, and Ina Zucker.

**1. CALL TO ORDER AND DECLARATION OF A QUORUM**

Chair Mayor Jerry Willey declared a quorum and called the meeting to order at 5:07 p.m.

**2. SELF INTRODUCTIONS AND COMMUNICATIONS**

All attendees introduced themselves.

Chair Mayor Willey reversed the order on the agenda for item number nine, 'Department of Land Conservation and Development Staff Recommendation on Urban Growth Boundary Decision,' and item number eight, 'Recap of Michael Freedman Presentation.'

Ms. Robin McArthur of Metro reminded the group of the planned tours of industrial sites and main streets. On June 13<sup>th</sup>, MPAC will be visiting the FedEx facility, a TriMet bus chartered for this trip will leave at 4:00pm from Metro. Ms. McArthur circulated a signup sheet for members interested in attending.

**3. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS**

There were none.

**4. COUNCIL UPDATE**

Councilor Barbara Roberts updated the group on the following items:

- A project update handout on the Regional Active Transportation Plan was made available at this meeting. The project is currently in Phase 1, MPAC will receive a presentation on Phase 1 findings and other updates in the fall. More information is available at [www.oregonmetro.gov/activetransport](http://www.oregonmetro.gov/activetransport).
- On May 16, 2012 the Oregon Transportation Commission is expected to release the Oregon Statewide Transportation Strategy and open it to public comment. Please find more information on this topic in the handout provided.
- On April 26, 2012 the Metro Council adopted a resolution authorizing staff to issue a Request for Proposals (RFP) to prospective developers of a headquarters hotel for the Oregon Convention Center. This project is to leverage the private hotel development that is likely to occur within the city to locate nearby and in support of the Convention Center, and seeks to create jobs, support local businesses, develop unused, vacant land, and revitalize the Lloyd District neighborhood. The RFP will seek proposals from private companies in a competitive, transparent process.
- The Boring Station Trailhead Park grand opening will take place on May 19, 2012 at 11am. There will be events in downtown Boring, Metro Councilor Shirley Craddick, Clackamas County officials, and community leaders will be on hand for the celebration. Local share funds from the 2006 Natural Areas Bond measure supported the development of this park.

**5. CONSIDERATION OF THE CONSENT AGENDA**

- **The February 22, 2012 MPAC Minutes**
- **2012 MTAC Membership Nominations**

Mayor Keith Mays, on behalf of other cities in Washington County, requested that the Metro Technical Advisory Committee (MTAC) member nomination be postponed. Chair Mayor Willey deferred the nomination until the June 27, 2012 meeting.

MOTION: Councilor Marc San Soucie moved, Councilor Jody Carson seconded to adopt the April 11, 2012 minutes.

ACTION TAKEN: With all in favor, the motion passed.

## **6 PUBLIC ENGAGEMENT REVIEW PROCESS PROPOSAL**

Ms. Patty Unfred of Metro presented on Metro's proposed public engagement process. Metro's commitment to public engagement has not changed, but the nature of communications and engagement has. The Metro Committee for Citizen Involvement (MCCI) was disbanded in 2010, and the Metro Council directed staff to develop a new method to monitor and continue to improve engagement with the public. Staff has worked with many partners and stakeholders to develop the new public engagement review process.

The new public engagement review process will consist of:

- Public Engagement Review Committee (PERC)
  - 9 member committee: 3 are public involvement staff (1 from each county), 3 nominated by community organizations, and 3 'at-large' members
  - Provide guidance to the public engagement strategy
  - Proposed to meet twice annually
- Public Engagement Peer Group
  - Public involvement professionals
  - Examine best practices
  - Meet 3-4 times annually
- Stakeholder Summit
  - Diverse representation from around the region
  - Examine upcoming projects, priorities, and strategies
  - Proposed to meet once annually
- Annual public survey
  - Reviewed by PERC, then Metro Council
- Annual public engagement report
  - Reviewed by PERC, then Metro Council

The objectives and outcomes of this new process are to:

- Build public trust
- Build sustainable decisions
- Promote equity
- Understand local aspirations
- Achieve efficiency
- Improve best practices

On May 24<sup>th</sup> there will be an opportunity for a public hearing. If members would like to make comments, they may do so at the hearing, or members may give comments to Ms. Unfred directly, prior to the hearing.

*Group Discussion Included*

Some members shared that an equal distribution of citizen representatives on PERC from each county is preferable. Staff noted this preference.

Staff clarified that the community organization nominated positions on PERC are intended to include nominations from a diverse range of community organizations, including small businesses.

Some members expressed concern generally for a lack of opportunity for citizen communications on agenda, as opposed to non-agenda items, at MPAC and other public meeting bodies. The group clarified that MPAC would entertain hearing citizen testimony on agenda items, subject to time limitations.

Some members were encouraged by the listed objectives and outcomes, and emphasized that engagement is not just the responsibility of engagement staff, but also of elected officials. Building public trust and transparency are important products of government.

**7. PROPOSED AMENDMENTS TO THE REGIONAL TRANSPORTATION FUNCTIONAL PLAN (METRO CODE CHAPTER 3.08)**

Mr. John Mermin of Metro reminded the group of what the Regional Transportation Plan (RTP) and the Regional Transportation Functional (RTFP) are, and that these amendments in Ordinance No. 12-1278 serve to both streamline the implementation of the RTP and create consistency with the Urban Growth Management Functional Plan (UGMFP). The amendments will make granting exceptions and extensions to jurisdictions easier, and add a provision allowing small cities to seek exemption from regional requirements.

In June of 2010, Metro adopted the RTP and a schedule for jurisdictions to bring their plans into compliance with the RTP. Metro anticipates several jurisdictions may have difficulty meeting the 2012 deadlines; these amendments will help to facilitate this process. The Metro Technical Advisory Committee (MTAC) and Transportation Policy Advisory Committee (TPAC) approved the recommendation of the Ordinance unanimously. Mr. Mermin is asking for a recommendation for approval of Ordinance No. 12-1278 from MPAC, and will be asking for the same recommendation from the Joint Policy Advisory Committee on Transportation (JPACT) tomorrow.

*Group Discussion Included*

Members inquired as to whether or not notification of requests for exemptions or exceptions will be noticed on the Metro website. Staff responded that it is not the current practice, but could become the practice.

Councilor Jody Carson on behalf of other cities in Clackamas County, and Mayor Keith Mays on behalf of other cities in Washington County, expressed strong support for this ordinance.

MOTION: Mayor Doug Neeley moved, Mayor Keith Mays seconded to recommend to the Metro Council that Ordinance No. 12-1278 be adopted.

ACTION TAKEN: With all in favor, the motion passed.

## **8. DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT STAFF RECOMMENDATION ON URBAN GROWTH BOUNDARY DECISION**

Mr. Jim Rue of the Department of Land Conservation and Development (DLCD) was joined by Mr. Rob Hallyburton and Ms. Jennifer Donnelley, both of DLCD, to update the group on the current DLCD remand of Metro's 2011 Urban Growth Boundary decision.

DLCD does not prefer to be in disagreement with Metro, and believes that Metro has done its usual, great job of planning. DLCD has two required roles to play: a planning role and a quasi-judicial role. DLCD is very aware of its responsibility to make decisions in accordance with state law. The staff report remands four specific areas of Metro's 2011 UGB decision. In these areas, DLCD was unable to connect the prescriptions of the law to the outcomes provided in Metro's 2011 Urban Growth Boundary (UGB) decision. Metro and DLCD met with Mr. Richard Whitman and Mr. Greg Wolfe of the Governor's office to have conversation about the specific areas in which there is disagreement, and bridge that gap.

The area most difficult to reconcile is the housing needs analysis. DLCD has scheduled a special hearing on June 14<sup>th</sup> with LCDC to take up that issue. LCDC will take testimony on this issue tomorrow and Friday, but want to give staff time to work on presenting the housing needs data in a new manner that may clarify the issue. Mr. Rue was not certain if LCDC can vote on the remand if the issues are separated, but knows they will take testimony on all four areas. The Commission is composed of seven very smart, independent people who have been known to come to their own conclusions. Mr. Rue offered that he would love to talk to MPAC about process and other information in the report at this meeting.

Tomorrow morning, the Land Conservation and Development Commission will convene, and there will brief business to resolve prior to the Metro item. It is expected that the hearing on Metro's UGB remand will begin at 9:30am, starting with the staff report, followed by testimony from Metro. Mr. Dick Benner of Metro will be there, as well as Metro Councilor Barbara Roberts.

### *Group Discussion Included*

Members appreciated DLCD participating in the meeting to provide support to Metro and MPAC, and that the group anxiously awaits LCDC's decision.

Mr. Rue asked the group to recall that LCDC has two Metro issues before it—Urban and Rural Reserves and the 2011 UGB decision. For the purposes of tomorrow's hearing, Mr. Rue indicated that all should assume that the Reserves order is in place. The primary reason the Reserves order has not been issued is that DLCD has not been able to get sufficient attention to this matter from the Department of Justice (DOJ). Mr. Rue and Mr. Hallyburton found a former DOJ lawyer to work on the Order under the supervision of our DOJ lawyer; it should be issued very soon.

One member noted that Mr. Rue had referenced Urban and Rural Reserves settlement talks with Washington County, and expressed that Washington County won't settle in regards to Reserves.

Mr. Rue noted that there was every effort to find middle ground between DLCD and Metro, and that none of the remand issues could be postponed to be addressed during the next UGB cycle. Mr. Rue

clarified that DLCD has to use the legal precedent of the City of McMinnville's UGB decision that was determined to be a prescriptive nature of UGB analysis. Mr. Hallyburton cannot recreate the map from the conditions to match Metro's outcomes, it does not leave room for middle ground.

Some members raised the concern, considering the extreme time delay that this decision could have, on the impact to economic development strategies. The region needs to find a balance between satisfying the law and keeping constituents and the region happy. This is the first time Metro has used this methodology to arrive at a UGB decision, it would seem the Commission has some flexibility in its interpretation. Mr. Hallyburton responded that LCDC can to some degree interpret the rules to some extent, but must still follow the law. It is LCDC's role to strike a balance after receiving testimony from both sides. DLCD did its best to strike that balance in its review, but there were a few areas where it wasn't possible. Mr. Rue confirmed that DLCD and LCDC are acutely aware of the jobs issue and the industrial lands issue; it is no accident that these issues are being taken on first, before housing issues. The Commission will decide tomorrow or Friday if the housing and industrial issues should be separated, DLCD has structured it so staff may spend more time on housing issues separately.

Members inquired as to how receiving a final order on the Urban and Rural Reserves could impact an order on the 2011 UGB decision, and if Reserves had to have been concluded in order for the UGB order to be given. Mr. Rue responded that DLCD does everything it can to create an order that is legally defensible. Mr. Benner clarified that if there are appeals on the reserves decision, which it is anticipated there will be, the reserves decision is on a fast track at the Court of Appeals. Metro will get a ruling on the Reserves decision much sooner than the UGB decision, if it is appealed. For the UGB expansion in 2002, the Court of Appeals was looking at 15 expansion areas, and found issue with two; 13 moved on, two came back. This could happen with the Reserves process as well. There is no obvious answer. It is anticipated that some of the objectors to the UGB decision will appeal LCDC's order to the Court of Appeals.

The latest LCDC will issue an oral decision on Metro's 2011 UGB decision remands is close of business on June 14<sup>th</sup>. It is highly unlikely that the Commission will decide on all four remand issues tomorrow or Friday. It is likely a written order will take longer, coming after the oral decision on June 14.

Some members noted that due to the fact that there still isn't a written order for Urban and Rural Reserves, people have been wondering if there is some sort of negotiation happening between DLCD and Washington, Clackamas, and Multnomah Counties, and Metro. Mr. Rue confirmed that there is not.

Some members asked if LCDC will come to a conclusion on Reserves and the UGB different from the region's decision. Mr. Rue answered that with the UGB decision, as with the Reserves decision, the Commission may pick and choose which areas it objects to, but in that case, the Commission will send the matter back to Metro. LCDC will not choose UGB expansions for the region. ."

## **9. RECAP OF MICHAEL FREEDMAN PRESENTATION**

Chair Mayor Willey led the group in a discussion about the Michael Freedman presentation on April 19, 2012.

### *Group Discussion Included*

Some members went into the presentation feeling neutral, and left feeling impressed; they recommend watching the tape of the event.

Members would like a follow up on the economics of the presentation, specifically what was needed to make X project work, or Y project work.

Members agreed that they enjoyed the presentation. Some were disappointed they didn't get to hear presentation on corridors, as it is very relevant to the region, and requested both presentations be available for all people to view.

There was discussion on the historical evolution of planning and communities at the presentation, and what may need to change in terms of planning in the future. Members agreed that the approach to planning that has occurred up until now may need to be reconsidered in the future, changes may need to occur to create more success from planning.

Some members appreciated learning that the same concepts that apply to downtown development could be used in other areas to create nodes, walkable communities.

Some members were concerned that the focus of the presentation's material was on cities, and were not sure if a place like Clackamas County has the resources to support that type of planning or development, currently. There were questions as to how to make this type of planning take place in these densely populated unincorporated areas. One member noted that the McLoughlin Area Plan frequently referred to City of Beaverton's plan. There is work that's been done for these unincorporated areas, but no reporting on how it has been implemented.

Some members commented on a fact in the presentation, that the demographic of 20-30 years old want to live in the dense urban areas because they share information and feed off of each other. They discussed some areas in San Francisco where this exists. Unfortunately, this region doesn't have enough resources to fund this type of development. It is important to attract the 20-30 year old demographic to your areas. Some members responded by questioning if the planning community should actively select areas where this type of community could exist, or if it should facilitate and encourage those communities where they are already beginning. They suggested that we can learn from those places that have become 'cool' and help up and coming places become 'cooler' more quickly; the planning community can't tell the community where to have a 'cool' spot, the community identify it and planning needs to make it happen quicker.

Councilor Marc San Soucie noted that at a recent national league of cities conference there was discussion of Beaverton's civic plan, and lots of discussion of studies of civic transformations. The Michael Freedman presentation seems similar. The National League of cities website and City of Beaverton website have a lot of information of case studies on these topics.

Some members commented on the idea that decision makers of today need to build for innovation, which is different than previous practices.

Councilor Turlay noted that the Port of Vancouver just secured a contract with an Australian mining company, and explained that they were able to secure the contract because we were "land-ready."

**10. MPAC MEMBER COMMUNICATION**

There were none.

**11. ADJOURN**

Chair Willey adjourned the meeting at 6:15 p.m.

Respectfully submitted,



Jessica Atwater  
Recording Secretary

**ATTACHMENTS TO THE PUBLIC RECORD FOR 04/11/12:**

The following have been included as part of the official public record:

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
4.0	Handout	April 2012	Update on the Regional Active Transportation Plan	050912m-01
4.0	Memo	May 7, 2012	Oregon Statewide Transportation Strategy Upcoming Briefings and Public Comment Period	050912m-02
4.0	Flyer	N/A	Boring Station Trailhead Park Grand Opening	509012m-03
8.0	Letter	April 30, 2012	Response Letter from Metro to Exceptions to April 19, 2012, Department's Report on Metro Capacity and UGB Ordinances	050912m-04