

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 4, 2003
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent: Rod Monroe (excused)

Deputy Council President Park convened the Regular Council Meeting at 2:04 p.m. and indicated that the Council President would be here shortly.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the November 20, 2003 Regular Council Meetings.

Motion:	Councilor Burkholder moved to adopt the meeting minutes of the November 20, 2003, Regular Metro Council meeting.
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Vote:	Councilors Burkholder, McLain, Park, Hosticka voted in support of the motion. The vote was 4 aye, the motion passed with Councilors Monroe and Newman and Council President Bragdon absent from the vote.
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4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 03-1025**, For the purpose of approving the Transfer Station Franchise Renewal Application of Willamette Resources, Inc., authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Motion:	Councilor Hosticka moved to adopt Ordinance No. 03-1025.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka reviewed the ordinance.

Council President Bragdon opened a public hearing on Ordinance No. 03-1025.

Ray Phelps, Willamette Resources Inc, said the ordinance as presented had several amendments. He thanked for staff and Council assistance and felt that this was a well-balanced franchise.

Mike Dewey, Waste Management, 1249 Commercial Street SE Salem OR 97302 spoke to proposed amendments. They were in full accord with those amendments, 4.4 and 4.6. With regard

to disposal issues, he hoped that they would be applied equally to private and public facilities. He was not asking to have language put in today, but hoped discussion will happen down the road.

Council President Bragdon closed the public hearing.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1025 to make the franchise 5 years in length.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka explained his amendment.

Councilor McLain said she felt 12 months didn't make a difference in running business. She felt it was important to work with your partners. They wanted to make those effective dates line up. If this passes today, she wanted to remind staff that they wanted to look at the whole system at the same time. They needed to remember what Council's personal goals were.

Councilor Newman said he would support the amendment. Councilor Park concurred. Councilor Hosticka said they could meet this alignment by changing the times of the Non-System Licenses.

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1025 with Amendment #2, relating to the cap.
Seconded:	Councilor Newman seconded the motion

Councilor Newman spoke to Amendment #2 (a copy of which is included in the meeting record). He felt that they had heard compelling testimony from the industry that the tonnage cap should be within our district not outside.

Councilor Park said he would not support the amendment. They were missing data. This may in fact be the right thing to do. What he didn't know was the effect on the programs outside. Does the excise tax count under our cap or outside of our cap. This needed to be examined prior to passing this amendment.

Councilor McLain said the two reasons why she could not support this was because she had an issue with capacity within the system and whether the outside entities pay the regional system fee. She felt the original language should be kept.

Council President Bragdon said he would be supporting this amendment. He was concerned about the neighboring communities impacts.

Vote to Amend:	Councilor Newman and Council President Bragdon voted in support of the motion, Councilors Park, Burkholder, McLain and Hosticka voted no. The vote was 2 aye/4 nay, the motion failed. Councilor Hosticka gave notice of possible reconsideration at next week's Council meeting.
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Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1025 with Amendment #3,
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Seconded:	Councilor McLain seconded the motion
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Councilor Hosticka explained his amendment. He wanted staff to address the issue concerning Oregon Department of Transportation (ODOT) and if there were other ways these inspections could occur.

Mike Hoglund, Director of Solid Waste and Recycling, said ODOT would like to have access to weighing. ODOT was unwilling to support Metro's position. They felt it better to sit down and discuss this with the franchisee, ODOT, haulers and Metro. They wanted to work through a number of ideas. They were supporting taking it out of the franchise licenses at this time.

Councilor Burkholder asked if Metro would have the ability to implement a blanket inspection program in the future without having specific language, which allows it to happen.

Mr. Hoglund said if they came up with the agreement with the industry, we would be able to do that. It would have to be a Memorandum of Understanding that would have a document that stated that the parties agreed.

Council President Bragdon clarified.

Councilor Park asked about equal access. How long had we been allowing ODOT on Metro transfer stations? Mr. Hoglund said it has been about a year or two. Councilor McLain said this was considered to be a non-franchise item. Mr. Hoglund concurred. The reason they were brought onto the site was that it was tying up traffic out on the streets outside. Scales were set up outside.

Council President Bragdon said his issue was consistency. If it was applied to Metro's franchisee, it should be required of all others. He understood that by voting yes, it didn't preclude being agreed to at a later date.

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, and Council President
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Bragdon voted in support of the motion. The vote was 5 aye/1 nay, the motion passed with Councilor Newman voting no.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1025 with Amendment
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#4-A.

| Seconded: | Councilor Burkholder seconded the motion |

Councilor Hosticka explained the amendment. In effect what it was asking the franchisee to agree in advance to any change Metro might change after they signed the contract. This was a contract between Metro and the franchisee. Once a contract was signed he thought it was fair to let the franchisee have some confidence as to what they agreed to.

Councilor Park said if you voted in favor of removing making changes to the franchise agreement, it did not preclude the rest of Amendment #4. He asked for clarification as to what they were voting on. Councilor Hosticka clarified, they were voting on 4-A.

Dan Cooper, Metro Attorney, clarified the amendment. 4.3, 4.4 and 4.6 language reserved powers to the Council to do further legislation across the board for all franchisees that would have the effect of adding the prohibitive waste items, setting different material recovery requirements

or dealing with potential disposal requirements for land filling, that 4.6 did. You could choose to adopt or not adopt any one of those three amendments.

Councilor Park said if you passed 4-A it did not preclude Council from the rest. It does not preclude any further amendments to add any of those.

Councilor McLain said she didn't want to pass these out today if they limited this Council's ability to make changes in the tools. If we did not put this in, it seemed that we had limited our tools as to what we could do in the next five years. She agreed it was a contract and they wanted to do the right thing. But she didn't understand why they couldn't change the language to make it a negotiated ability. We may want to find better tools to use.

Mr. Cooper said first, section 11 of the franchise agreement contained language to achieve a mutually agreed upon amendment. The way to achieve a mutually agreed upon amendment was there. If you were looking for language on how to do mutually agreed upon amendments—it was there, you were not giving up power. If you were going to enter and grant franchises, you did need to recognize that they did confer rights on the party that was the recipient of the franchise and they did have certain protections. If you wanted to maintain absolute flexibility to do anything at all in the future regarding the Regional Solid Waste Management Policy. It was probably not prudent to enter into 5-year franchises because it did in some way, limit your opportunity and the choices you could make. He thought the language in here that the staff prepared, on all three of these sub-amendments did clarify that there was no dispute that in those subject areas your future legislation regarding recovery of prohibited waste was acceptable and there would be no dispute about it if the Council chose to do that in the future.

Councilor McLain clarified Mr. Cooper's statement about the amendments and how they could be moved. Mr. Cooper said that was correct, they would have to be moved as separate amendments by the Council.

Motion to Amend Amendment 4-A:	Councilor Burkholder moved to amend Amendment 4-A of Ordinance No. 03-1025 to include 4.3, 4.4. and 4.6.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder explained his amendment. At least two thirds of the effected parties felt that these were a fair place for Council to exercise that authority. A blanket decision to make change unilaterally was not acceptable nor was it acceptable to him either. In the three particular areas on prohibited waste, material recovery required and no disposal of recyclable materials, they had agreed that this was a legitimate place for Council to exercise their authority. Therefore, it was the right thing to do and do it as a package.

Councilor Hosticka was going to oppose the amendment. He would rather pass the amendment he originally proposed which was the language in 2.13 and have a separate discussion of the other items.

Council President Bragdon said he would be voting no as courtesy to the maker of the original motion because of the understanding that it might cause somebody to vote no on the package who might vote yes on different components of it.

Vote to Amend the
amendment:

Councilors Burkholder and Newman voted in support of the motion.
Councilors Hosticka, Park, McLain and Council President Bragdon vote no.
The vote was 2/4 aye, the motion failed.

Vote to Amend:

Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

Motion to Amend:	Councilor McLain moved to amend Ordinance No. 03-1025 with Amendment 4-B
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain said these were important items to pull out of here. She stated that she thought that this was a good way to get the recycling rate of 62%.

Councilor Burkholder stated that each of these were very specific. The responsibilities and our knowledge changed over time. This was quite different from previous amendment, it dealt with many more issues and what materials went into the sites and how they were disposed of. He would be supporting all three.

Councilor Hosticka asked if the public safety concern was incorporated by reference or should we make it explicit?

Mr. Cooper said that the sentence did not have limitation. It may well be construed as implying that if in the future the Council did pass an ordinance that prohibited a type of waste and the holder of the franchise decided he wanted to object and wanted to make the argument that Councilor Hosticka just made, that it should be construed as being limited.

Councilor Hosticka asked if there were simple word they could add at this point that would have the effect on public safety. If there were, he would move to put this in.

Mr. Cooper said he could prepare amendment language for next week.

Councilor Park said he would not be supporting this amendment. They would be going through and updating the Regional Solid Waste Management Plan. As it was currently written, they could not negotiate.

Councilor McLain said her understanding was that at least two thirds of the comments were acceptable to the industry. If these got voted down, her opinion was that they should put off the Regional Solid Waste Management Plan update for five years. She felt they were being clear and concise.

Vote to Amend:

Councilors Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 4 aye/2 nay, the motion passed with Councilors Hosticka and Park voting no.

Motion to Amend:	Councilor Burkholder moved to amend Ordinance No. 03-1025 with Amendment 4-C.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder said he felt this was self-explanatory. He urged support.

Vote to Amend:

Councilors Burkholder, McLain, Newman and Council President Bragdon

voted in support of the motion. The vote was 4 aye/2 nay, the motion passed with Councilors Hosticka and Park voting no.
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Motion to Amend:	Councilor McLain moved to amend Ordinance No. 03-1025 with Amendment #4-D
Seconded:	Councilor Newman seconded the motion

Councilor McLain urged support.

Vote to Amend:	Councilors Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 4 aye/2 nay, the motion passed with Councilors Hosticka and Park voting no.
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Motion to Amend:	Councilor McLain moved to amend Ordinance No. 03-1025 with Amendment #5.
Seconded:	Councilor Park seconded the motion

Councilor Park asked what was source separated yard debris. Roy Brower, Solid Waste and Recycling Department, said that it was a load of yard debris as opposed to being mixed with wood, metal, and other materials.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Motion to Amend:	Councilor Burkholder moved to amend Ordinance No. 03-1025 with Amendment #6.
Seconded:	Councilor Hosticka seconded the motion

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Motion to Amend:	Councilor McLain moved to amend Ordinance No. 03-1025 with Amendment #7.
Seconded:	Councilor Burkholder seconded the motion

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Motion to Amend:	Councilor Park moved to amend Ordinance No. 03-1025 with Amendment #8.
Seconded:	Councilor Burkholder seconded the motion

Paul Garrahan, Metro Assistant Attorney, clarified that this amendment related to odor complaints and not general nuisance complaints.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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4.2 **Ordinance No. 03-1026**, For the purpose of approving the Transfer Station Franchise Renewal Application of Pride Recycling Company, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 03-1026 with the same block of amendments that had passed for Ordinance No. 03-1025.
Seconded:	Councilor Newman seconded the motion

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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4.3 **Ordinance No. 03-1027**, For the purpose of approving the Transfer Station Franchise Renewal Application of Recycling America, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Motion to Amend:	Councilor Park moved to amend Ordinance No. 03-1027 with the same block of amendments that had passed for Ordinance No. 03-1025.
Seconded:	Councilor Hosticka seconded the motion

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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Council President Bragdon announced that these three ordinances would be held over until next week, December 11th, due to the substantive nature of the amendments.

5. RESOLUTIONS

5.1 **Resolution No. 03-3390**, For the purpose of authorizing the Chief Operating Officer to issue a non-system license to Pride Recycling Company for delivery of putrescible solid waste to the Riverbend Landfill.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3390.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka explained the resolution. Councilor Burkholder called council's attention to item 2.5 in the staff report. If we approve all system licenses we could be close to violating the contract in place. We needed to consider our obligations.

Vote:	Councilors Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Park absent from the vote.
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5.2 **Resolution No. 03-3391**, For the purpose of authorizing the Chief Operating Officer to issue a non-system license to American Sanitary Service, Inc., for delivery of putrescible solid waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center.

Motion:	Councilor Burkholder moved to adopt Resolution No. 03-3391.
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Seconded:	Councilor Newman seconded the motion
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Councilor Burkholder cautioned about our obligations but recommended approval.

Vote:	Councilors Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Park absent from the vote.
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5.3 **Resolution No. 03-3392**, For the purpose of authorizing the Chief Operating Officer to issue a non-system license to Arrow Sanitary Service, Inc., for delivery of putrescible solid waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center.

Motion:	Councilor Burkholder moved to adopt Resolution No. 03-3392.
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| Seconded: | Councilor Newman seconded the motion |

Councilor Burkholder again cautioned Council about our obligations but recommended approval.

Vote:	Councilors Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Park absent from the vote.
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5.4 **Resolution No. 03-3393A**, For the purpose of authorizing the Chief Operating Officer to issue a non-system license to Willamette Resources, Inc., for delivery of putrescible solid waste to the Coffin Butte Landfill.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3393A
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| Seconded: | Councilor McLain seconded the motion |

Councilor Hosticka noted the reason for the substitution, Exhibit A had changed.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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5.5 **Resolution No. 03-3394**, For the purpose of authorizing the Chief Operating Officer to issue a non-system license to Crown Point Refuse and Recycling Service Inc., for delivery of putrescible solid waste to the Wasco County Landfill.

Motion:	Councilor Park moved to adopt Resolution No. 03-3394.
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| Seconded: | Councilor McLain seconded the motion |

Councilor Park urged support.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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5.6 **Resolution No. 03-3395**, For the purpose of authorizing the Chief Operating Officer to issue a non-system license to the Forest Grove Transfer Station for delivery of putrescible solid waste to the Riverbend Landfill.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3395.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain reiterated that we were adding tonnage. Councilor Burkholder asked for clarification that Riverbend qualified as part of the 90%, not the 10%. Staff agreed.

Vote:	Councilors Park, Hosticka, Burkholder, McLain, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6. ORDINANCES AND RESOLUTIONS – PUBLIC HEARINGS ONLY, NO FINAL ACTION

6.1 **Ordinance No. 03-1021**, For the purpose of Amending Title 4 of the Urban Growth Management Functional Plan to improve its protection of industrial land and to make corrections.

6.2 **Ordinance No. 03-1022**, For the purpose of Amending the Employment and Industrial Areas Map to Add Regionally Significant Industrial Areas in Compliance with Subsection J of Section 3.07.420 of Title 4 (Industrial and other employment areas) of the Urban Growth Management Functional Plan.

Motion:	Councilor McLain moved to adopt Ordinance No. 03-1021.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain explained the ordinance. Council President Bragdon announced that this item would be considered at both the December 11th and 18th agendas. He looked forward to hearing from local and government groups who had been working on this issue.

Council President Bragdon opened a public hearing on Ordinance No. 03-1021

Tom Hughes, Mayor of Hillsboro, 123 W. Main, Hillsboro, OR 97123, expressed his concerns. He spoke to impacts on Hillsboro. They had been working on this issue for about 18 months. Metro Policy Advisory Committee (MPAC) had voted unanimously to maintain the original language. He had seen a series of maps. He felt it was important to go back and look at what jurisdictions had sent in the past. There was a shortage of usable of industrial land particularly large lots. He was pleased to say, because of Council's efforts to add industrial land at Shute and Evergreen, this land was ready. They had tried to take advantages of opportunities Metro had given them. He spoke to their industrial sanctuary. He felt there had been a blurring of what industrial meant. He spoke to maps (provided for the record). He spoke to efficiency of industrial land. He said what they had heard over the last several years was that Oregon had gotten the reputation for a place where you couldn't do business. The governor was trying to turn this around. He laid out a strategy for doing this. He was trying to streamline opportunities for business. The proposed language was seen as an overlay of additional regulations. He asked, what do you get from those regulations? He suggested going back to the original map.

David Lawrence, Deputy City Manager, City of Hillsboro, 123 W Main Street Hillsboro OR 97123, said they have had a robust economy. He reviewed the maps. Map 1 was the original staff recommendations by Metro. They were in favor of that map. The other green areas were Shute/Evergreen. The red area was an area that was added and caused the most controversy. The

vast majority was developed. He spoke to impact issues. He then talked about Map 2. He had pulled out all of the developed sites. Planned Unit Developments, including Dawson Creek PUD, were detailed zoning restrictions in a very contractual sense. The developer of a PUD made significant infrastructure investments counting on that PUD. These should not be able to be re-regulated retroactively contrary to PUD zoning. He was concerned about legal issues of takings. Map 3 examined what was vacant – it took out PUD's and existing airport and Shute Road – leaving what could be regulated retroactively. The red areas were vacant. #1 was Burger location, #2 was the Nike site. The city had received numerous requests to develop shopping centers at both of these sites and had had to say "No". They were tired of saying "No". #3 was Photronics, a manufacturer of photomasks, high-tech equipment. They had bought existing capacity from Motorola so postponed their investment. #4 was Erlich-Heed, a gas supplier, who hasn't constructed anything on the property. #5,6,7 were north of the airport and not currently in the city limits. The Port for a clear zone may purchase some of the lots. There were significant restrictions based on compatibility for those lots. The blue areas were the only vacant lands that were part of an existing industrial use. Intel owned all D-K in the southern portion. A was the northern part of a development. B was the location for the fifth building of Car America. C was the remaining vacant land for a company called Oka, whose parent company was TLK in Japan, which made photo-resist chemicals for high-tech industry. The last map showed the four 50-acre lots. Intel had three lots, which would be affected by Regionally Significant Industrial Areas (RSIA) designation; Nike had one. The only vacant land was the Nike site shown in red. The one thing the city dealt with locally was how to actually deal with regulations. The regulations that may be clear got muddy when you translated them locally. One example that the city dealt with was the issue of call centers. To their knowledge there had been no data to suggest that there was a call center problem. They were not a globally competitive area for call centers in terms of wages, cost of living, time zones, etc. They might get specialty call centers. Call centers were export jobs, meaning they brought money in from outside Oregon, except for banks' call centers. Zoning did not currently determine whether it was an export type call center, i.e., did it add economic value to the region. Third, all companies had a call center. Fourth, many call centers provided transitional jobs, which provide training, wages and benefits to formerly low-income citizens. He gave a specific example of regulatory problems. Intel had a call center, which met the requirements of Title 4. Hiring contract employees would probably still be OK under Title 4. But if Intel outsourced their call center to another company, which may take non-Intel calls to call center, and wanted to expand the facility, it would not meet Title 4 regulations. Rather than dealing with the use and function you were dealing with who owned it, not what they added to the economy. This was an example of the issues you get into when you make blanket assumptions that don't relate to the function and to the value that they added to the industry. He noted call centers were not what they wanted in downtown Hillsboro. The call centers were very dense, didn't have visitors, didn't spend money on retail, and had huge parking demand.

Mayor Hughes appreciated the amount of time allotted to them and asked for questions. He assumed that since the discussion was extended to December 11 that the record would stay open. Hillsboro might have written testimony to submit at a subsequent date.

Councilor Park asked if the private sector industry required or did not require large lot industrial to attract industry. They had heard a lot of testimony last year that large lots were what the private sector was requesting. Mayor Hughes said he felt that assumption was true. Metro's Urban Growth Report (UGR) study, Metro's legal basis for taking action, showed that that demand was limited. Metro needed to revisit this. There was a distinction between making available additional useable industrial land and protecting land that was already there by adding regulatory layer. They had discussed protecting industrial land through Title 4 similar to protecting habitat. The distinction was that with habitat you put regulations on the land and hoped that no one did

anything with it 100 years from now. He was afraid that that was the concept that would carry over to industrial lands that were available. He felt there still existed a need for large lot industrial land. There was an existing need for industrial land in a variety of sizes. One of the things that Metro accomplished by adding industrial sites such as Shute/Evergreen, Tualatin and Springwater was that now there was available land in the region, those that owned industrial land had begun to move on it in ways we hadn't seen before. By creating three additional sites at Shute/Evergreen, they might have also created two additional sites in a couple of other places. It was beginning to have that ripple effect.

Mr. Lawrence said we needed large lots but Metro had already protected those sites. The UGR report talked about the need for up to 24 large-lot sites, then deprecated that need because campus and high-tech wasn't something that drove those sites from that analysis. The UGR warned about a potential monopoly situation and warned about choice. Councilor Park said the exercise that Metro went through last year was to assist economic development. Mayor Hughes said he felt there were no other motives. It may not do what they originally thought it would do. The downside seemed to be worse than what was originally talked about. Councilor McLain thanked them for coming today and for the example that Hillsboro had set in planning. The issue today was the fact that as a region we had a large task in the future and they were trying to get the best out of all areas. There were three issues: 1) There were needs for 50 acres as well as smaller acres. 2) The issue that Hillsboro had that was unique was Map 3. The Shute/Evergreen site was ready to go. They all recognized that this was RSIA land. The intent of December 2002 decision was to try and spin off land that was close to this site to take advantage of infrastructure and resources. Too much regulation could hurt us, but some of problem may be a perception issue, not understanding the regulations, that could be addressed through education. She felt they had a RSIA 200 acres site close to Sunset Highway close to other industrial lands. What did they do with the surrounding lands? Those areas were not answered in the comments.

Mayor Hughes said he didn't want to leave them with the impression that no regulations existed without Title 4. The Nike foundation across the street had regulations beyond Title 4, including industrial park zoning and large lot overlay. Hillsboro had withstood pressure for years with Burger property to allow non-industrial development. The point that was important to make was these lands had significant regulation already and changes would require significant change in zoning, which they weren't going to do. He couldn't imagine a circumstance in which they would change zoning. The problem wasn't the language of existing regulations but the issue was the perception of adding more regulations. Mr. Lawrence said if you take Intel out, you were regulating 33 acres with Title 4 of developed vacant land. The question was did this add value to high tech cluster and to the economy? Councilor Burkholder clarified that their point was that it was not regulation that was bad but the concern that the additional regulation would lead to unintended consequences. He met yesterday with Nike and Intel and they would like to see no regulation at all in this area. Could we set regional performance standards similar to Goal 5 to protect industrial lands? He was concerned about the letter from Hillsboro staff, Wink Brooks talking about allowed uses under existing industrial zoning and special industrial district overlay that seemed to be counter to goal of Title 4. We needed to develop regional standards that could be met through local compliance with the regional framework plan so we could answer concerns about appearance of another layer of regulation but achieve the same outcome. They wanted to protect this land now and in the future. Their goal as a region was to try to ensure opportunity for this particular type of development. They were trying to be responsive to local concerns but maintain regional consistency. During the last Urban Growth Boundary (UGB) decision, they had individual jurisdictions claiming that they didn't want to follow regional standards but the regional consensus was that we were all in this together. It was a dangerous road to exempt local jurisdictions from meeting regional goals.

Mayor Hughes said the issue of performance standards had come up previously in a meeting with Council President Bragdon, some of the mayors and planning staff. As a general idea, it would be a better approach because it allowed the local jurisdictions to wrestle with issues at the local level. He noted that Mr. Cooper raised the issue in a previous meeting, saying that maybe local jurisdictions should meet certain objectives however they wanted to do that. He thought that would be an interesting approach. It had worked concerning the affordable housing issue and developed the notion in the region that their needed to be some fairness that we all needed to accept some level of burden for affordable housing. The problem arises with issues of clarity down the road on what it meant to "consider" issues. Performance standards made a lot more sense. Council President Bragdon said in reference to Shute and Evergreen that they had made a lot of progress and they had not encountered obstacles from Salem. All had been working to access funds from HB2011 through ODOT for Shute and Evergreen. He wanted to make sure that the conditions that were placed on the site were still supported by the jurisdiction. Mayor Hughes said yes and he didn't think those conditions were a problem for Hillsboro. Mr. Lawrence said they were actively recruiting companies. All agreed that Metro supported "tweaking" conditions if necessary to support industrial use. Mayor Hughes said that so far they had not encountered any obstacles in recruiting efforts. This was a good example of how we could work together to produce new jobs for the region. Metro's quick response had been very valuable to the City. Some interested companies expressed expectation that they'll be able to be operational in eight months. This was a changing standard emerging on industrial lands that we'll have to be responsive to.

Beverly Bookin, CREEC, 1020 SW Taylor #760, Portland, OR 97205, said she was here on behalf of the Metro Technical Advisory Committee (MTAC) as well as CREEC. The MTAC Adhoc committee came out of work having been done by Mayor Drake and Mayor Hughes, in response to concerns by both public and private stakeholders about RSIA's. The MTAC Adhoc committee explored the issue of RSIA to find some consensus on issues. She spoke to the broad based composite of the Adhoc committee: Beverly Bookin represented private sector through her work on behalf of Columbia Corridor; Mary Kyle McCurdy, 1000 Friends; Brian Campbell, Port of Portland; Stephan Lashbrook, City of Lake Oswego; Gil Kelley and Bob Clay, City of Portland; Wing Brooks, City of Hillsboro; Rebecca Oaken, City of Gresham; Doug McClain, Clackamas County; Hal Burgs, City of Beaverton; Staffed by Dick Benner and Mary Weber, both of whom had been very helpful. They had three outstanding issues 1) there was a need to be clear that RSIA were regulatory framework not a mini-zoning code. They needed to give local jurisdictions flexibility they need within their own context to develop the zoning regulations that complied with this. They then have the obligation to do substantial compliance. For example: Provisions in revised Title 4 that certain uses would not be allowed if they didn't have public or private transit. Virtually every moderate to large use had to do traffic study and must respond to ECO rules so why include these regulations in Title 4 when they were already taken care of in other regulations? They wanted to take a look at the Title 4 text to make sure we were giving regulatory guidance and not trying to do everyone's zoning. It was very difficult to do a "one-size-fits-all" in this issue. 2) Real tough issue was use restrictions, what constituted industrial. They needed to be clear in these regulations that there were many uses that take place in office and flex-space settings that were part of industrial activities. For example, Research and Development should not have additional onus placed on it because it was part of industrial activity. They were having a hard time drawing the line. The other side was what was non-industrial. There were certain office uses that didn't need to be industrial – FIRE, professional offices, government, non-profit, etc. The middle category of office was problematic – non-industrial corporate headquarters, back-office operations like computer centers, call centers, etc. They wanted to make sure they had an accurate definition of industrial but one flexible enough to

accommodate some changing conditions. 3) Parcelization issue – they had a handle on this one. MTAC recognized the need for large lots to accommodate those big users, which currently weren't able to find sites. Once the large lots were created, there needed to be a policy for evolution of these sites over time. She gave several examples: Intel was a large anchor tenant who may buy extra lots for future expansion but whose needs may change over time. We wanted anchor tenants to be a magnet for work. If they couldn't subdivide bigger lots, they may not be able to do that. They came up with three options 1) retain RSIA on the map as they were mapped and let individual jurisdiction support or not support but clarify/simplify the regulations to make them more palatable 2) cut back the RSIA to those that were around a regional freight facility and have some loosening/clarification of requirements in order for the overall amount to be available 3) leave regulations they way they were but only put on the map the brown areas which were ones where jurisdictions had volunteered to put them on and not the ones that staff had suggested. In all 3 options, they were trying to find solution to not over-regulating, finding balance between industrial and non-industrial and deal with the parcelization issue.

President Bragdon thanked members of MTAC Adhoc committee, including staff members Dick Benner and Mary Weber who had spent a lot of time, and Mayor Drake.

Beverly Bookin spoke on behalf of CREEC. They had two goals, support the findings of the study to retain industrial lands and that they did believe there had to be a certain percentage of larger lots. Second, it was important that they complete Task III which would bring in up to 2800 additional acres of industrial acres to meet shortfall. They would continue to work through MTAC with their public and private partners to come to agreement and make RSIA regulations more palatable. She spoke to four areas of concern: 1) One-size-fits-all. They had industrial areas that were very different and they were having difficulty applying regulations that fit all their needs. 2) Struggling with definition of industrial. 3) Concerned about establishment of caps of non-industrial RSIA's, how they were going to be measured, how they were going to accommodate them. 4) Wanted to talk about some flexibility on large lots after occupied by anchor tenants. They were continuing to pursue their involvement on MTAC Adhoc Committee. She urged holding the record open until December 18th, since MPAC didn't make a recommendation until Dec. 10th.

Mark Childs, Integrated Corporate Property Service, 7254 SW Capital Hwy, Portland OR 97219 read David Jarrett's letter into the record. He spoke on behalf of family that owned 45-acre parcel located on SE quadrant of Hogan and Palmquist in SE Gresham, Study Area 15, Island D. The purpose of letter was to remove the property from list of RSIA. They had been actively trying to sell the property since 1997, at which time they had 60 acres. In the last 7 years they had sold 12 acres to Gresham Barlow Schools in a land swap and have sold 3 acres to a self-storage development company. They have worked closely with City of Gresham and economic development department to market this parcel, including extensive interaction with Portland area and statewide economic development agencies. There were three specific reasons for request to remove property from RSIA list: 1) They had tried to sell the property as industrial-zoned property but were unable to. 2) The property was removed from a major thorough fare requiring travel on two-lane roads through residential areas. 3) The property had many industrial-challenging adjacent properties with many zones and uses, including a magnet high school, elementary school, outdoor recreation park, high-density single-family detached dwellings, and high-density apartments. The users and developers that have looked at the property in previous years have looked at the access and surrounding uses and declined opportunity to get involved with property. In recognition of these issues, their interaction with the City of Gresham had included discussion of alternative zoning. Recently, this had included participation in the Springwater Community Plan project where they had attempted to determine the best use of this

property relative to the master plan of the Springwater Corridor. They were hoping that this will result in a mixed-use zoning reflective of their location as the gateway to the Corridor. City of Gresham recommended removal of this property from RSIA and Metro staff had also recommended against this property being designated RSIA.

Councilor Park asked about their participation in the Springwater planning effort and clarified that the area to the south in the Springwater was considered an RSIA. He clarified that they were requesting that they be part of the planning for Springwater but not to have it considered as an RSIA. The Title 4 zoning was the issue. City of Gresham would need to change zoning code. RSIA designation didn't have an effect – it was the underlying zoning of Title 4 that determined use of property. Mr. Childs clarified his remarks. He felt that the RSIA designation would affect whether the property would have to be an industrial zone and eliminate the flexibility to look at constraints and issues surrounding it and consider alternative uses.

Mark Hush, 625 SE Manchester, Portland OR said he was a commercial real estate broker. He had testified at the last hearing and felt they had some initial support from Council and subsequent feedback from Mary Weber. Two things were discouraging: 1) He was not able to find anything on Metro website about RSIA. He was able to get information from staff. President Bragdon suggested that Mr. Jordan look into that issue. Mr. Hush represented smaller industrial properties, topping out at five acres. 2) There was no single voice on the RSIA issue and the industry was very fragmented on this issue. They all agreed on items A-B, but the issue of the amount of retail land to be allowed was very subjective. He believed we needed protection of industrial lands but had issue with the 50-acre restriction. By putting the 50-acre restriction on properties inside the boundary with a limited supply, price per square foot was raised from \$4 to \$5 and smaller industrial users were priced out of the market. He had one client who should probably relocate to Chehalis but grew up here and wanted his business to remain here. He felt those smaller employers were the ones that should be looked after. He was absolutely in support of expanding UGB for industrial use and putting some restrictions, but not sure that local jurisdictions couldn't best handle these specific criteria.

Betty Atteberry, Westside Economic Alliance, 10200 SW Nimbus Tigard OR read her letter into the record. In today's economic climate, the governor, state, and regional organizations had spent considerable time analyzing and identifying the factors that will lead to a healthy economic climate. Some of the things that had been focused on had been shovel-ready industrial land and streamlining the regulatory process. One of the Alliance goals was to have an adequate supply of land to meet the needs of expanding industry clusters and they argued for additional lands to be brought into the UGB to provide job opportunities and sustain the economic health of the area. At Oregon Business Summit Monday, the needed to have land-use policies that were simpler, more certain and cost less was discussed and they strongly agree with that. Their concern was that the RSIA regulations were counter to a streamlined process and added another set of rules to what already existed at the local level. During the process of bringing in additional industrial lands to the UGB, there was concern expressed about encroachment by other uses. That concern does not seem to be as serious as what was expressed earlier. Very little encroachment had occurred on the Westside and they believed that local jurisdictions had been very vigilant to ensure that violations did not occur. They believed that local jurisdictions were the best manager of this process since each jurisdiction had its own set of industrial clusters and worked closely with each to identify their needs. They recommended that Metro maintain the existing RSIA map adopted in December, 2002, and continue the discussion over the next few months focusing on performance measures for local jurisdictions that were centered on loss of industrial lands and size of existing parcels. Rather than adopt a second layer of regulations, they thought Metro

should adopt performance standards to measure local jurisdictions' capacity to protect industrial lands from encroachment by other uses.

Mary Kyle McCurdy, 1000 Friends of Oregon, 534 SW 3rd Portland OR 97202 read her testimony into the record. She expressed her thanks to the Metro staff and especially Dick Benner for their work on what was essentially a "moving target". Their comments today were preliminary because of subsequent MTAC and MPAC committee meetings to work on this issue. She gave an overview but noted that their view on any one element depended on what the whole package looked like and could change on any one element. 1) There needed to be resolution of whether large lots over 50 acres were really needed. The study concluded that the region was short on large parcels and Metro UGR concluded that there was a need for 14 lots of 50 acres or more. However, UGR also noted that this need was based on assumption that past patterns would be repeated. However, when protection for large lots was proposed in RSIA, local governments and industrial developers have balked, asking for flexibility in lot sizes. The region couldn't have it both ways – we couldn't say we wanted 50 acres and then not protect it because that meant we were taking land out of one industrial use –agriculture – for another industrial use. Their opinion was that the need for 50 acre sites was overstated, primarily because it was based on the type of industrial use that we weren't going to see much more of in this country or this region. Manufacturing was moving overseas and Research & Development (R&D) and other knowledge-based work didn't require large lot sizes. They were open to looking to the ability to divide parcels if it was reflected in Council's definition of what type of industrial land it was looking for in evaluating the need for UGB expansion for industrial use. They were also more open to smaller parcels if the Council kept a tight lid on types and amounts of non-industrial uses allowed in RSIA. They didn't support allowing non-corporate headquarters or non-industrial administrative offices in the RSIA. They supported corporate headquarters and R&D in RSIA. They didn't support allowing the conversion of any building in RSIA (currently in ordinance) to convert to financial, insurance, or real estate offices. This was a huge loophole in the RSIA regulations. Grand fathering in existing non-industrial uses was another matter. She commented on regulations and gave an example of where an industrial site had been rezoned for big box retail in city of Kaiser. Kaiser zoned 225 acres of land at the I-5 interchange at Chemawa for industrial use and when the first person interested was big-box retail, they rezoned it. 1000 Friends appealed it, but DLCD, ODOT and Oregon Economic and Community Development Department did not. Not every jurisdiction that could say "no" today will be able to say "no" in the future when land was being held for industrial use. We needed regulation and Metro was the body to do it. It was not another layer of regulation but will be implemented through local government comprehensive plans and zoning codes.

Al Burns, City of Portland Bureau of Planning, 1900 SW 4th Portland OR 97214, talked about where the region was a year ago. There were four main points: 1) They recognized that converting existing industrial lands to non-industrial use was a problem, especially if the trend continued for another 20 years. They decided that they needed to do a better job of preserving the industrial land they already had. 2) They agreed they needed to add to the land supply, even if it meant farmland, to reinforce additional industrial clusters, create a new center in the Damascus area and to meet the need for 50 acre and larger lots. 3) They recognized that agriculture was an important industry and they shouldn't add agricultural land to the boundary unless they really needed to and it should be done in places and in a manner least disruptive to existing agriculture. 4) They recognized that both new and existing industrial lands were worth investing in, particularly transportation investments, and that centers and industrial areas required different kinds of investments. He felt it was disturbing that one of the critical elements in preserving the land we already have was up for re-debate. He requested that Metro please have effective standards for local governments to follow about conserving existing industrial lands for industrial

uses. He felt they had done their part. Some of it was good - they helped make central city converting old industrial land to mixed use. They had done some other industrial conversions that they regretted, that were snarling the transportation system, causing problems for moving freight and for region as a whole. Other jurisdictions were able to say no but it was getting harder for City of Portland. Nominating 94% of existing industrial for RSIA was a good-faith step in making industrial lands policy for the entire region work. He asked for Council help with non-conversion issue.

Council President Bragdon closed the public hearing and announced that a public hearing on these ordinances would be considered again on December 11th and for final adoption on December 18, 2003.

Council President Bragdon summarized what he heard, both today and from MTAC meetings and meeting with many different interests over the past several weeks. He spoke to the intention, which was to provide industrial opportunity for the region and be responsive to the needs of industry. Part of the deficit in industrial land was due to conversion and encroachment and quantifying that had been important part of the process. It had also become clear that the drafts may have some unintended consequences that undermined the original intent and may need to have some revision. He was impressed with the work done by City of Beaverton under Mayor Drake's leadership, much of which was encapsulated in MTAC alternative #2. He embraced much of that personally – this option reduced the map but increased protection at the local level. It also addressed other red flags that were raised, including the fact that offices of industry were to be encouraged, like R&D. He anticipated some interesting discussion in the coming weeks.

Councilor Newman concurred with Council President Bragdon's comments. He felt MTAC Option 2 had some merit. The testimony was very educational. He noted the diversity of the industrial users. Precision Castparts in Milwaukie and American Galvanizing in North Portland represent stereotypical industrial users. But then you had companies like Intel that were legitimate industrial users as well, who had 15,000 employees and only 4,000 were actually in manufacturing jobs, with the rest having jobs that look like office jobs. One size doesn't fit all but the Council wanted a resolution to this. They wanted to move forward with a cap on retail, restrictions on non-industrial offices in industrial areas, and preserve large lots. These three areas form the central part of an agreement. The areas of concern were the ones relating to the cutoff level of 1000 corporate jobs or requirement that R&D or other headquarters had transit service – he could do without either of those requirements. He felt that there was some common ground here from which to move forward and they should do it soon.

Councilor McLain agreed that this Council had made a commitment that they wanted to set standards and goals in the Functional Plan concerning industrial land, which allowed local jurisdictions to pick out a comprehensive plan that would work for their own personal industries and community. She wanted to make clear that Metro was not trying to make detailed plans in a way that would take away any responsibility from local jurisdictions. They were only looking at regional goals and visions that will help the entire region to have a fair playing ground to use industrial land fairly and efficiently. The Metro Functional Plan was acknowledged by the State and working since 1997. This was not a new tool and places like Hillsboro demonstrated that local jurisdictions had been able to use and implement the policy. She still wanted to address their responsibility to all industry, using both land that was new and in use today. They also had a responsibility to ag industry and must be careful about moving into ag land. Flexibility was necessary but they didn't want to go back to where anything goes. She urged holding the course, passing legislation by December 18, to fulfill Metro's commitment to the State.

Councilor Park said they all agreed industrial sites were necessary but beyond that there was debate. Industrial lands required some protection, because economics drive it to conversion for other uses. The key was trying to come up with some mechanism that allowed the State to trust what Metro was doing – trust but verify. They were still trying to figure out which mechanisms work for the verification part. The one concern about RSIA was how you dealt with the smaller cities that had a large lot in it but had a small population base. He spoke to revenue sharing as a possibility. There seemed to be agreement on regulation in the new UGB areas.

Council President Bragdon said the governor was watching Metro very closely and the governor was interested in protecting industrial lands and staying on track for June 2004. These items were continued until December 11.

6.3 **Ordinance No. 03-1024**, For the Purpose of Adopting the 2004 Regional Transportation Plan as the Regional Transportation System Plan and the Regional Functional Plan for Transportation to Meet State Planning Requirements.

6.4 **Resolution No. 03-3380**, For the Purpose of Adopting the 2004 Regional Transportation Plan as the Federal Metropolitan Transportation to meet Federal Planning Requirements.

6.5 **Resolution No. 03-3381**, For the Purpose of Adopting the 2004-07 Metropolitan Transportation Improvement Program.

6.6 **Resolution No. 03-3382**, For the Purpose of Adopting the Portland Area Air Quality Conformity Determination for the 2004 Regional Transportation Plan and 2004-07 Metropolitan Transportation Improvement Program.

Motion:	Councilor Park moved to adopt Ordinance No. 03-1024, Resolution Nos. 03-3380, 03-3381 and 03-3382.
Seconded:	Councilor Burkholder seconded the motion

Councilor Park said there had been a variety of issues that had arisen dealing with our local partners. Mr. Cotugno would explain what we were attempting to do and with concurrence of both the Council and Joint Policy Advisory Committee on Transportation bifurcating the process of the federal and state Regional Transportation Plan (RTP) update.

Andy Cotugno, Planning Director, introduced the four pieces of legislation and showed the relationships between the four. The RTP was adopted and acknowledged by the State Transportation Commission and the State Land Conservation and Development Commission and the Federal Government based upon an August 2000 adoption. The State and Federal governments have different update cycles requirements. The Federal Government has a three-year update requirement and the State has a five-year update requirement. Metro started down the path of doing this update trying to keep the State and Federal Update as a single document. Metro was now proposing to delay the State RTP adoption and stay within their window of five years, which would be August of 2005. Metro can't delay the Federal RTP. They have a three-year window. Their three-year window expires from their approval date of January 26, 2004. Metro had no choice but to do a federal update. Metro had hoped to keep these together to keep the confusion factor down but he was now recommending that we not proceed with the State RTP and therefore, he was proposing that Ordinance No. 03-1024 be withdrawn. The reason for this came up at Transportation Policy Advisory Committee (TPAC). TPAC recommended that we not proceed with the State RTP adoption because the State RTP requirements have a more substantive requirement than the Federal RTP requirement does, that is; Metro was extending our

plan out to 2025 from 2020. That extra five years needs a good thorough analysis to determine whether or not that system meets the transportation demands and if there were shortfalls to come up with improvements to address those shortfalls. Metro had not done this, what had been done with this RTP was incorporated projects that had gone through some kind of planning process whether it was Metro's Powell Foster planning process or local comprehensive plan planning process which they were now completing in response to our last RTP. Metro was incorporating all of those changes. Metro was not trying to use this to go through a major reevaluation process. They were trying to use this to incorporate things that have been done in the past several years. For federal purposes it was necessary that we include those in the plan and most importantly it was necessary that we demonstrate that they conform to the air quality requirements. There was a companion resolution, Resolution No. 03-3382, that was the air quality conformity resolution. Metro was proposing that that resolution be continued to next month. The conformity was not done. The work to estimate vehicle emissions was still underway. That will require that the public comment period for that conformity be extended until those results can be published and released and be made available for public comment. That public comment period has been extended until January 8, 2004. The action that they were proposing to proceed with was with Resolution Nos. 03-3380 and 03-3381. The Metropolitan Transportation Improvement Plan (MTIP) was the four-year programming of transportation dollars. The policy action Council had already taken in June 2003 was the allocation of a portion of the MTIP that Metro directly controls through Council action. This MTIP incorporates that policy action but as needed provides the greater detail as to which year, which project fall in, which phase, which source of funds. More importantly, it adds in the Oregon Department of Transportation (ODOT) funded projects and the TriMet funded projects to provide a complete federal picture of the federally funded projects. The MTIP was up for adoption. The federal RTP was up for adoption. They were proposing to withdraw the ordinance for the State RTP and the air quality conformity would be continued until next month. They had received 126 comments to date on the publication package. Tonight was the close of the public hearing. Tomorrow, they would have a comment and response document to follow the comments that have been received to date that they had been compiling and preparing responses for so that when Council was dealing with the action item Council would have a comment and response recommendation on all of the comments including the hearing comments from tonight's public hearing.

Council President Bragdon opened a public hearing on Ordinance No. 03-1024, Resolution Nos. 03-3380, 3381 and 3382. He noted a card from Mayor Eugene Grant, Happy Valley, who had left but submitted a letter.

Dr. Pamela Settlegood, SW Hills Residential Hogue, 4224 SW Melville Portland OR 97239 read her letter into the record (a copy of which may be found in the meeting record). Councilor Park said he didn't think we had money invested in the Tram project. He believed it was strictly City of Portland. He wasn't sure about the Sunset Hwy project. He asked Mr. Cotugno to address what was being proposed by individual jurisdictions and Metro's role and responsibility in that versus what was being perceived. Mr. Cotugno said the federal RTP, the most important component under the federal requirements, was to define what was called the fiscally constrained RTP. That was, what was the total system we can reasonably expect to build out there given all reasonably available funding sources. The monies that Metro allocate was part of that source of funds but a much bigger part were all of the other sources that were raised at the State and local level. We have made assumptions based upon past history how much ODOT money comes into the region and was available to be spent and in this case how much Portland system development charge revenues were paid, how much Portland urban renewal funds go toward transportation projects and in a similar fashion, Washington County MSTIP levy goes into transportation projects. Given all of those other sources around the region, what were the projects that we could expect to be

built? Metro doesn't specially have Metro money, the federal funds that we allocate here in the TRAM but Portland does. Therefore, it was part of the overall system that we had identified for this RTP. We do have 10 million dollar of MTIP into the North Macadam infrastructure requirements. Metro had not pinned down yet which infrastructure that \$10 million was going towards, whether it was the streets, the streetcar or the TRAM. Metro had committed it to the overall North Macadam area. To date Portland has indicated that they were likely to request that those be assigned to the streets in the area not the TRAM or the streetcar. That has not been formally concluded yet.

Lenny Anderson, Coalition for a Livable Future/Transit Demand Management (TDM) Subcommittee, 2934 NE 27th Ave Portland OR 97212 expressed the fact that the process had precluded public involvement that they had come to expect from Metro and had been rushed. He was involved more and more as a member of the TPAC subcommittee for TDM. He was presenting a letter for the Coalition for a Livable Future (a copy of which may be found in the meeting record).

Councilor Newman asked if there was a specific project or a list of projects that he objected to in this update or was it just the percentages that were flowing to particular modes? Mr. Anderson responded that he couldn't identify a specific project. There seemed to be a slippage based on deferring to jurisdictions to simply include the ones that they have done. When you add all of those in and look at the resources available, we were spending more money on roads and less on transit. Some of that may be coincidental but that was not the direction we needed to go. Councilor Burkholder said he agreed with Mr. Anderson. What this document reflects was the fact that on the State level there had been new money allocated specifically for highways and bridges and so this document includes that. The other part was a couple of major transit projects; the Airport Max and the Interstate Max were completed. Mr. Anderson still raised the issue up of where were the resources to complete our alternatives to the automobile facilities. There weren't new resources coming from the legislature. They were looking into new resources locally. This document reflects the current funding realities that we were facing. Mr. Anderson added that he thought that was instructive. It was a little disconcerting. Councilor Burkholder concurred.

Don Baack asked for clarification. Since they had received a lot of stuff just today and hadn't been able to put their thoughts down on paper, would the record be open to submit response after today? Council President Bragdon said he thought the record was closed as of today. Mr. Cotugno said the record was advertised as closing today but they had requested the record be extended on the air quality conformity Resolution No. 03-3382 until January 8, 2004. They were proposing to withdraw the ordinance. There will be a whole development process for a new RTP and it will have its own public comment period when the time comes. Council President Bragdon asked Mr. Baack if he was addressing the air quality issue? Mr. Baack said he did not know. He thought there were projects that were in the wrong years. They had only got the information that was being proposed today. Councilor Burkholder said one of the issues was that just yesterday Metro staff received a series of amendments for a project list from the City of Portland. Many of the projects were in this particular area. Had that been available for public comment? The answer was no. He thought by Metro accepting that list it behooved Metro to add some more time to allow people to make comments on the complete document. Those projects hadn't been available for public comment. Councilor Park asked for clarification on continuing the record and staying on track for what needed to be done in order to stay with the federal compliance. Council President Bragdon asked if we could extend the public comment period for two weeks. Councilor Park said they would hit the deadline on January 23, 2004. Mr. Cotugno said he didn't see a problem with extending the deadline until next Wednesday. He picked that date because JPACT was next Thursday. They had hoped to close the comment period today because TPAC was

tomorrow. TPAC can make provisional recommendations. Council President Bragdon said the record would be extended until December 10th.

Don Baack, Hillsdale Neighborhood Association, 6495 SW Burlingame Place Portland OR 97239 read his letter into the record. Councilor Newman reiterated his concerns about connections to I-405. He noted that there was a lot of traffic going from southeast Portland but also through Clackamas County that went through Mr. Baack's neighborhood and were forced to go over the Taylors Ferry Tewilliger route to get to Washington County. The connection between the Ross Island Bridge and I-405 particularly in the Arthur-Carruthers section was so backed up. He remembered the South Portland circulation plan that dealt with the redesign of Naito Parkway actually had fly over ramps that connected Ross Island Bridge and North Macadam to 405. Mr. Baack said he was on that committee and it was the major thing that most of the committee could agree on. The rest of it was much less important. Councilor Newman said the issue of funding it was a big mystery. He supported Mr. Baack's contention that it was a huge problem that was not just local but regional. His testimony was submitted by email (a copy of which is included in the meeting record).

Glenn Bridger, Southwest Neighborhoods Inc, a coalition of 16 neighborhoods in southwest, 940 SW Vincent Pkwy Portland OR 97219 said southwest Portland was hurting in terms of transportation infrastructure. He summarized his testimony (a copy of his letter is included in the meeting record)

Morgan Will, 3817 N Williams Ave Portland OR 97227. He said he was a resident of the Boise Neighborhood in north Portland. He was here to comment on the I-84 Trail. It was regional trail #37. He wanted to advocate for its inclusion on the constrained funding list. He spoke to the benefits of the trail for the region. The trail goes from the river to I-205. It was also suggested to go beyond to connect to a leg by 122nd. This trail would connect the downtown, the Rose Quarter, the Lloyd District, Hollywood District, 82nd Avenue, and Gateway. This was a regional trail that would help meet many of the goals of the 2040 Growth Concept. There were about 14 neighborhoods on the inner eastside of Portland that will be connected by this trail. Within a quarter mile of its route there were about 15 parks and 23 schools and playgrounds. The trail would link up to all Max stations that go through that corridor starting at the Rose Quarter Transit Center ending at the Gateway Transit Center. It would make easy bicycle connections to about 22 bus lines. There were about 16 city bikeways that cross or are next to the corridor that would help link users of the bike network to regional trails and regional resources such as the I-205 trail and eastside esplanade, OMSI to Springwater. People will be able to walk along the trail from their neighborhoods to services. He had walked the whole length of the route several times. He had counted about 50 access points. It would be an easily accessible trail for residents. There were also 17 bridged where people could get from the south side of the Banfield Corridor over to get to the trail. He had been advocating for this trail. A lot of people were excited about the trail. He was a Portland State University student studying urban and regional planning. He had been doing some research about the potential for this trail. He had done a mock grant application for it. He felt this project would help access in the region. He was working with a professor of Transportation Engineering at PSU in cooperation with some city planners and Metro trail planners to have a Senior Engineering Capstone course to have a look at this trail from an engineering standpoint. They should be getting some output from that course at the end of the winter term. It was good time to make it fundable. There were some requests for some feasible study. He encouraged that this be approved. Council President Bragdon asked if this trail wasn't in the RTP. Councilor Monroe had made a motion to include this in the RTP. Mr. Will explained that this was about two years ago. The trail was put on the RTP as a proposed trail but the idea now was that it moved into the financially constrained list, which makes it available to get

funding toward it. It makes it more of a priority for funding as funding arises. It needed to have a feasibility study. Councilor Newman asked where it had to be in the RTP to get any kind of funding?

David Redlich, Homestead Neighborhood Association, 3444 SW Condor Ave Portland OR 97239 expressed concern about how the meeting was run. He felt they needed to find a better way for public hearings. He felt public participation was being stymied. He opposed the Urban Growth Boundary expansion. If they needed industrial land, they should use the existing paved parking lots in the region. He suggested micro business orientations for industrial land. He supported comments made by Glenn Bridger. He said the OHSU solution needed to be a regional solution. He commented on the extension of public hearing to December 10th. He said the City of Portland had submitted documents late so that there was little time to comment on them. He recommended Metro send a clear signal that this Council supported public comment.

Jay Mower, Columbia Slough Watershed Council, 7040 NE 4⁷th Ave, Portland OR 97218 read his letter into the record (a copy of which may be found in the meeting record).

Council President Bragdon closed the public hearing.

Councilor Newman asked the Mr. Cotugno respond to his question about trail funding. Mr. Cotugno explained that any federal funds that get allocated have to be consistent with a adopted fiscally constrained air quality conformed RTP. If you desire to allocate money to a project through the next MTIP round, then it would have to be part of this fiscally constrained air quality conformed RTP or get added to the fiscally constrained air quality conformed RTP. We have done amendments as part of the MTIP adoption in the past. The biggest hurdle was the air quality conformity because of the expense. A highway capacity expansion project would require new emission estimates to determine their air quality conformity. Trail and transit projects were all exempt projects so you wouldn't need to do the air quality conformity. You do need to take formal action to amend the RTP. Councilor Newman said the trail that was brought up was something that was added to the RTP but not the financially constrained RTP? Mr. Cotugno said yes. Councilor Burkholder asked what the process was to add a feasibility study for a trail to a fiscally constrained list. How would that happen in the next two weeks or in time for this update? Mr. Cotugno said the feasibility study wasn't the issue. The real issue was the financial caps. Kim Ellis responded that a feasibility study would be about \$50,000. She said staff was recommending adding some of the trails to the financially constrained system. We have been compiling a list of all of the comments received, developing staff recommendations, which would be forwarded to TPAC, JPACT and the Metro Council for approval. Councilor Newman asked if the project related to Milwaukie, Oak Grove and Lake Oswego was recommended for the financially constrained list? Ms. Ellis said the request was added to the project list so it had been added to the preferred system. It was not recommended for inclusion in the financially constrained system. Councilor Park commented on testimony on Title 4 and RTP.

6. CHIEF OPERATING OFFICER COMMUNICATION

There were none.

7. COUNCILOR COMMUNICATION

Councilor Newman thanked COO Jordan and staff for the holiday party they had put on. He also updated the Council on the LCDC hearing. He would brief the Council during work session next week.

Councilor McLain said the Regional Water Consortium met at Metro last night. There were some issues coming up with the organization and our responsibilities to have a regional water supply plan update. She wanted on a work session agenda to discuss this issue.

8. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:47 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER
4, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
5.4	Amended Resolution	12/4/03	To: Metro Council From: Roy Brower, Solid Waste & Recycling Re: Resolution No. 03-3393A	120403c-01
6.3	Email	11/26/03	To: Metro Council From: Gene Grant Re: Trail Alignment connecting Talbert to Powell Butte Ordinance No. 03-1024	120403c-02
4.1, 4.2, 4.3	Amendments	12/4/03	To: Metro Council From: Roy Brower, Solid Waste & Recycling Re: Amendments to Ordinance No. 03-1025, 03-1026, 03-1027	120403c-03
6.1, 6.2	Letter	12/2/03	To: Metro Council From: Max Talbot, Director Community & Economic Development City of Gresham Re: Regionally Significant Industrial Areas (Ordinance No. 03-1021 & 1022)	120403c-04
6.1, 6.2	Letter Amendments	12/4/03	To: David Bragdon From: Conkling Fiskum & McCormick on behalf of Providence Health System-Oregon Re: allowing institutional uses in industrial areas (Ordinance No. 03-1021, 03-1022)	120304c-05
6.1, 6.2	Letter	12/4/03	To: Metro Councilors From: Tom Hughes, Mayor, City of Hillsboro Re: comments on the proposed additional Title 4 text and Regionally Significant Area additions to the Title 4 map (Ordinance No. 03-1021, 03-1022)	120304c-06
6.1, 6.2	Four Maps	None	From: David Lawrence, Deputy City Manager, City of Hillsboro Re: Regionally Significant Areas (Ordinance No. 03-1021, 03-1022)	120403c-07
6.1, 6.2	Letter	12/4/03	To: Metro Councilors From: Mary Kyle McCurdy, 1000 Friends of Oregon Re: Regionally Significant Industrial Areas (Ordinance No. 03-1021, 03-1022)	12040c-08
6.1, 6.2	Letter	12/4/03	To: David Bragdon From: David Jarrett Re: Remove family property from list of Regionally Significant Industrial Areas (Ordinance No. 03-1021, 03-1022)	120403c-09
6.1, 6.2	Testimony	None	To: Metro Council From: Beverly Bookin, The Bookin Group, on behalf of the Commercial Real Estate Economic Coalition (CREEC) and its stakeholders Re: RSIA regulations (Ordinance No. 03-1021, 03-1022)	120403c-10

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6.1, 6.2	Letter	12/4/03	To: David Bragdon From: Betty Attebury, Westside Economic Alliance Re: Regionally Significant Industrial Areas ((Ordinance No. 03-1021, 03-1022)	120403c-11
6.3, 6.4, 6.5, 6.6	Letter	12/3/03	To: Metro Regional Center From: Glenn Bridger, President, SW Neighborhoods, Inc. and Lillie Fitzpatrick, Transportation Committee Chair, SW Neighborhoods, Inc. Re: comments on the Regional Transportation Plan (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-12
6.3, 6.4, 6.5, 6.6	E-mail	12/3/04	To: Tom Kloster, Metro Planning From: Chris Smith with original message from Don Baack Re: comments on the Regional Transportation Plan (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-13
6.3, 6.4, 6.5, 6.6	Letter	11/25/03	To: Transportation Policy Advisory Committee (TPAC) From: Jim Desmond, Director, Metro Regional Parks and Greenspaces Re: Adding five projects to the Regional Transportation Plan's Financially Constrained List (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-14
6.3, 6.4, 6.5, 6.6	Letter	12/2/03	To: Metro From: Antonio Lopez, Principal, Portland Public Schools and Sylvia Evans, PTA President and the School Site Council Re: shifting non-local truck traffic from Lombard to Columbia Blvd. (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-15
6.3, 6.4, 6.5, 6.6	Letter	11/28/03	To: Rex Burkholder From: Victoria Green, Chair, Hayden Island Neighborhood Network on behalf of the North Portland Neighborhood Associations Re: new bridge across the Columbia River at Portland Road (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-16

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6.3, 6.4, 6.5, 6.6	Letter	12/4/03	To: Metro Councilors From: Jill Fuglister, Coalition for a Livable Future and Catherine Ciarlo, Bicycle Transportation Alliance Re: comments on the 2004 Regional Transportation Plan Update (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-17
6.3, 6.4, 6.5, 6.6	Letter	12/2/03	To: Metro Council From: Robert L. Bertini, Director, Center for Transportation Studies, Portland State University Re: Sullivan's Gulch/I-84 Trail Feasibility Study on the Regional Transportation Plan Financially Constrained list (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-18
6.3, 6.4, 6.5, 6.6	Letter	None	To: Metro Council From: Eugene Grant, Mayor, City of Happy Valley Re: Mount Scott Creek Trail Project (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-19
6.3, 6.4, 6.5, 6.6	Speaking Points and Map	None	From: Morgan Will Re: Sullivan's Gulch/I-84 Trail (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-20
6.3, 6.4, 6.5, 6.6	Letter and Columbia Slough Watershed Action Plan brochure	12/2/03	To: Metro Council From: Jay Mower, Coordinator, Columbia Slough Watershed Council Re: Including the Columbia Slough Trail in the Regional Transportation Plan (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-21
6.3, 6.4, 6.5, 6.6	Letter	12/4/03	To: David Bragdon From: Pamella Settlegoode, President, SW Hills Residential League Re: comments on the Regional Transportation Plan update (Ordinance No. 03-1024, Resolution No. 03-3380, 03-3381, 03-3382)	120403c-22