

MINUTES OF THE COUNCIL TRANSPORTATION AND PLANNING COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

September 10, 1991
Council Chamber

Committee Members Present: Jim Gardner (Chair), Richard Devlin
(Vice Chair), Lawrence Bauer, Susan
McLain and George Van Bergen

Committee Members Absent: None

Other Councilors Present: Tanya Collier and Roger Buchanan

Chair Gardner called the regular meeting to order at 5:40 p.m. He announced that items three (3) and four (4) would be considered first.

3. Resolution No. 91-1478, For the Purpose of Adopting the FY 1992 to Post 1995 Transportation Improvement Program and the FY 1991 Annual Element

Staff noted the correct resolution number is 91-1498 and that the staff report, resolution and corresponding documents would be corrected.

Andy Cotugno, Transportation Director, gave his staff report. He said the annual update to the Transportation Improvement Program (TIP) would be the basis for receipt of federal transportation funds. He said historically the TIP has included funds authorized through the Surface Transportation Act. He said since the current Act will soon expire, the funding has been estimated, and is subject to change when the new Act is approved.

Motion: Councilor Devlin moved to recommend full Council adopt Resolution No. 91-1478.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

4. Review of the "Interim Conformity" of the FY 92 TIP and RTP with Clean Air Act Amendments of 1990

Mr. Cotugno reported that federal agencies have adopted interim conformity guidelines to apply to the TIP, and that the TIP will be reviewed for compliance. He said this requires a determination that the TIP contributes to reduction in annual emissions for specified pollutants. He said by October 1, staff will submit the TIP, along with a technical analysis and conformity determination, to the Environmental Protection Agency and United States Department of Transportation. He said if the TIP conforms, staff will proceed with the normal adoption process and include a finding of interim conformity in the final published TIP. He said amendments will be necessary if the analysis does not result in conformity.

TRANSPORTATION AND PLANNING COMMITTEE
Minutes of September 10, 1991
Page 2

1. Ordinance No. 91-418, An Ordinance Repealing the Columbia Region Association of Governments Land Use Goals and Objectives and Adopting the Regional Urban Growth Goals and Objectives

Chair Gardner noted the committee heard testimony at the last regular meeting on August 23, 1991 and the Ordinance would be before the Council at the September 26, 1991 meeting.

Ethan Seltzer, Land Use Supervisor, gave a summary of the Regional Urban Growth Goals and Objectives (RUGGOs) process and purpose.

Chair Gardner opened the meeting for public hearing.

Mary Kyle McCurdy, Staff Attorney, 1,000 Friends of Oregon, said 1,000 Friends of Oregon mailed recommended amendments. She supported the adoption of RUGGOs and said it is a good document but amendments would strengthen it. She said the goals of RUGGOs can not be achieved in the present form because the RUGGOs do not require steps be taken by the local jurisdictions. She also stated she concurred with Robert Liberty's written statements.

Mavis Holt testified to the importance of including parks in community planning.

Lamont Dunnam said Metro needed to implement a source of funding to achieve the goals in the RUGGOs. He said there is a lack of infrastructure funding for development. He said the RUGGOs lacked citizen involvement. He suggested the appointment of a citizen ombudsman to report to Metro on local jurisdiction compliance and to investigate citizen complaints of non-compliance.

Doug Allan said the RUGGOs needed to have mandatory compliance requirements imposed on local jurisdictions. He said the region needed interim protection. He said requirements for multiple alternative transportation options should be required. Councilor Gardner explained the Region 2040 Study would evaluate transportation alternatives.

Dave Stewart urged the Council to adopt the RUGGOs and make necessary amendments to strengthen the document.

Dan Hoyt, board member, Sensible Transportation Options for People (STOP), said there is a need for changes in development of the region. He said RUGGOs could address these needs and the development community can still earn profits. Councilor Bauer said that as development occurs, areas should be set aside for recreation.

G.B. Arrington, Tri-Met, urged the Council to adopt the RUGGOs. He

TRANSPORTATION AND PLANNING COMMITTEE
Minutes of September 10, 1991
Page 3

noted the importance of transportation in the implementation of the RUGGOs. He said Tri-Met would like to participate on the RPAC committee. He said he did not want to see an expansion of the Urban Growth Boundary (UGB) as a result of the RUGGOs. Councilor Bauer noted the RPAC would include a diverse group of participants and did not want it to be 'bogged' down with representation from a multitude of special interest groups.

Meeky Blizzard, Executive Director, STOP, urged adoption of the RUGGOs with inclusion of amendments recommended by Robert Liberty. Councilor Bauer asked for Ms. Blizzard's comments relating to the RPAC composition. Ms. Blizzard said the committee should be comprised of citizens appointed by the Council.

Betty Atteberry, Sunset Corridor Association, endorsed the concept of the RUGGOs. She expressed concerns about the substantial expenditure required to implement the RUGGOs and what programs would take priority. She said urban services, including infrastructure would need funding. The committee discussed density, urban growth and expansion issues with Ms. Atteberry.

Arnold Rochlin, said the RUGGOs were a bold and imaginative plan. He stressed his interest in having the RPAC comprised of only citizens.

Eric Carlson, City of Beaverton, said the amendments by Larry Shaw, General Counsel and Ms. Forsythe would be useful. He said he did not want to see the proposed amendments by 1,000 Friends, Special Districts Association of Oregon or Robert Liberty adopted. He said their amendments had been considered by the Policy Advisory Committee and were not recommended.

Chuck Harrison, Clackamas County Water District, commended the committee on the RUGGOs. He said the document was directed to local jurisdictions, cities and counties, but ignored special districts. He said continuation of the RUGGOs would have to be within Land Conservation Development Commission regulations and should include special district involvement. Councilor Bauer said the issue of regional water storage should be addressed.

No further citizens appeared to testify and Chair Gardner closed the public hearing. Chair Gardner recessed the meeting at 7:30 p.m. Chair Gardner reconvened the meeting at 7:40 p.m.

Chair Gardner noted letters had been received from the public and would be distributed to Committee and Council and become part of the record.

Main Motion: Councilor Devlin moved to recommend Council adoption of Ordinance No. 91-418.

TRANSPORTATION AND PLANNING COMMITTEE
Minutes of September 10, 1991
Page 4

Karla Forsythe, Council Analyst, said she compiled suggested amendments from herself, Larry Shaw and Councilor Devlin in her memorandum dated September 10, 1991. She said the memorandum also noted proposed substantive changes from various interest groups and citizens. She said she had prepared a version of the ordinance and attachments showing the proposed technical and clarifying changes.

Ms. Forsythe referred to the document entitled, "Amendments proposed by Councilor Devlin, Legal Counsel and Council Staff to be presented to the Transportation and Planning Committee 9/10/91", and went through the proposed amendments.

Ms. Forsythe noted amendment number two, proposed by Councilor Devlin, added a new section 2 to the Ordinance adopting the Goals and Objectives. She said the new section provides that the Regional Policy Advisory Committee will replace the existing Urban Growth Management Policy Advisory Committee, and that the other existing Policy Advisory Committees will be phased out and replaced by RPAC once they complete their assigned tasks. She said the amendment also states that the Joint Policy Advisory Committee on Transportation will continue. Councilor Devlin indicated the existing Policy Advisory Committees would be disbanded through adoption of resolutions.

First Motion to Amend: Councilor Devlin moved to adopt amendments 1, 2, and 3.

Vote on First Motion to Amend: All those present voted aye. The vote was unanimous and the motion passed.

Mr. Shaw summarized amendments 4 and 5.

Second Motion to Amend: Councilor Bauer moved to adopt amendments 4 and 5.

Vote on Second Motion to Amend: All those present voted aye. The vote was unanimous and the motion passed.

The Committee discussed amendment number 6. The amendment as proposed would reword Objective 2.2 to clarify that the Council can determine the need for technical advisory committees and appoint them without the concurrence of the RPAC. The Committee agreed the appointment function should remain a responsibility of the Council. The Committee also agreed the phrase "task forces and other bodies" was ambiguous and overly broad.

Third Motion to Amend: Councilor Van Bergen moved to adopt amendment number six, deleting the phrase "task forces, and other bodies" from the amendment.

Vote on Third Motion to Amend: All those present voted aye.
The vote was unanimous and the motion passed.

Staff presented a summary of amendments seven through seventeen.

Fourth Motion to Amend: Councilor Bauer moved to adopt amendments number seven through seventeen, changing the word "cooperative" to "comprehensive" in amendment fifteen and including the deleted phrase "describes an" in line 47 of amendment seventeen and including the deleted "amendments" in line 44 of amendment number seventeen.

Vote on Fourth Motion to Amend: All those present voted aye.
The vote was unanimous and the motion passed.

Councilor Van Bergen noted while he voted aye, he had some doubts about the effectiveness of RUGGOs. He said the testifiers were well prepared but he was hoping to hear from more people. He noted the majority of the people appearing were from Washington County. He said perhaps the majority of the problem was in Washington County. He said he has heard other areas comment about the RUGGO's, but they did not appear to testify. He said he hoped that the final product would be accepted by the public.

Mr. Shaw said an amendment proposed by 1,000 Friends of Oregon should be considered. He said the third sentence of Objective 3.1.2 should read:

The location of the urban growth boundary line shall be [consistent] in compliance with applicable statewide planning goals and consistent with these goals and objectives.

Fifth Motion to Amend: Councilor Bauer moved to adopt the above amendment.

Vote on Fifth Motion to Amend: All those present voted aye.
The vote was unanimous and the motion approved.

Sixth Motion to Amend: Councilor McLain moved to adopt Robert Liberty's proposed 4.1.2 amendment, striking the word "all" and inserting it as 4.1.5 in the RUGGO document, changing the existing 4.1.5 to 4.1.6.

Vote on Sixth Motion to Amend: All those present voted aye.
The vote was unanimous and the motion passed.

Councilor Devlin noted inconsistency in the use of the words "should" and "shall". He said he did not wish to suggest an amendment but wanted to point out the conflict in the use of the

TRANSPORTATION AND PLANNING COMMITTEE
Minutes of September 10, 1991
Page 6

words. He also said there is merit in considering benchmarks or time-frames and schedules for the implementation of the plans.

Mr. Shaw said legally there is a difference in the use of "should" and "shall". He said "should" is normative and "shall" is mandatory. He said the document is a constitution and general in nature. He said the "shoulds" and "shall" in the functional plans are more important in terms of legal impact. He further stated benchmarks or time-frames and schedules are not appropriate in a constitutional document. He said they would be appropriate in the functional plans or a separate document. Councilor Devlin agreed the issues would be more appropriately addressed in the functional plans.

Vote on Main Motion: All those present voted aye. The vote was unanimous and the motion passed.


2. Resolution No. 91-1489, A Resolution Adopting By-Laws for the Regional Policy Advisory Committee

Chair Gardner deferred this item. Mr. Seltzer objected, stating the Resolution should accompany the Ordinance. Chair Devlin suggested the Resolution be considered at the next regular meeting, and that it accompany the Ordinance at the Council meeting. Several Councilors stated they would suggest amendments to the Resolution. Councilor McLain noted the debate about including Tri-Met and the Special Districts on the RPAC Committee occurred at UGMPAC and the UGMPAC did not recommend including special districts or Tri-Met on the RPAC. Chair Gardner deferred the item to the next regular meeting of the Transportation and Planning Committee.

Ms. Forsythe noted the if amendments to the RPAC were significant, the RUGGO's would also need to be amended. Mr. Shaw said if this occurred, the amendment to the RUGGO document could be made at Council.

Chair Gardner adjourned the meeting at 9:10 p.m.

Respectfully Submitted,


Susan Lee
Committee Clerk