

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1538 | FAX 503 797 1793



METRO

MEETING: METRO COUNCIL REGULAR MEETING -
DATE: September 5, 1996
DAY: Thursday
TIME: 4:00 PM
PLACE: Council Chamber

Approx.
Time*

Presenter

- | | | |
|--------------------|---|--|
| 4:00 PM | CALL TO ORDER AND ROLL CALL | |
| (5 min.) | 1. INTRODUCTIONS | |
| (5 min.) | 2. CITIZEN COMMUNICATIONS | |
| (5 min.) | 3. EXECUTIVE OFFICER COMMUNICATIONS | |
| | 4. CONSENT AGENDA | |
| 4:15 PM
(5 min) | 4.1 Consideration of Minutes for the August 8, 1996 Metro Council Regular Meeting and Work Session. | |
| | 5. ORDINANCES -FIRST READING | |
| 4:20 PM
(5 min) | 5.1 Ordinance No. 96-654 , An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$32,670 from the Support Services Fund Materials and Services to Contingency, Retaining Funding for Legislative Related Activities; and Declaring an Emergency. | |
| 4:25 PM
(5 min) | 5.2 Ordinance No. 96-655 , For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan area Urban Growth Boundary. | |

6. RESOLUTIONS

4:30 PM (5 min) 6.1 **Resolution No. 96-2386**, For the Purpose of Authorizing a Request for Proposals for a Personal Services Contract to Represent Metro Before the 1997 Session of the Oregon Legislature. Monroe

4:35 PM (5 min) 6.2 **Resolution No. 96-2385**, For the Purpose of Expressing Support for Portland State University. Monroe

4:40 PM (5 min) 7. **COUNCILOR COMMUNICATIONS**

(15 minute recess for Functional Plan Public Hearing Set Up)

5:00 PM (3 hours) 8. **FUNCTIONAL PLAN PUBLIC HEARING**

8:00 PM **ADJOURN**

Agenda Item Number 4.1

Approval of Minutes

For the August 8, 1996 Metro Council Meeting and Work Session

**Metro Council Meeting
Thursday, September 5, 1996
4:00 PM - Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

August 8, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:08 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of the Minutes for the August 1, 1996 Metro Council Meeting.

Motion: Councilor McCaig moved the adoption of the minutes of the August 1, 1996 Metro Council Meeting.

Second: Councilor Monroe seconded the motion.

Discussion: None.

Vote: The vote was 7 aye /0 nay /0 abstain. Presiding Officer Jon Kvistad declared the minutes approved unanimously.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 96-646, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule to continue Metro's Match Funding of Envirocorps, transferring \$25,000 from the General Fund to the Regional Parks and Expo Fund; and Declaring an Emergency.**

Motion: Councilor Washington moved the adoption of Ordinance No. 96-646

Seconded: Councilor Monroe seconded the motion.

Discussion: Councilor Washington briefed the Council on Envirocorp, a spin off of the Americorp program, college age and older students are given the opportunity to work on environmental projects. They receive a stipend to apply toward the college education. Metro has been a support of this program for several years, contributing about \$25,000 to \$30,000 annually. Metro has received \$3000 to \$4000 worth of work in return at places that are specifically Metro's such as Blue Lake Park, St. Johns Landfill, along the Columbia Slough. Councilor Washington asked for the Council's approval.

Presiding Officer Kvistad opened a public hearing. No public feedback was received. The public hearing was closed.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors McFarland, McLain, Washington, Monroe, McCaig and Presiding Officer Kvistad voting aye. Councilor Morissette voting nay.

5.2 **Ordinance No. 96-651, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Adjusting the Growth Management Department Budget in the Planning Fund to Recognize additional Funding from the State of Oregon and Authorizing Additional FTE to Staff the 2040 State Task Force; and Declaring an Emergency.**

Motion: Councilor McLain moved the adoption of Ordinance No. 96-651.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McLain pointed out that the governor had initiated a 2040 State Task Force, which is to partner with Metro, to try and initiate the 2040 Growth Concept. With the approval of this Ordinance, Metro will receive \$60,000 from the State to accomplish this. Metro will contribute the benefits and payroll taxes for the staff that will help with three projects, Cornelius in Washington County, MLK Blvd. in Portland, and Milwaukie in Clackamas County. She supports the Ordinance.

Presiding Officer Kvistad opened a public hearing. No public feedback was received. The public hearing was closed.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

- 5.3 **Ordinance No. 96-650A, For the Purpose of Amending the Metro Code Regarding Salary Administration for Non-Represented Employees.**

Motion: Councillor Monroe moved the adoption of Ordinance No. 96-650A.

Seconded: Councillor McLain seconded the motion.

Discussion: Councillor Monroe acknowledged that this is the ordinance to begin treating our non-represented employees as well as Metro treats the represented employees. He urged the Council's support.

Presiding Officer Kvistad opened a public hearing. No public feedback was received. The public hearing was closed.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

- 5.4 **Ordinance No. 96-648, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$50,143 from the Support Services Fund Contingency to Administrative Services Department Materials and Services, to Provide Funding to Prepay Mainframe Computer Maintenance Support and Operating System Licensing; and Declaring an Emergency.**

Motion: Councillor McCaig moved the adoption of Ordinance No. 96-648.

Seconded: Councillor Washington seconded the motion.

Discussion: Councillor McCaig noted that by allowing a prepayment of the computer for the Financial Services Division, there is a savings of about \$20,000. The Finance Committee approved this and recommended unanimous approval by the full Council.

Presiding Officer Kvistad opened a public hearing. No public feedback was received. The public hearing was closed.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

- 5.5 **Ordinance No. 96-649, For the Purpose of Granting a Franchise to Oregon Recycling Systems for Operating a Solid Waste Processing and Recovery Facility.**

Tabled in Committee.

- 5.6 **Ordinance No. 96-647, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept. (Receive committee recommendations in preparation for the September 5, 1996 and September 12, 1996 Public Hearings.)**

Motion: Councillor McLain moved the adoption of Ordinance No. 96-647.

Seconded: Councillor Washington seconded the motion.

Discussion: Presiding Officer Kvistad announced that this was a presentation to the full Council for its upcoming public process. Councillor McLain acknowledged her excitement about this ordinance, noting that this is not the end of the process but rather the beginning of the Council's process. There has been a great deal of work at the Committee and MPAC level. The document is being brought forward from the Committee as a working document. There have been both amendments and discussion. There are several areas that the Committee believes the Council will need to discuss and spend more time on. This was moved forward to Council from the Committee with a 3 aye/ 0 nay vote. She noted that this copy of the Urban Growth Management Functional Plan, as it came out of committee, included the changes that have been made in the last three working meetings.

The process before the Council now is to review the document, have legal counsel review the document for legal consistency and to make revisions as necessary. The amendments brought forward by legal staff have been passed by Committee amending the document in Titles 1, 3, 5, 6, 8 and 10. There was particular work done to Title 1, The Requirements For Housing and Employment. The major effects of the rewrite were to clarify the relationship between the capacity and the density with regard to Table 1, clarifying what Table 1 requires and what it does not as well as clarifying the difference between the demonstration of capacity in Table 1 and across the board requirements for density including design types as they relate to target density. There was a discussion about the different types of capacity as well as the different issues that relate to Title 1.

The second major item brought forward was the Title 3 WRPAC recommendations. At the MPAC level, there was a place holder put in, bringing forward more specific language clarifying fish and wildlife habitat conservation and mitigation policy. These were accepted by the Committee.

Third, there was an effort to amend Title 9 by Councillor McCaig with renaming the benchmarks to performance measures, the goal of the amendment was to change the emphasis to this title from one of reporting and evaluation to one which tightens timelines and adds correction action procedures and directs the performance measures that will be used to evaluate and adjust as necessary for Metro's Functional Plan.

The Urban Growth Boundary and other regional plans are also considered in this endeavor as relationships are seen between this document and some of the other documents to be worked on in the coming months.

There were several other amendments made in Title 10, which are the definitions (noted in the amended copies received by Council today). The Committee wished to go on record to express an interest in continuing deliberations on two Titles, Title 4-Retail and Employment in Industrial Areas; all three of the committee members will be submitting competing amendments to this title as the first Council Work Session. The Committee is hoping for agreement and compromise and an ability to implement the scope of Title 4 without doing damage to the retail or business communities.

Title 9 is also being reviewed for content and use of the performance measures and dates as it specifies the role of the hearing's officer and other roles included in the new amendment.

She added that the Committee is very proud of the document with the disclaimer that it is not done and that there is much work to be done as far as reviewing it and making it Metro's own, something that Metro and the local regional partners can work with, deal with and get the results or product desired.

Presiding Officer Kvistad announced that the Council would accept this report from the Growth Management Committee. He added that the first public hearing on the document would occur on September 5th. As of August 9th, there would be a full schedule of the Council process on the Functional Plan and its elements.

Discussion Continued: **Mr. Morrissey** noted that the maps on the Chamber walls were part of the report.

Councilor Morissette indicated that he wish to add some comments on the Functional Plan. At this point he does not support the Functional Plan because it is his belief that the densities are being pushed too high, eliminating the average citizen's ability to choose a housing type that they are looking for. He believes that the wealthy will be able to have the opportunity to choose well. But, he does not believe that the average citizen will have choices that he sees in his daily life to be able to provide housing for themselves and their families with the plan.

He also expressed concern about the minimum densities requirement of 80%. In some areas this made sense but throughout the region, he believes, there is a disconnect between what citizens think 2040 is and what 80% minimum densities mean. There is X amount of zoning currently in place throughout this boundary, we are under building by a disputable amount. 2040, in his estimation, raises the density to

around 60%. Then, if the Council considers this proposal, which calls for no expansion and accommodating 240,000 more housing units, it would go up an exponential amount above that, of which he is not sure what this figure would be. If you overlay this with a 80% minimum density and he believes the people who have the vacant parcels of land adjacent to them are going to be shocked with how high the density will ultimately end up. He believes this will be contrary to some of these people's beliefs.

He added that he believes it is incumbent upon us to be frank about the amount of subsidy that will be needed for people's ability to afford housing with this plan. He expressed worry about this. He doesn't, however, wish his comments to be construed that the Committee hasn't been able to do some work in the process of moving forward. But it is very important to him that choice for people is allowed, not just for the top tier, but for the average citizen to choose a lifestyle that they feel is important to them, at a rate that is affordable. He believes that this plan, currently as drafted, does not do this.

Presiding Officer Kvistad concluded by noting what the process will be; the first time the Plan will be before the Council will be on September 5th which will be a public hearing. Prior to the Council meeting on September 5th, there will be a work session to orient the rest of the Council to the Functional Plan in preparation for the questions that may be asked of them at the Public Hearing. Following the work session and council meeting, there will be a full public hearing with full public notice. The process will follow through with an eventual vote on the Functional Plan in October.

6. RESOLUTIONS

- 6.1 **Resolution No. 96-2380**, A Resolution Authorizing a Loan to Metro from the Oregon Economic Development Department's Special Public Works Fund Loan Program.

Motion: **Councilor Washington** moved to adoption of Resolution No. 96-2380.

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

Discussion: **Councilor Washington** reviewed Resolution No. 95-2147 which was adopted on May 18, 1995 authorizing the middle of the loan application to OEDD for the west side lightrail contribution and the reconfiguration of the Washington Park parking lot to accommodate the lightrail station and the installation of paid parking. The loan was awarded in two phases, the initial loan of \$2,723,000 accepted by Resolution No. 95-2198 covered Metro's \$2 million contribution to TriMet for the west side lightrail project, accrued interest owed to TriMet, some design costs for the parking lot reconfiguration, and capitalized costs. The second phase of the loan is in the amount not to exceed \$2,749,916 which is the balance of the total authorized

loan from OEDD. It will finance construction of the parking lot improvement, the purchase and installation of necessary equipment for operation of the paid parking facility, and capitalize interest. Resolution No. 96-2380 is for the second phase of the parking at the Zoo with regards to the lightrail project. The interest rate on the loan can not exceed 6.5%, however, the actual interest rate will be set after OEDD sells bonds on August 21, 1996.

Presiding Officer Kvistad asked about the ownership of the parking lot itself, is it completed in terms of the discussion with the City of Portland or is it still ongoing? If it is still ongoing, is there a date?

Councilor Monroe indicated that it is still ongoing. He recommend that Mr. Cooper, as the representative, give further elucidation.

Mr. Cooper responded that he had prepared, at the request of the administration, a form of agreement to accomplish the purchase of the parking lot. Mr. Butler has this agreement and he will be transmitting it to the City. Mr. Cooper had not heard back from Mr. Butler so he was unsure where the agreement was. He believes that it should be back to the Council sometime in September assuming everything is OK.

John Houser, Analyst, indicated that he had discussed this issue with Mr. Prosser. Mr. Prosser indicated to him that the City was still engaged in some negotiations regarding the sale of the Old OMSI building located near the parking lot and at this point it was their desire that we not proceed with further negotiations about the parking lot until they attempted to resolve the OMSI issue. It is his understanding that we had agreed that they would have an additional 120 days to attempt to resolve that issue before we began renegotiations with them regarding the parking lot.

Presiding Officer Kvistad expressed his long standing concerns, first, about the design of the station and making sure that we hold those that are constructing the station responsible for maintaining the design that was initially planned. Secondly, he is concerned about refurbishing the parking facility if it is not one that Metro owns and operates. However, he will still vote in favor of the resolution. He asked that Mr. Cooper and Mr. Houser keep him informed on this issue.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

6.2 **Resolution No. 96-2376, For the Purpose of Writing Off Solid Waste Disposal Costs Relating to Flood Damage.**

Motion: Councilor McCaig moved the adoption of Resolution No. 96-2376.

Seconded: Councilor Washington seconded the motion

Discussion: Councilor McCaig announced that this is a request to amend our accounts receivable. In order to accommodate the local jurisdiction during the storm of 1996, in dealing with all of their waste and waste water, Metro's Solid Waste Department set up charge accounts which allowed local jurisdictions and Metro a way to keep track of what their costs would be. FEMA agreed that they would cover 75% of those costs. The remain 25%, about \$85,000, at a time where local jurisdictions are still dealing with the aftermath of the flood, the recommendation is that Metro absorb those costs within Solid Waste and in order to do this Metro must amend the accounts receivable for that amount of money. The Solid Waste Committee urges the support of the Council.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

6.3 Resolution No. 96-2370, For the Purpose of Authorizing Execution of Two-Year Contracts for Primary Service of the Existing Hardware and for Licensing of the Operating System.

Motion: Councilor McCaig moved the adoption of Resolution No. 96-2370.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McCaig noted that this is a resolution which is a partner with Ordinance No. 96-648 allowing the budget to be amended to prepay two years of the operating system of our Management Information System. This resolution authorizes the Executive to change the terms of the contract to reflect that two year time period. The Finance Committee recommends the Council's support.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

6.4 Resolution No. 96-2369, For the Purpose of Authorizing a Long Term Lease Agreement of Property for a Cellular Antenna Site at the M. James Gleason Boat Ramp.

Motion: Councilor Washington moved the adoption of Resolution No. 96-2369.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor Washington indicated that AT&T Wireless had approached the Greenspaces Department regarding a long term lease at the M. James Gleason Boat Ramp for a small cellular site to serve

the Northeast Marine Drive area and around the airport. AT&T has requested a five year lease with five, five year renewals to it, plus CPI. The amount that Metro receives is \$741.40 per month for the lease or \$8,896.80 annually. He urges the support of the Council.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**7. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL
PROPERTY TRANSACTIONS.**

7.1 Resolution No. 96-2381, For the Purpose of Amending the Refinement Plan for the Rock Creek Greenway Open Space Implementation Work Plan.

7.2 Resolution No. 96-2377, For the Purpose of Amending the Refinement Plan for the Rock Creek Greenway Open Space Implementation Work Plan.

7.3 Resolution No. 96-2371, For the Purpose of Granting a Transmission Line Easement Located at Blue Lake Regional Park to Portland General Electric.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 192.660(1)(e) at 2:40 pm.

Present: Mike Burton, Nancy Chase, Jason Tait, Amy Chesnut, Charlie Ciecko, Alison Kean Campbell, Kristine Hartley.

Presiding Officer Kvistad closed the Executive Session pursuant to ORS 192.660(1)(e) at 3:21 pm.

Motion: Councilor McLain moved the adoption of Resolution No. 96-2381.

Seconded: Councilor Monroe seconded the motion.

Discussion: Councilor McLain asked for the Council's support in this refinement of the Rock Creek Greenway Implementation Work Plan. She has received a number of letters and calls on this area. Brent Davis, Chairman of the Rock Creek/Bronson and Willow Creek Friends Group, sent a letter of support. Rajiv Batra, a Senior Planner with Hillsboro, also sent a letter of support. The City of Hillsboro stated a neutral position as far as acquisition. She talked to Tim Herwitt, the City Manager who expressed an interest in looking at the possibilities of partnership with management. Sherry Smith sent a personal letter, called and testified before the Regional Facilities Committee, supporting this addition to the refinement area. Dan Bloom gave material to her and staff on reasons why the petition that he brought forward showed local support for this refinement. The Orenco Neighborhood Organization also sent forward material on this believing that it was in the original refinement area. Councilor McLain

and the Neighborhood Organization both found that it was not in the refinement area, this is the reason it is being brought forward at this time. She also noted that Mike Houck, a biologist, agreed with her that the water quality and downstream impact on the Rock Creek corridor are very real. She sees that this refinements is important and necessary as far as the accessibility to open spaces in the overall refinement material and criteria. It is a gateway that could make it a model area, an example for other communities to follow. These individuals have higher density, a lightrail station and they would like some open space. She believes this should be part of a refinement program. There is parcel partnerships in the area of USA, surface water, mitigation projects, Hillsboro parks as far as management or maintenance, the Orenco community a neighborhood association, and also the Hillsboro School District. This looks like a fine candidate for an addition to the refinement program. She asked the Council for their support.

Councilor McCaig indicated she would be opposing this measure. She appreciates that there is limited support for it in Councilor McLain's district, however, it does not have the support of the Executive, the Greenspaces staff, nor Mike Houck of the Audubon. There are some significant attributes to the area, but there are not enough to meet the basic tests to include this in the refinement process and plan. That plan has been concluded, it was not proposed to be included by any of the local jurisdictions either regionally or locally. She is fearful that it sets a dangerous precedent and breaks the trust that has been established with the voters by the thoughtful planning process that the open spaces staff has gone through. It has not met the test, nor does it have the merit of regional significance to be include in the open spaces plan.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors McFarland, McLain, Monroe, Washington, and Presiding Officer Kvistad voting aye, Councilors McCaig and Morissette voting nay.

Motion: Councilor McFarland moved the adoption of Resolution No. 96-2377.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McFarland indicated that this resolution was to correct a staff error in which the text was adopted but the appropriate map was not adopted. She urged the Councils support.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Motion: Councilor Monroe moved the adoption of Resolution No. 96-2371.

Seconded: Councillor Washington seconded the motion.

Discussion: Councillor Monroe said that under this proposal PGE will abandon a power line that they now have, they will take down the towers and give us complete access. They will build another line of the same length on Metro's property to replace it and they will pay Metro money to do this.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Motion: Councillor Monroe moved to suspend the rules so the matter of the Jenne Butte purchase could come before the Council.

Seconded: Councillor McFarland seconded the motion.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors Washington, Monroe, McCaig, McFarland, McLain voting aye and Presiding Officer Kvistad voting nay.

Motion: Councillor Morissette moved the adoption of Resolution No. 96 -2383 with the amendment that we proceed with the purchase of the Jenne Butte acquisition based on paying no more than the current appraised value.

Seconded: Councillor McFarland seconded the motion.

Discussion: Councillor Monroe requested that, for the record, this gives our staff the flexibility to negotiate potential intergovernmental agreements and anything else that might be necessary to give other jurisdictions such as the county or City of Gresham to provide the opportunity for the additional funding that may be necessary to acquire the property. He wished to make it clear that Metro will only put up what the current appraisal says it's worth but allows there to be an intergovernmental agreement with one of Metro's partners to provide for the incremental additional funding that that would be appropriate.

Presiding Officer Kvistad clarified with Mr. Cooper that it was his understanding that once it is on the table that this would be the way it operates. This has been given to the Executive Officer, the flexibility belongs with the Executive Officer on making those changes or developing those intergovernmental agreements. Is this correct?

Mr. Cooper responded that if the Council record, which it appears now to contain, has this in it, he believes this would be sufficient.

Councillor McFarland placed a letter from the City of Gresham signed by Bonnie Kraft, the City Manager, in the record.

Presiding Officer Kvistad opened a public hearing.

Mayor Gussie McRoberts, Mayor of Gresham, appreciated the Council's support on Jenne Butte. The City of Gresham has been in an opened space acquisition process for about 5 years and is just about though, with about a half million dollars left. So when something is added to the plate, something else must come off. Gresham's first priority is to have enough of the creek corridors so that they can have trail systems going north and south. If Gresham were to buy this, they would not have a contiguous system for the trail system. This is why Gresham can not come up with extra money. Gresham's citizens will have spent \$9.3 million on land acquisition and \$1.2 million on trails. The City attorney looked at the language in the different phases and felt that it would be possible to buy 30 lots instead, that is \$750,000 instead of the \$1.6 million. It helps Gresham have a contiguous trail system around Jenne Butte and a road for fire trucks. If Metro is interested in buying 30 lots instead of the whole thing, this is an option that Gresham is interested in pursuing. DPL would rather buy the whole thing with the thought that Metro could help with the purchases of some of the creek corridor. Gresham is not real enamored with that choice but Gresham did want to offer Metro the possibility of 30 lots.

Councilor Monroe indicated that what the Council was about to do is authorize \$1.6 million and leave the Executive, Gresham and others the flexibility to work things out with the county. He was encouraged that this could be worked out.

Presiding Officer Kvistad clarified that the resolution itself does not authorize any amount of funds. The resolution allows Metro to proceed at looking at a potential purchase at or near a market value if Metro decides to proceed. No dollar amount is being allocated.

Councilor Morissette added that his motion did not include some of what Councilor Monroe spoke of. His motion clearly states that we have a refinement process for a specific target area of which Metro have allocated X amount of money within that area. He wished to make sure that the purchase, specifically, is for no more than what the current appraised value is.

Geoff Roach, Trust for Public Land, is familiar with what has happened up at Jenne Butte. He believes that there has been a lot of good work by Metro and the City of Gresham. The motion being considered today lends an opportunity to rethink, rework and take advantage of the limited time available to gain control of the property.

Presiding Officer Kvistad closed the public hearing.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8. **COUNCILOR COMMUNICATIONS**

Presiding Officer Kvistad announced that the Council would be in recess through the end of August.

9. **ADJOURN**

With no further business to come before Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 3:40 pm.

Prepared by



Chris Billington
Clerk of the Council

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

August 8, 1996

Metro Room 601

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

Councilors Absent: None

Presiding Officer Kvistad called the meeting to order at 12:03 p.m.

1. OVERVIEW ON TRANSITION TEAM

Councilor Washington oriented the Council to the composition of the Transition Team. He acknowledged the cooperation and support of the team members particularly the Chair Stein of Multnomah County and Mr. Lindberg. He noted the willingness of the members to come to some kind of solution.

He added that the two attachments D and J were the most important to review. He indicated the attachments were background for the Council. He believes there would be some kind of solution given so that finances could be figured out.

2. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton expressed his concerns about the financial ability to maintain the facilities over the long haul. Mr. Burton gave a historical overview. When the City put the PCPA together, the question was asked, how is this going to be funded over the long term. The answer at the time was, we will worry about that later. No one really considered what the operational funding would be. Later, the City threw PCPA, the Stadium and the Coliseum into the pot. The Coliseum was at the time a money maker. However, the City turned it over to the Blazers. The funding resource for the operational health of the Coliseum was given away. Mr. Burton noted in his letter, that there was a funding source that the City of Portland had that should come with the facilities. Since the Coliseum was not available to Metro their portion of the hotel/motel tax that is generated from Multnomah County should come over to Metro for the continuing operation of the facility. Metro does not have this funding resource. If the City is unable or unwilling to make that money available then it seems that they should be the one responsible for maintaining the facilities because they have the funding source.

The governance questions all pale against the question of funding. There is also capital needs that were not previously included in the funding source. When the capital needs for the Performing Arts Center and Stadium are added in as well as the operating needs beyond five years, the money does not pencil out. There needs to be a continuous base of income. He believes this is the hotel/motel tax which the City currently receives.

He asked if there was a way to expand the base of available funding right now for the facilities to include a charge to Washington and Clackamas counties. This would broaden the original base which

is currently Multnomah County's hotel/motel tax. A policy question to be looked at is, when you look at a facility, who gets the benefit of it. He would argue that the Performing Arts Center gives added value to the entire state of Oregon as well as Vancouver, Washington. He noted that the users do not pay for the total amount of the facility. If prices to the users were increased to what it really costs to maintain the facility, very few people could afford it. The consideration of the financial benefit as well as esthetic benefit has to be taken into consideration. The City of Portland derives more direct economic benefit from the Performing Arts Center than other cities. What is it that we as a region should be putting our effort into. He argued that Metro's effort should be in trying to increase the availability in the whole region, so that the City of Beaverton, Gresham, etc. would receive funding for their own Performing Arts Centers.

He added that the form of the governance has a lot to do with the funding mechanism in the sense that, regardless of the outcome, that Multnomah County should be approached with a request to transfer the hotel/motel tax that they are collecting to Metro, it should be a Metro tax rather than a Multnomah County tax. If the governance of these facilities were to stay with Multnomah County then the tax should stay with that entity. There should, however, be a connectivity between governance and funding. There needs to be contract flexibility. The key question is to find a way to keep the Performing Arts Center open and solve some of the capital needs that the Performing Arts Center has and he would argue that the dollars are in the system but not being spent on the PAC because the City has these monies going into the general fund.

Councillor Monroe summarizes Mr. Burton's comments by saying, first, the Performing Arts needs a public subsidy. Second, whoever provides the public subsidy should also have some management responsibility for the facility, the tax entity and the management entity should be merged. Third, when there is public money there needs to be public accountability. You can't provide public money and then have no public entity that has controls of that money.

Mr. Burton indicated that ultimately the responsibility for the expenditure, gain or loss of dollars is in the hands of the public elected officials who do that. There must be some relationship. The question is how close do you want that, particularly in the nature of the PAC. He would argue that you need to have a lot of flexibility in contracting and purchasing for PAC.

3. LEGAL BRIEFING

Mr. Cooper suggested focusing on Attachment H and I. The Lindberg Consolidation Task Force came out with 10 recommendations about the future of the PCPA and the other facilities. One of those recommendations was that the management structure be a non-profit corporation which would contract with the government entity to do the management of the facilities. That recommendation was finalized last year, based on some initial work that was presented to the Task Force. For a variety of reasons the non-profit model is not actively being pursued at the transition team level and that reflects the resolution that the Council passed when it accepted the report of the Consolidation Task Force. The transition team is now looking at management of structured government and have considered two active models which were a commission model based on the present MERC Commission with possible modifications. Modifications dealing with the appointment of the commissioners and the possibility of changing the review structure where currently under the ordinance the council may review most of the actions that the MERC Commission takes and in effect reverse them is so desired. **Mr. Cooper** stated that he believed that there was a tremendous amount of flexibility to this model and if it is pursued the transition team could be coming back with a recommendation with either minor or major changes through present MERC structure but continue the governance model of being a Metro

Commission. The second model is termed as a Public Corporation, which is a legal entity that can be created under Oregon Law by the joint action of more than one government. This model overcomes many of the disadvantages of the Non-Profit model because it is a public corporation but equal to the flexibility of the Commission Model.

Councilor McFarland asked if this was similar to what was happening at OHSU.

Mr. Cooper replied that at OHSU that was much more to the creation of MERC. He stated that OHSU is more akin to the old Metropolitan Human Relations Commission. He stated that was created by an inter-governmental agreement between all of the governments participating in which case they appoint one board member each. One of the major differences between the Public Corporation Model and the Commission Model, recognizing there is a lot of similarities is the Commission Model where one government is the parent of it.

Councilor McLain stated that looking at the flow charts of the models described and the work plan attachment it was her understanding that within the next few weeks that Mr. Cooper would be looking at the models again for legalities.

Mr. Cooper replied that there will be developed a matrix for the transition team to look at that will list four models which will simply line up major issues and give summaries of where they could be illegally flexible and where anyone of them has potential difficulties in putting something together.

Councilor McLain asked if it was the direction of the Committee to have Mr. Cooper look at the status quo and see what improvements could be made on that model.

Mr. Cooper stated that is the modified model and the active discussion of the last meeting was that most of the members of the transition team were interested in looking at modifications to the current model that would improve efficiencies.

Presiding Officer Kvistad asked if Metro wanted to send MERC off to manage the City of Portland's facilities, and keep Expo and OCC as a Metro function here, and further stated that Metro currently has the opportunity to do that and the right to do that under existing ordinance authority.

Mr. Cooper reiterated that through Council action Metro could remove the Convention Center and Expo from MERC's responsibility and leave it as the manager of the PCPA stadium. Under the current agreement that is with the City of Portland, they might have the right to terminate and take them back and manage them themselves immediate. Metro has promised not to amend the MERC structure without city approval, if it does without city approval the city can terminate it. Termination means the city takes their facilities back. But the Council has the right to do this at any time.

4. FINANCIAL BRIEFING

Jennifer Sims stated that she had made a condensed version of the materials handed out.

Councilor McCaig stated that implicit of all the material that is handed out Metro is going to go ahead with this expansion. She further stated that she is nervous that this is built in to these expectations that this is a done deal.

Jennifer Sims stated that they particularly isolated those numbers into the projections so that they could extract them and so that it could be shown what the impact is either way. In terms of the work that is being done here Ms. Sims does not feel that has been made as an assumption but it is anticipated here.

Councilor Washington referred to attachment B, a glossary of terms. He felt that this would be helpful in understanding what Ms. Sims was talking about. Further he thanked Councilor McCaig for her comments and stated that there needed to be some clarification on that language.

Jennifer Sims stated that she would like to explain the approach that was taken to put the work together for the Transition Team. The chair of the Transition Team pulled together a team of finance staff from the City of Portland, Multnomah County, MERC and Metro. An assignment was given to develop a set of projections for the Transition Team and to identify issues. A handout was given to the Council with a summary of those Transition Team projections, a correlation back to how those are different from the work that was done a year ago for the Consolidation Committee and what the issues were. The work that was done for the Consolidation Committee which was the reference point, only went out five years. Those projects were updated to go out 10 years which allows to include things such as showing what the expansion would be like for the Convention Center as well as projects going on at other facilities. The Consolidation Committee recommended some enhancements that they as a group felt could be skipped over to some extent because part of them had been included into the MERC budget. It was accounted what the anticipated loss would be if the Convention Center expansion was done but also not included was what the impact would be if the PCPA was closed for updating it. She then referred to a condensed version of numbers and referred to the Convention Center which showed that the Convention Center expanded or not will continue to require support. Renewal and replacement will be one of the big question marks in this picture. She next highlighted the Expo Center stating that it is generally a revenue plus but when you look at it there is a commitment to do a landscape project within the next 7 years, but if other construction is done it would trigger it sooner, therefore it was shown as being done in that particular year which was a condition of doing that expansion.

Councilor Washington stated that the landscaping project was part of the design process.

Jennifer Sims continued by looking at the line that holds the subtotal, which is essentially the support requirement not including whatever renewal or replacement might be, not including if the facilities have to be closed down for capital. It also showed with the current hotel/motel tax projection what would be available to cover that cost, which it is forecasted as looking fairly good.

Councilor Monroe commented if the hotel/motel tax projection was at the current Multnomah County 3% motel revenue but does not assume any decrease.

Jennifer Sims clarified that this is correct and does assume that there is growth in that projection as a revenue source and that there are more hotel rooms built.

Councilor Monroe asked if this figure then assumed the expansion of the Convention Center. And further clarified that when the Convention Center was expanded that there would be more hotel rooms built.

Jennifer Sims clarified that this was correct that expansion would mean more hotel rooms.

Michael Morrissey asked if this included the identified reserves within the budget.

Councillor Monroe stated that he had heard that after the new Expo building was built, the plan was to renovate of the old facility and asked if that was figured into the budget.

Jennifer Sims stated that this was identified below as an unmet Capital Need of \$4 million.

Councillor Washington asked that when the assumption is made about the increase in the hotel/motel taxes what is used to come up with these figures. He further asked what is used to estimate this figure if an increased rate is figured in.

Mr. Burton stated that the occupancy level of the city in terms of the going rate of a hotel room and because of the market place right now, there has been several weekends in a row with no rooms available between Portland and Salem. All those factors work together to apply the suggested increase. The plan of expanding the Convention Center is not to attract more people but to attract a higher quality of Convention delegate.

Councillor Monroe stated that if in fact the Convention Center expansion goes on as planned that significant numbers of room will have to be added to meet the requirements of that extended facility.

Jennifer Sims continued that the next item of discussion is Net Profit or Loss that shows each year how much is being gained overall. She states that while these numbers show to be positive these do not include renewal and replacement for those two facilities or for any closing down for construction or that sort of thing. Next she discusses the ending Fund Balance in this system with these assumptions continues to stay positive and it's on a positive upward trend with all the qualifiers given will be about 10 years. She further discussed that the negative aspect is that there is no current solution or pipeline to deal with the \$25 million of deferred capital it was suggested to see what it would look like if it was Revenue Bonded in the financial system. The bottom line of the handout represents this figure and that it would be about \$2.77 million a year to cover that kind of debt and a Revenue Bond is not an option to cover that cost.

Presiding Officer Kvistad commented that figure did not identify taking into account the unmet capital needs listed on the bottom of the page, that those were outside of the \$11 million.

Jennifer Sims stated that the ending balance did not address the unmet Capital Needs. The bottom line does showing it as a Revenue Bond.

Presiding Officer Kvistad clarified that if for example PCPA and Civic Stadium were excluded as needs that would dramatically change that number.

Jennifer Sims confirmed that was true. She also mentioned that another part of the discussion with the finance team on this is that it has not been yet determined what would be an appropriate reserve level. It is know that there is regular business cash flow requirements but then all of these facilities are subject to business cycle and possibly to an economic down turn. Having appropriate reserves for those types of possibilities are not set yet. It has been agreed on that it makes sense to have pulled or shared funding of the hotel/motel tax, there is a need for a strategic reserve, renewal and replacement is an operation cost and it ought to be built into these numbers but those are not figured out yet. If MERC becomes separate from Metro, Loss Support Service Revenue to Metro is an issue.

Things that are still being discussed are should the hotel/motel source be broaden or should there be other sources that should be looked at.

Presiding Officer Kvistad commented that when talking about MERC it is assumed that all facilities support services are included that deal with MERC. He asked that if OCC and Expo stayed here would there be a tremendous shift.

Jennifer Sims stated that there would be an impact. She stated that OCC is pretty substantial.

Councillor Washington commented on the Ending Fund Balance and asked if Ms. Sims could explain the relationship between the \$11 million and the \$25 million, and if the \$11 million is what it would cost to take care of the \$25 million.

Jennifer Sims explained that if a Revenue Bond was issued to cover the \$25.6 million of unmet Capital Needs and paid debt service of \$2.77 million every year, by the year 2006-7, that is how much in the hole Metro would be. She further reiterated that the \$ 11 million would be how much Metro would be in the hole.

Councillor Monroe stated that it would be reasonable to assume that you could fund about \$12 to \$13 million in projects and break even.

Jennifer Sims clarified that was correct. She continued with the item of whether hotel/motel sources should be broadened to other counties or look at other sources. She stated that this has not been done yet but will be looked at in depth in the near future. She commented on other areas that the team needed to work on and that being if the city assumed management of the PCPA stadium what would happen with the hotel/motel tax and how would that be allocated or split. Another point of consideration would be if the entity that manages the facility controlled the revenue source. These items will be worked on in the upcoming months.

Presiding Officer Kvistad asked if Ms. Sims could give some numbers on what the support service break down is for the facilities in terms of OCC and Expo versus the others.

Jennifer Sims clarified that the Presiding Officer wanted to know how much of the support service allocation comes from the City of Portland facilities versus OCC and Expo.

5. REGIONAL FACILITIES CHAIR'S VIEW

Councillor Washington commented that he had some thoughts on these matters and that these were his independent thoughts and not those of the Council. Councillor Washington touched on the topic that people do not want Metro micro managing. He said that he has made it very clear to the people that the Council has no intention of micro managing anybody but that the Council is responsible for the budget and that the Council does have the responsibility to the public and they have the right to ask questions about the budget and financial issues. He further stated that if Metro assumes these facilities there needs to be total responsibility and not just one person taking the initiative to go to the city on a proposed project without the consent of the managing group. Maintenance Capital, there needs to be a solution found for the long term, short term capital needs. He stated that he did not see the Council taking on that kind of responsibility and not knowing how to keep the building maintained. He felt that there should be a connection in governance between the executive and general manager at MERC and also the Council and the MERC board. Councillor

Washington stated that this is a good process but he was concerned with the monies, which is the biggest issue.

6. COUNCILOR DISCUSSION

Councilor McLain stated that she was very happy to have this meeting and that there was a lot of detail here. She stated that she does not have an opinion at this point but felt that Mr. Cooper did a good job giving some idea of the descriptions and the models. She felt that everyone knew that the money issue was at the core of why this has taken so long. It was her hope that the transition team could come up with some good ideas for flushing out what the extra types of funding possibilities might be.

Councilor Washington asked Councilor McLain if she had any thoughts on the issue of governance or ownership.

Councilor McLain replied that was one area that she does not have a first priority, she would like this to be reviewed for public dollar sake and wants it done well. Councilor McLain stated that she is open to suggestions on the issue of governance and ownership.

Presiding Officer Kvistad stated that he felt that these should be given back to the city. He felt that it would be best to do it as soon as possible. Next Presiding Officer Kvistad touched on the earthquake liability on Civic Stadium that regardless what is done there it is a major problem and will be for whoever owns it and that the revenue is not available. If Metro does go ahead and take over these facilities and do not come over with additional funds from the City, it is his recommendation that Metro does not take them because Metro can not afford them or maintain them to the kind of quality that this community expects. It is his opinion that he would discuss spinning MERC off now as an independent unit managing only the City of Portland's facilities and making Expo and OCC a Metro exposition agent within the existing agency.

Councilor McFarland stated that she would still like to see the finished reports before she addresses certain items. She stated that she was not in favor of making the management of the MERC facilities a department of Metro and she believes that if the MERC general manager having to report to the Metro Executive Officer that's exactly what it would be.

Councilor Monroe stated that he was convinced that the financial decisions are paramount and he felt that in the ideal world the Performing Arts and the Civic Stadium were in fact facilities that were of regional significance and would prefer to see them continued to be managed by a regional entity but the financing has to be there. He further stated that he agreed with Mr. Burton's comment that governments and financing have to be together that you can not have one entity owning something and another entity providing the funding for it and another entity managing it, which is what there is now. Ownership and financing has to be down under the same authority. Anytime there is public money involved in something there has to be public accountability, he stated that he is not in favor of turning over management to some quasi public private entity that does not have any direct public accountability. Councilor Monroe hoped that the county, the city, Metro and the hotel/motel industry can all reach an agreement as to an appropriate funding package and can all determine who ought to own these facilities, who ought to run them and who ought to have the funding authority.

Councilor McCaig stated that she felt there were a lot of ways to ensure accountability and she thinks that the Metro involvement is the weakest link. She has no difficulty with Metro stepping away

from the management of the facilities. She believed that as a regional government Metro was assigned the responsibility of those facilities. She stated that she is ready for the management of this be moved to the next step which is a quasi public or some other entity to manage it as long as there is the appropriate accountability. She felt that it does not have to be through elected officials and it does not have to only rest at Metro.

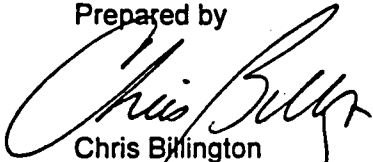
7. WRAP UP

Councillor Washington thanked the Council for their input and asked for any other questions or comments.

8. ADJOURN

With nothing further Councillor Washington adjourned the work session at 1:30 p.m.

Prepared by


Chris Billington
Clerk of the Council


Millie Brence
Council Assistant

Agenda Item Number 5.1

Ordinance No. 96-654, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$32,670 from the Support Services Fund Materials and Services to Contingency, Retaining Funding for Legislative Related Activities; and Declaring an Emergency.

**Metro Council Meeting
Thursday, September 5, 1996
4:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)	ORDINANCE NO. 96-654
BUDGET AND APPROPRIATIONS)	
SCHEDULE TRANSFERRING \$32,670 FROM)	
THE SUPPORT SERVICES FUND)	Introduced by Mike Burton
MATERIALS AND SERVICES TO)	Executive Officer
CONTINGENCY, RETAINING FUNDING FOR)	
LEGISLATIVE RELATED ACTIVITIES; AND)	
DECLARING AN EMERGENCY)	

WHEREAS, Metro needs to maintain liaison with the state and federal legislature; and

WHEREAS, Funds were placed in the Support Services Fund Materials & Services to be available for this purpose when an appropriate plan was presented to the Metro Council; and

WHEREAS, An appropriate plan has been provided to the Council, and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purposes transferring \$32,670 from General Fund Materials and Services to Contingency that exceeded the necessary funds to meet the plan for state and federal legislative representation.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this ____ day of _____, 1996.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

RSR:\I:\budget\fy96-97\budord\96-648\ORD.DOC
August 1, 1996

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 96-654 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE TRANSFERRING \$32,670 FROM THE SUPPORT SERVICES FUND MATERIALS AND SERVICES TO CONTINGENCY, RETAINING FUNDING FOR LEGISLATIVE RELATED ACTIVITIES; AND DECLARING AN EMERGENCY

Date: August 8, 1996

Presented by: Mike Burton

PROPOSED ACTION:

The Council approved \$97,670 in the Fiscal Year 1996-97 Support Services Contingency Budget pending a proposal for state and federal legislative activities. The adopted budget inadvertently carried these funds in Public Affairs and Government Relations Materials and Services. The proposed transfer of funds will provide \$45,000 for a nine month contract for lobbying services to represent Metro before the 1997 session of the Oregon Legislature and \$20,000 for materials and services related to legislative activities at the state and federal level. The remaining \$32,670 is transferred to support services contingency.

FACTUAL BACKGROUND AND ANALYSIS

Metro has a need to manage and coordinate its legislative agenda for Fiscal Year 1996-97 and maintain ongoing contract with individual state legislators. For the last four legislative sessions, Metro has contracted with the Special Districts Association (SDAO) for legislative contact and monitoring services associated with both the regular session and interim activities.

The Executive Officer is initiating a Request for Proposals for a personal services contract to represent Metro before the 1997 session of the Oregon Legislature. The contractor shall perform the work described in Attachment A for a maximum price not to exceed \$45,000. The request for proposals seeks to secure the highest quality legislative representation of Metro at the lowest possible cost.

Additionally, \$20,000 for materials and services related to legislative activities at the state and federal level to allow for such activity as printing briefing books and other materials, travel, postage, and meetings is retained in Public Affairs and Government Relations Materials and Services.

This Ordinance returns the difference between this \$65,000 total and the budgeted \$97,670, to Support Services contingency.

Executive Officer's Recommendation:

The Executive Officer recommends adoption of Ordinance No. 96-654.

Attachment A

SCOPE OF WORK

1. Description of the Work

A. 1997 Legislative Session

The contractor will represent Metro before the 1997 session of the Oregon Legislature by arranging for introduction of any legislation which the agency requests to put forth and monitoring all legislation which may impact Metro through daily attendance at committee meetings, work sessions and hearings, meetings with individual legislators and other appropriate means. The contractor will arrange for Metro testimony at hearings where appropriate or appear on behalf of Metro as directed by the Council and the Executive Officer and will advise Metro of any additional communication with the legislature which needs to be carried out by Metro's elected officials and/or staff.

B. Contact with Individual Legislators

The contractor will establish contact with individual legislators on behalf of Metro and will work with the Council and Executive Officer to conduct a briefing for legislators prior to the beginning of the 1997 session.

C. Coordination and Management of Contract

Metro's legislative agenda is developed jointly between the Executive Officer and the Metro Council. Direction and supervision of the Scope of Work shall be accomplished through oversight by the Executive Officer. The contractor shall report to the Metro Council at least once a month during the legislative session to transmit a progress report. Additional meetings may be scheduled upon request of any of the parties.

The contractor shall meet with Metro staff on a regular basis to ensure familiarity with Metro programs and issues. In addition, Metro will be represented at other Meetings which are necessary to carry out the 1997 Legislative Agenda.

2. Payment and Billing.

Contractor shall perform the above work for a maximum price not to exceed **FORTY FIVE THOUSAND DOLLARS (\$45,000.00)** for the period October 1, 1996 to June 30, 1997, to be paid at the rate of **\$5,000.00** per month.

The maximum price includes all fees, costs and expenses of whatever nature. Contractor's billing statements will include an itemized statement of work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention:

Accounts Payable, 600 NE Grand Avenue, Portland, OR 97232-2736.
Metro will pay Contractor within 30 days of receipt of an approved billing statement.

Exhibit A
Ordinance No. 96-654
Support Services Fund

FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Office of the Executive Officer (Public Affairs and Government Relations)							
	Total Personal Services	3.00	153,733			0.00	0
	<u>Materials & Services</u>						
521100	Office Supplies		1,760				1,760
521110	Computer Software		750				750
521260	Printing Supplies		0				0
521310	Subscriptions		4,858				4,858
521320	Dues		64				64
521540	Maintenance & Repairs Supplies-Equipment		300				300
524190	Misc. Professional Services		98,670		(32,670)		66,000
525640	Maintenance & Repairs Services-Equipment		600				600
526200	Ads & Legal Notices		17,500				17,500
526310	Printing Services		16,700				16,700
526320	Typesetting & Reprographics Services		652				652
526410	Telephone		1,000				1,000
526420	Postage		4,000				4,000
526440	Delivery Services		400				400
526500	Travel		850				850
526700	Temporary Help Services		1,200				1,200
526800	Training, Tuition, Conferences		1,360				1,360
529500	Meetings		1,260				1,260
529800	Miscellaneous		500				500
	Total Materials & Services		152,424		(32,670)		119,754
	Total Capital Outlay		3,900				3,900
	TOTAL EXPENDITURES	3.00	310,057		(32,670)	0.00	123,654

General Expenses

	<u>Contingency and Unappropriated Balance</u>						
599999	Contingency						
	* General		264,857		32,670		297,527
	* Contractor's License		12,490				12,490
	* Zoo Capital Project		40,000				40,000
599990	Unappropriated Fund Balance						
	* Contractor's License		297,671				297,671
	* Operating System Replacement Reserve		60,300				60,300
	Total Contingency and Unappropriated Balance		675,318		32,670		707,718
	TOTAL EXPENDITURES	86.99	10,272,038	0.00	0	86.99	10,272,038

Current Budget column includes the effect of Ordinance 96-648

Exhibit B
Ordinance No. 96-654
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Proposed Appropriation</u>
SUPPORT SERVICES FUND			
Office of the Executive Officer (Public and Government Relations)			
Personal Services	153,733		153,733
Materials & Services	152,424	(32,670)	119,754
Capital Outlay	3,900		3,900
<u>Subtotal</u>	<u>310,057</u>	<u>(32,670)</u>	<u>277,387</u>
General Expenses			
Interfund Transfers	739,462		739,462
Contingency	317,347	32,670	350,017
<u>Subtotal</u>	<u>1,056,809</u>	<u>32,670</u>	<u>1,089,479</u>
Unappropriated Balance	357,971		357,971
Total Fund Requirements	\$10,272,038	\$0	\$10,272,038

Current Appropriation column includes the effect of Ordinance 96-648.

Agenda Item Number 5.2

**Ordinance No. 96-655, For the Purpose of Designating Urban Reserve Areas for the
Portland Metropolitan Area Urban Growth Boundary.**

**Metro Council Meeting
Thursday September 5, 1996
4:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF)
DESIGNATING URBAN RESERVE)
AREAS FOR THE PORTLAND)
METROPOLITAN AREA URBAN)
GROWTH BOUNDARY)
ORDINANCE NO 96-655
Introduced by Executive Officer
Mike Burton

WHEREAS, LCDC's Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area may be included only according to priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established Urban Reserve Study Areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with the Land Conservation and Development Commission's (LCDC) Urban Reserve Area rule; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Urban Reserve Report, attached as Exhibit "A" and incorporated herein, contains data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas published September 3, 1996; and

WHEREAS, the Metro Council held public hearing listening posts on the Urban Reserve and the Executive Officer Urban Reserve Recommendation in November and December 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Urban Reserve Areas indicated on the map attached as Exhibit "b", and incorporated herein, are hereby designated as the urban reserve areas for the Portland Metropolitan area Urban Growth Boundary consistent with the Urban Reserve Areas Rule at OAR 660-21-020.

Section 2. The Urban Reserve Areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps and future 2040 Growth Concept Maps consistent with the Urban Reserve Areas Rule at OAR 660-21-020 and the Regional Urban Growth Goals and Objectives.

Section 3. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 1 comply with the Urban Reserve Areas Rule and the Regional Urban Growth Goals and Objectives.

ADOPTED by the Metro Council this _____ day of _____, 1996.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

I:\R-011285.LSS

Metro Memo



METRO

600 NE Grand Ave.
Portland, OR
97232-2736

Tel (503) 797-1700
Fax (503) 797-1797

Recycled paper

TO: Metro Council

FROM: Mike Burton *M: Burton*

DATE: August 26, 1996

RE: Urban Reserve Report

I will make a recommendation to the Council specifying urban reserves and proposed findings of fact and conclusions of law which justify the recommendations on September 3, 1996.

Ordinance No. 96-655 is the vehicle by which the Council may take these recommendations for its own action and adoption.

Attached to the proposed ordinance is the Urban Reserve Report (Exhibit A) as directed by the Council. Exhibits B and C will be developed after the Council has concluded its hearings.

I look forward to working with the Metro Council as this most important issue is deliberated.

Agenda Item Number 6.1

Resolution No. 96-2386, For the Purpose of Authorizing a Request for Proposals for a Personal Services Contract to Represent Metro Before the 1997 Session of the Oregon Legislature.

**Metro Council Meeting
Thursday, September 5, 1996
4:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A) RESOLUTION NO. 96-2386
REQUEST FOR PROPOSALS FOR A)
PERSONAL SERVICES CONTRACT TO) Introduced by Mike Burton
REPRESENT METRO BEFORE THE 1997) Executive Officer
SESSION OF THE OREGON LEGISLATURE)

WHEREAS, Metro needs to maintain liaison with the state and federal legislature; and

WHEREAS, Funds were placed in the Support Services Materials & Services to be available for this purpose when an appropriate plan was presented to the Metro Council; and

WHEREAS, The request for proposals, attached as Exhibit "A," describes the proposal contents, evaluation criteria and scope of work; and

WHEREAS, The resolution was submitted by the Executive Officer and forwarded to the Metro Council for its approval; now, therefore,

BE IT RESOLVED;

1. That the Metro Council approves the release of the request for proposals, attached as Exhibit "A," for a personal services contract to represent Metro before the 1997 session of the Oregon Legislature.

2. That the Metro Council authorizes the Executive Officer to negotiate and execute a personal services contract with the firm or individual submitting the highest ranking proposal.

ADOPTED by the Metro Council this ____ day of _____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form: .

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 96-2386 FOR THE PURPOSE OF AUTHORIZING A REQUEST FOR PROPOSALS FOR A PERSONAL SERVICES CONTRACT TO REPRESENT METRO BEFORE THE 1997 SESSION OF THE OREGON LEGISLATURE.

Date: August 16, 1996

Presented by: Mike Burton

PROPOSED ACTION:

Adoption of Resolution No. 96-2386 would authorize the Executive Officer to release a request for proposals and negotiate and execute a personal services contract to represent Metro before the 1997 session of the Oregon Legislature.

FACTUAL BACKGROUND AND ANALYSIS

Metro has a need to manage and coordinate its legislative agenda for Fiscal Year 1996-97 and maintain ongoing contract with individual state legislators. For the last four legislative sessions, Metro has contracted with the Special Districts Association (SDAO) for legislative contact and monitoring services associated with both the regular session and interim activities.

The Executive Officer is initiating a Request for Proposals (Exhibit 1) for a personal services contract to represent Metro before the 1997 session of the Oregon Legislature. The contractor shall perform the work described in Attachment A for a maximum price not to exceed \$45,000. The request for proposals seeks to secure the highest quality legislative representation of Metro at the lowest possible cost.

The Council approved \$97,670 in the Fiscal Year 1996-97 Support Services Budget for this purpose pending a proposal for state and federal legislative activities.

Executive Officer's Recommendation:

The Executive Officer recommends adoption of Resolution No. 96-2386.

Exhibit "A"
REQUEST FOR PROPOSALS

FOR

**Personal Services Contract to Represent Metro Before
The 1997 Session of the Oregon Legislature**

I. INTRODUCTION

The Office of the Executive of Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, is requesting proposals for a personal services contract to represent Metro before the 1997 session of the Oregon Legislature. Proposals will be due no later than 5 p.m., September 21, 1996 in Metro's business offices at 600 NE Grand Avenue, Portland, OR 97232-2736. Details concerning the project and proposal are contained in this document.

II. BACKGROUND/HISTORY OF CONTRACT

Metro has a need to manage and coordinate its legislative agenda for Fiscal Year 1996-97 and maintain ongoing contact with individual state legislators. For the last four legislative sessions, Metro has contracted with the Special Districts Association (SDAO) for legislative contact and monitoring services associated with both the regular session and interim activities. This request for proposals seeks to secure the highest quality legislative representation of Metro at the lowest possible cost.

III. PROPOSED SCOPE OF WORK/SCHEDULE

Metro is seeking proposals from qualified firms and/or individuals to perform the following services and to deliver the products described in Attachment A.

IV. QUALIFICATIONS/EXPERIENCE

Proposers shall have the following experience:

1. Demonstrated success at lobbying/government relations in the Oregon Legislature in at least three legislative sessions.
2. Experience with, or ability to work with a government agency.
3. Excellent interpersonal and communication skills.
4. Excellent writing skills.
5. Ability to synthesize complex data and present in a format accessible to the general public.

V. CONTRACT ADMINISTRATION

The contract will be administered by the Metro Executive Officer.

VI. PROPOSAL INSTRUCTIONS

A. Submission of Proposals

5 copies of the proposal shall be furnished to Metro, addressed to:

Metro
Officer of the Executive/Legislative RFP
600 NE Grand Avenue
Portland, OR 97232-2736

B. Deadline

Proposals will not be considered if received after 5 p.m., September 21, 1996.

C. RFP as Basis for Proposals:

This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any verbal information which is not addressed in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to Tim Raphael at (503) 797-1505. Any questions, which in the opinion of Metro, warrant a written reply or RFP amendment will be furnished to all parties receiving this RFP. Metro will not respond to questions received after September 14, 1996.

D. Information Release

All proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references, provided in response to this RFP. By submission of a proposal all proposers agree to such activity and release Metro from all claims arising from such activity.

E. Minority and Women-Owned Business Program

In the event that any subcontracts are to be utilized in the performance of this agreement, the proposer's attention is directed to Metro Code provisions 2.04.100 & 200.

Copies of that document are available from the Risk and Contracts Management Division of Administrative Services, Metro, Metro Center, 600 NE Grand Avenue, Portland, OR 97232 or call (503) 797-1717.

VII. PROPOSAL CONTENTS

The proposal should contain not more than 5 pages of written material (excluding biographies and brochures, which may be included in an appendix), describing the ability of the consultant to perform the work requested, as outlined below. The proposal should be submitted on recyclable, double-sided recycled paper (post consumer content). No waxed page dividers or non-recyclable materials should be included in the proposal.

A. Transmittal Letter: Indicate who will be assigned to the contract, who will be contract manager, and that the proposal will be valid for ninety (90) days.

B. Approach/Contract Work Plan: Describe how the work will be done within the given timeframe and budget. Include a proposed work plan and schedule.

- C. **Staffing/Contract Manager Designation:** Identify specific personnel assigned to major contract tasks, their roles in relation to the work required, percent of their time on the contract, and special qualifications they may bring to the contract. Include resumes of individuals proposed for this contract.

Metro intends to award this contract to a single firm to provide the services required. Proposals must identify a single person as contract manager to work with Metro. The consultant must assure responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

- D. **Experience:** Indicate how your firm meets the experience requirements listed in section IV. of this RFP. List projects conducted over the past five years which involved services similar to the services required here. For each of these other contracts, include the name of the customer contact person, his/her title, role on the project, and telephone number. Identify persons on the proposed project team who worked on each of the other projects listed, and their respective roles.
- E. **Clients and Legislative Interests:** Present a list of clients and legislative interests including the respective roles of staff proposed to represent Metro.
- F. **Cost/Budget:** Present the proposed cost of the contract and the proposed method of compensation. List hourly rates for personnel assigned to the contract, total personnel expenditures, support services, and subconsultant fees (if any). Requested expenses should also be listed. Metro has established budget not to exceed \$45,000 (\$5,000 per month) for this contract.
- G. **Exceptions and Comments:** To facilitate evaluation of proposals, all responding firms will adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

VIII. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. **Limitation and Award:** This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Billing Procedures:** Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once a month. Metro shall pay Contractor within 30 days of receipt of an approved invoice.
- C. **Validity Period and Authority:** The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

- D. **Conflict of Interest.** A Proposer filing a proposal thereby certifies that no officer, agent, or employee of Metro or Metro has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of Metro; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer for the same call for proposals; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

IX. EVALUATION OF PROPOSALS

- A. **Evaluation Procedure:** Proposals received that conform to the proposal instructions will be evaluated. The evaluation will take place using the evaluation criteria identified in the following section. Interviews may be requested prior to final selection of one firm.
- B. **Evaluation Criteria:** This section provides a description of the criteria which will be used in the evaluation of the proposals submitted to accomplish the work defined in the RFP.

35% Work Plan/Approach

1. Demonstration of understanding of the contract objectives.
2. Client/issue compatibility with Metro.

55% Experience

1. Experience and ability of firm and/or staff.
2. Resources and staff committed to contract.

10% Budget/Cost Proposal

1. Practicality and value of proposed budget.
2. Commitment to budget and schedule parameters.

X. NOTICE TO ALL PROPOSERS -- STANDARD AGREEMENT

The attached personal services agreement is a standard agreement approved for use by the Metro Office of General Counsel. This is the contract the successful proposer will enter into with Metro; it is included for your review prior to submitting a proposal. Failure to respond will be interpreted as acceptance of the standard terms and conditions for contract and subsequent changes will not be considered.

Project _____
Contract No. _____

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 N.E. Grand Avenue, Portland, OR 97232-2736, and _____, referred to herein as "Contractor," located at _____.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. **Duration.** This personal services agreement shall be effective _____ and shall remain in effect until and including _____, unless terminated or extended as provided in this Agreement.
2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed _____ AND _____/100THS DOLLARS (\$_____).
4. **Insurance.**
 - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
 - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
 - (2) Automobile bodily injury and property damage liability insurance.
 - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
 - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status

and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the State of Oregon and shall be conducted in the Circuit Court of the state of Oregon for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor seven days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

_____	METRO
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Attachment A

SCOPE OF WORK

1. Description of the Work

A. 1997 Legislative Session

The contractor will represent Metro before the 1997 session of the Oregon Legislature by arranging for introduction of any legislation which the agency requests to put forth and monitoring all legislation which may impact Metro through daily attendance at committee meetings, work sessions and hearings, meetings with individual legislators and other appropriate means. The contractor will arrange for Metro testimony at hearings where appropriate or appear on behalf of Metro as directed by the Council and the Executive Officer and will advise Metro of any additional communication with the legislature which needs to be carried out by Metro's elected officials and/or staff.

B. Contact with Individual Legislators

The contractor will establish contact with individual legislators on behalf of Metro and will work with the Council and Executive Officer to conduct a briefing for legislators prior to the beginning of the 1997 session.

C. Coordination and Management of Contract

Metro's legislative agenda is developed jointly between the Executive Officer and the Metro Council. Direction and supervision of the Scope of Work shall be accomplished through oversight by the Executive Officer. The contractor shall report to the Metro Council at least once a month during the legislative session to transmit a progress report. Additional meetings may be scheduled upon request of any of the parties.

The contractor shall meet with Metro staff on a regular basis to ensure familiarity with Metro programs and issues. In addition, Metro will be represented at other Meetings which are necessary to carry out the 1997 Legislative Agenda.

2. Payment and Billing.

Contractor shall perform the above work for a maximum price not to exceed FORTY FIVE THOUSAND DOLLARS (\$45,000.00) for the period October 1, 1996 to June 30, 1997, to be paid at the rate of \$5,000.00 per month.

The maximum price includes all fees, costs and expenses of whatever nature. Contractor's billing statements will include an itemized statement of work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention:

Accounts Payable, 600 NE Grand Avenue, Portland, OR 97232-2736.

Metro will pay Contractor within 30 days of receipt of an approved billing statement.

Agenda Item Number 6.2

**Resolution No. 96-2385, For the Purpose of Expressing Support for
Portland State University.**

**Metro Council Meeting
Thursday September 5, 1996
4:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXPRESSING) RESOLUTION NO 96-2385
SUPPORT FOR PORTLAND STATE)
UNIVERSITY) Introduced by Councilor Monroe

WHEREAS, The Oregon State Board of Higher Education has been engaged in a planning process to reform public higher education; and

WHEREAS, The public higher education planning process will guide the expenditure of new investments in public higher education and have an impact on Portland State University's ability to serve the region and the state; and

WHEREAS, Portland State University is a comprehensive urban university which makes a significant contribution in shaping national policy on urban issues, serves more than 37,000 individuals annually and enrolls about one third of public higher education's graduate students; and

WHEREAS, A quality public higher education system responsive to the metropolitan region is crucial to the social, economic, and cultural well-being of local residents as well as to the State of Oregon; and

WHEREAS, Portland State University's plans for the future are integral to the significant long-range planning efforts underway by Metro, Portland-Multnomah Progress Board, Central City 2000 and the Oregon Business Council to insure that public higher education programs offered in the region establish greater links to regional economic, cultural and community development strategies; and

WHEREAS, The public higher education planning process has produced some proposals that would reduce the capacity of Portland State University to meet the needs of emerging

business and key industries as well as the growing population in the metropolitan region; now, therefore,

BE IT RESOLVED:

1. That the Metropolitan region be active participants in any restructuring planning process that affects Portland State University; and
2. That Metro strongly urges the State Board of Higher Education to make significant investments in Portland State University that will increase its capacity to serve the metropolitan region and the state, particularly by strengthening engineering and educational programs linked to business and Oregon's key industries.

ADOPTED by the Metro Council this ____ day of _____ 1996.

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

IAR-01283.DOC

This is a working draft to be reviewed by
MTAC & TPAC, MPAC and JPACT, the
Metro Growth Management Committee
and the full Metro Council

Urban Growth Management Functional Plan

- Metro Staff Draft completed 2/14
 - MTAC/TPAC Draft completed
4/19/96
 - MPAC Working Draft
Completed 7/11/96
 - Metro Growth
Management Draft
8/23/96
 - Metro Council Draft
 - Adopted
-



METRO

1 **URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**
2 **A functional plan for early implementation of the Metro 2040 Growth Concept**

3 **Introduction**

4 Metro was created after a vote of the citizens of the region as an elected regional government
5 responsible for addressing issues of metropolitan concern and is enabled by state law, adopted
6 by the Oregon Legislature in 1977. In addition, the voters of the region adopted a Metro
7 Charter in 1992, which describes additional responsibilities for the agency. Metro has an
8 elected seven member Council which determines region-wide policies. In addition, Metro has
9 an elected Executive Officer to enforce Metro ordinances and execute the policies of the
10 council.

11 The Metro Policy Advisory Committee (MPAC) is comprised of local government elected
12 officials and appointed citizens from throughout the region and was created to advise the
13 regionally elected Metro Council on matters of metropolitan concern. MPAC has
14 recommended specific policies to be included in a new functional plan to be adopted by the
15 Metro Council as soon as practicable. Early implementation of the 2040 Growth Concept is
16 intended to take advantage of opportunities now and avoid use of land inconsistent with the
17 long-term growth policy.

18 MPAC, as well as the Joint Policy Advisory Committee on Transportation (JPACT), and the
19 Water Resource Policy Advisory Committee (WRPAC) have made recommendations that are
20 the basis for this functional plan. All of the elements considered by MPAC, JPACT and
21 WRPAC were deemed by the Metro Council to be matters of metropolitan concern that have
22 significant impact upon the orderly and responsible development of the metropolitan area. The
23 functional plan establishes regional policies, which will apply to all 24 cities and 3 counties
24 within the Metro region. The legal form of these regional policies is a functional plan, not
25 adoption as a "component" of the Regional Framework Plan. The policies in this functional
26 plan will be updated and coordinated with other policies to be adopted as components of the
27 Metro Charter mandated Regional Framework Plan, on or before December 30, 1997.

28 Functional plans are a primary regional policy tool that may contain both "recommendations"
29 and "requirements" for changes in local plans. This functional plan relies on further actions,
30 primarily changes to local government comprehensive plans and implementing ordinances, to
31 effectuate the actions described below.

32 **The Meaning of Regional Functional Plan Adoption**

33 The regional policies which are adopted by this Urban Growth Management Functional Plan
34 recommend and require changes to city and county comprehensive plans and implementing
35 ordinances. The purpose of this functional plan is to implement regional goals and objectives
36 adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO),
37 including the Metro 2040 Growth Concept. The comprehensive plan changes and related

38 actions, including implementing regulations, required by this functional plan, shall be adopted
39 by all cities and counties in the Metro region within twenty-four (24) months from the effective
40 date of this ordinance.

41 Any city or county determination not to incorporate all required functional plan policies into
42 comprehensive plans shall be subject to the conflict resolution and mediation processes
43 included within the RUGGO, Goal I provisions, prior to the final adoption of inconsistent
44 policies or actions. Upon the effective date of this ordinance, any city or county amendment to
45 a comprehensive plan or implementing ordinance that is inconsistent with requirements of this
46 functional plan, is subject to appeal for violation of the functional plan.

47 Regional Policy Basis

48 The regional policies adopted in this functional plan are formulated from, and are consistent
49 with, the RUGGOs, including the Metro 2040 Growth Concept. The overall principles of the
50 Greenspaces Master Plan are also incorporated within this functional plan. In addition, the
51 updated Regional Transportation Plan (RTP)¹, when adopted, will serve as the primary
52 transportation policy implementation of the 2040 Growth Concept. However, early
53 implementation land use policies in this functional plan are integrated with early
54 implementation transportation policies derived from preparation of the 1996 Regional
55 Transportation Plan, and consistent with the Metro 2040 Growth Concept.

56 Structure of Requirements

57 The Urban Growth Management Functional Plan is a regional functional plan which contains
58 "requirements" that are binding on cities and counties of the region as well as
59 recommendations that are not binding. "Shall" or other directive words are used with
60 requirements. The words "should" or "may" are used with recommendations. In general, the
61 Plan is structured so that local jurisdictions may choose either performance standard
62 requirements or prescriptive requirements. The intent of the requirements is to assure that
63 cities and counties have a significant amount of flexibility as to how they meet requirements.
64 Performance standards are included in all titles. If local jurisdictions demonstrate to Metro
65 that they meet the performance standard, they have met the requirement of the title. Standard
66 methods of compliance are also included in the plan to establish one very specific way that
67 jurisdictions may meet a title requirement, but these standard methods are not the only way a
68 city or county may show compliance. In addition, certain mandatory requirements that apply
69 to all cities and counties are established by this functional plan.

¹ Metro has an adopted Regional Transportation Plan. However, because of changing local and regional conditions, as well as state and federal requirements, the RTP is being amended in 1996.

70

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

71
72

TITLE 1: REQUIREMENTS FOR HOUSING AND EMPLOYMENT ACCOMMODATION

73

Section 1. Intent

74
75
76
77
78
79
80
81
82
83

State law and Metro code require that the Metro urban growth boundary (UGB) have sufficient capacity to accommodate the expected growth for 20 years. It is Metro policy to minimize the amount of urban growth boundary expansion required for the expected population and employment growth by the year 2017 consistent with all Statewide Goals. To accomplish that policy, it is beneficial and desirable to increase the capacity of land available for development within the UGB. Increasing the capacity of land within the UGB includes increasing in appropriate locations both the rate of development permitted per acre and the rate at which housing and employment are actually built within the UGB. Development consistent with the design types of the Metro 2040 Growth Concept will focus these efforts. Each city and county must contribute its fair share to increasing the development capacity of land within the UGB.

84
85

Section 2. Local Plan Accommodation of Expected Growth Capacity for Housing and Employment—Performance Standard

86

All cities and counties within Metro shall demonstrate that:

87
88
89

A. Their zoning and other regulations will permit the target capacity for housing units and employment contained in Table 1 in the Appendix to this plan, including jurisdiction-wide expected capacities, as well as capacities for mixed-use areas; and that

90
91

B. The methods and plan requirements set forth in Sections 3 through 6 of this Title have been adopted or followed; and that

92
93
94

C. Effective measures have been taken to reasonably assure that the expected capacities will be built for housing units and employment; and that

95
96
97

D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.

98
99
100
101
102
103

Metro will work with local jurisdictions to develop a set of region-wide community development code provisions, standards and other regulations which local jurisdictions may adopt that will help implement the 2040 Growth Concept and this Functional Plan. Included in this project will be a review of development standards in support of smaller lots and more flexible use of land, strategies to encourage land assembly, more flexible zoning and improvements in the pre-application process to ensure timely and thorough review and to

104 provide for early involvement by the public to address neighborhood concerns and assure
105 community acceptance of these changes.

106 **Section 3. Methods to Increase Expected Capacity Required for All Local**
107 **Governments**

108 All cities and counties within Metro are required to include within their comprehensive plans
109 and implementing ordinances the following provisions:

110 A. All zones allowing residential use shall include a minimum density standard that
111 requires that no land use decision, including a partition or subdivision, may be
112 approved unless the proposed action will provide that no less than 80 percent of the
113 maximum number of dwelling units per net acre permitted for development are
114 approved for development. No comprehensive plan provision, implementing ordinance
115 or condition of approval may limit development to less than 80 percent of the maximum
116 permitted density. For high density zones with maximum permitted density higher than
117 37 dwelling units per net acre, the minimum residential density may be 30 dwelling
118 units per net acre if that density is consistent with the target densities listed in
119 subsection B, below.

120 B. For the area of each 2040 Growth Concept design type, local comprehensive plans and
121 implementing ordinances shall permit, at least, the following target densities for
122 housing and employment:

- 123 Central City - 250 persons per acre
- 124 Regional Centers - 60 persons per acre
- 125 Station Communities - 45 persons per acre
- 126 Town Centers - 40 persons per acre
- 127 Main Streets - 39 persons per acre
- 128 Corridor - 25 persons per acre
- 129 Inner Neighborhoods - 14 persons per acre
- 130 Outer Neighborhoods - 13 persons per acre
- 131 Employment Areas - 11 persons per acre

132 The boundaries of the area for each design type, including Industrial Areas, shall be
133 determined by the city or county consistent with the general locations shown on the
134 2040 Growth Concept Map. For any area designated as a neighborhood area, the plans
135 and implementing ordinances shall not permit a target density equal to or greater than
136 the target density for any non-neighborhood design type.

137 C. Cities and counties shall not prohibit partitioning or subdividing inside the Metro urban
138 growth boundary where existing lot sizes are two or more times that of the minimum
139 lot size in the development code.

140 **Section 4. Review of Permitted Capacity of Housing Units and Employment**

141 The purpose of this review is to determine the capacity of existing comprehensive plans and
142 implementing ordinances to accommodate housing and employment and to determine whether
143 amendments to existing plans are necessary to comply with Section 2 of this Title. Each city and
144 county within the Metro region is hereby required to:

145 A. Review the permitted capacity¹ of its current comprehensive plan, and calculate the
146 expected capacity of housing units and employment by the year 2017 from the plan.

147 1. Cities and counties shall use Metro estimates of vacant land, and land likely to
148 redevelop, unless the local government has data that it believes is more accurate.
149 In this case, the local government may provide Metro the following:

- 150 a. The source of the data;
- 151 b. The reasons that the locally developed data is a more accurate estimate
152 than the Metro estimate of vacant and redevelopable land;
- 153 c. The database from which the above were derived;
- 154 d. The database of committed development lands.

155 Cities and counties may use their data, subject to acceptance by the Metro
156 Council or its designee, after Metro determines that the city or county data is
157 more accurate than the Metro data. The Executive Officer shall notify the
158 Metro Council of each instance in which the data submitted by a city or county
159 is determined by Metro staff to be less accurate than Metro data.

160 2. In estimating expected capacity of existing comprehensive plans and
161 implementing ordinances, local governments shall not estimate expected capacity
162 at more than 80 percent of maximum permitted density, unless:

- 163 a. Actual experience in the jurisdiction since 1990 has shown that
164 development has occurred at density greater than 80 percent of permitted
165 residential density; or
- 166 b. Minimum density standards are adopted or proposed for adoption in the
167 zoning code that require residential development at greater than 80 percent
168 of maximum permitted density.

169 3. Jurisdictions calculating capacity through the use of density bonus provisions
170 may consider transfers, including off-site transfers, only upon demonstration
171 that previous approvals of all density transfers within the past 5 years have
172 resulted in an average of at least 80 percent of maximum permitted densities
173 actually being built.

¹ See Title 10, Definitions, "permitted capacity" and "expected capacity."

174 B. Calculate the increases in expected housing units and employment by the year 2017
175 from any proposed changes to the current comprehensive plans and implementing
176 ordinances that must be adopted to comply with Section 3 of this Title and add the
177 increases to the calculation of expected capacities.

178 C. Determine the effect of each of the following on expected capacities, and include the
179 effect in the calculation of expected capacities:

180 1. Required dedications for public streets, consistent with the Regional Accessibility
181 Title;

182 2. Off-street parking requirements, consistent with this functional plan;

183 3. Landscaping, setback, and maximum lot coverage requirements;

184 4. The effects of tree preservation ordinances, environmental protection ordinances,
185 view preservation ordinances, solar access ordinances, or any other regulations
186 that may have the effect of reducing the capacity of the land to develop at the
187 permitted density;

188 5. The effects of areas dedicated to bio-swales, storm water retention, open space
189 dedications, and other requirements of local codes that may reduce the capacity of
190 the land to develop at the permitted density.

191 D. Review whether actual built densities during 1990-1995 were less than 80 percent of
192 permitted densities. The 1990-1995 actual built densities within its jurisdiction shall be
193 compared with permitted densities for housing units and employment during that
194 period. This comparison shall be conducted using the following methods:

195 1. Residential and employment developments to be analyzed shall be those which
196 were permitted by a land use action and constructed during the period from
197 1990 to 1995, and residential density shall be measured in households per net
198 developed acre.²

199 2. Employment performance shall be measured by comparing the actual
200 jurisdiction-wide increase during the years 1990-1995 with the jurisdiction-wide
201 increase listed in Table 1. This shall include only those developments that
202 received approval under the implementing ordinances during this period.

203 If the average of actual built densities for 1990-1995 was less than 80 percent of
204 permitted densities, cities and counties must address the reasons for not achieving
205 higher densities in calculating their expected capacities.

² See definitions.

206 **Section 5. Requirement to Increase Expected Capacity**

207 A. If the expected capacity estimates developed under Section 4 are less than the city's or
208 county's target housing and employment capacities in Table 1, either jurisdiction-wide or
209 in mixed-use areas, or both, then the city or county shall comply with Section 2 of this
210 Title by amending its comprehensive plans and implementing ordinances to increase its
211 expected capacity to comply with the required capacities in Table 1.

212 B. A capacity calculation including amendments to increase capacity shall be made
213 according to the same methodology the jurisdiction used in Section 4. The jurisdiction
214 shall demonstrate at least the following in calculating capacities for housing and
215 employment;

216 1. The capacity calculation used only those development types that are a permitted
217 use in the development code. Any discretionary decision must not diminish the
218 permitted density if it is to be counted as a part of expected capacity; and

219 2. Expected capacity has been determined by accounting for all development code
220 requirements that may have the effect of reducing capacity, including those listed
221 in Section 4.C above; and

222 3. Cities and counties, in coordination with special districts, have reviewed their
223 public facility capacities and plans to assure that planned public facilities can be
224 provided, to accommodate growth within the plan period; and

225 4. If the capacity calculations reflect that, during the period 1990-1995, actual built
226 densities were less than 80 percent of permitted densities, the jurisdiction shall
227 also demonstrate that it has considered and adopted at least two of the following
228 methods to increase capacity:

- 229 a. Financial incentives for higher density housing;
- 230 b. Provisions permitting additional density beyond that generally allowed in
231 the zoning district in exchange for amenities and features provided by the
232 developer;
- 233 c. Removal or easing of approval standards or procedures;
- 234 d. Redevelopment and infill strategies;
- 235 e. Authorization of housing types not previously allowed by the plan or
236 regulations; and
- 237 f. Adoption of an average residential density standard.

238 C. Exceptions can be requested according to Title 8 if a city or county determines that any
239 expected capacity requirement in Table 1 cannot be achieved after implementation of
240 policies to increase expected capacities.

241 **TITLE 2: REGIONAL PARKING POLICY**

242 **Section 1. Intent**

243 The State's Transportation Planning rule calls for per capita reductions of vehicle miles traveled
244 and parking as a means of responding to transportation and land use impacts of growth. The
245 Metro 2040 Growth Concept calls for more compact development as a means to encourage more
246 efficient use of land, promote non-auto trips and protect air quality. In addition, the federally
247 mandated air quality plan relies on the 2040 Growth Concept fully achieving its transportation
248 objectives. Notably, it relies upon reducing vehicle trips per capita and related parking spaces
249 through minimum and maximum parking ratios. This title is provided to address these statutory
250 requirements and preserve the quality of life of the region.

251 A compact urban form requires that each use of land is carefully considered and that more
252 efficient forms are favored over less efficient ones. Parking, especially that provided in new
253 developments, can result in a less efficient land usage and lower floor to area ratios. Parking also
254 has implications for transportation. In areas where transit is provided or other non-auto modes
255 (walking, biking) are convenient, less parking can be provided and still allow accessibility and
256 mobility for all modes, including autos. Reductions in auto trips when substituted by non-auto
257 modes can reduce congestion and increase air quality.

258 **Section 2. Performance Standard**

259 A. Local Governments are hereby required to adopt amendments, if necessary, to insure that
260 their comprehensive plans and implementing regulations meet or exceed the following
261 minimum standards:

262 1. Require no more parking than the minimum as shown on Regional Parking
263 Standards Table, attached hereto; and

264 2. Establish parking maximums at ratios no greater than those listed in the Parking
265 Table and as illustrated in the Parking Maximum Map. The designation of A and
266 B zones on the Parking Maximum Map should be reviewed every five years and if
267 necessary, revised to reflect changes in public transportation and in pedestrian
268 support from adjacent neighborhoods. For all urban areas outside Zone A, cities
269 and counties shall establish parking space maximums no greater than those listed
270 in Zone B in the Parking Table and as illustrated in the Parking Maximum map.
271 Local governments should designate Zone A parking ratios in areas with good
272 pedestrian access to commercial or employment areas (within 1/3 mile walk) from
273 adjacent residential areas.

274 3. Ensure that an administrative or public hearing process for considering ratios for
275 individual or joint developments allow adjustment for parking when:

- 276 a. in excess of the maximum parking ratios; and
277 b. less than the minimum parking ratios.

278 Local governments may grant an adjustment from maximum parking ratios or minimum
279 parking ratios through an adjustment or variance process.

280 B. Free surface parking spaces shall be subject to the regional parking maximums.
281 Parking spaces in parking structures, fleet parking, parking for vehicles that are for
282 sale, lease, or rent, employee car pool parking spaces, dedicated valet parking spaces,
283 spaces that are user paid, market rate parking or other high-efficiency parking
284 management alternatives may be exempted from maximum parking standards. Sites
285 that are proposed for redevelopment may be allowed to phase in reductions as a local
286 option. Where mixed land uses are proposed, local governments shall provide for
287 blended parking rates. It is recommended that local governments count adjacent on-
288 street parking spaces, nearby public parking and shared parking toward required
289 parking minimum standards.

290 C. Local Governments may use categories or measurement standards other than those in
291 the Parking Table, but must provide findings that the effect of the local regulations will
292 be substantially the same as the application of the Regional Parking Ratios.

293 D. Local governments shall monitor and provide the following data to Metro on an annual
294 basis:

- 295 1. the number and location of newly developed parking spaces, and
- 296 2. demonstration of compliance with the minimum and maximum parking
297 standards, including the application of any local adjustments to the regional
298 standards in this title. Coordination with Metro collection of other building data
299 should be encouraged.

300 **TITLE 3: WATER QUALITY AND FLOOD MANAGEMENT CONSERVATION**

301 **Section 1. Intent**

302 To protect the beneficial uses and functional values of resources within the Water Quality and
303 Flood Management Areas by limiting or mitigating the impact on these areas from development
304 activities.

305 **Section 2. Requirement**

306 Cities and counties shall ensure that their comprehensive plans and implementing regulations
307 protect Water Quality and Flood Management Areas pursuant to Section 4. Exceptions to this
308 requirement will be considered under the provisions of Section 7.

309 **Section 3. Implementation Process for Local Governments**

310 Cities and counties are hereby required to amend their plans and implementing ordinances, if
311 necessary, to ensure that they comply with this Title in one of the following ways:

312 A. Either adopt the relevant provisions of the Metro Water Quality and Flood Management
313 model ordinance and map entitled Metro Water Quality and Flood Management
314 Conservation Area Map; or

315 B. Demonstrate that the plans and implementing ordinances substantially comply with the
316 performance standards, including the map, contained in Section 4. In this case, the
317 purpose of this map is to provide a performance standard for evaluation of substantial
318 compliance for those jurisdictions who choose to develop their own map of water quality
319 and flood management areas ; or

320 C. Any combination of A and B above that substantially complies with all performance
321 standards in Section 4.

322 **Section 4. Performance Standards**

323 A. **Flood Mitigation.** The purpose of these standards is to protect against flooding, and
324 prevent or reduce risk to human life and properties, by allowing for the storage and
325 conveyance of stream flows through these natural systems.

326 The plans and implementing ordinances of cities and counties shall be in substantial compliance
327 with the following performance standards:

- 328 1. Prohibit development within the water quality and flood management area; or
- 329 2. Limit development in a manner that requires balanced cut and fill; unless the
330 project is demonstrated, by an engineering study, that there is no rise in flood
331 elevation or that it will have a net beneficial effect on flood mitigation.

332 3. Require minimum finished floor elevations at least one foot above the design
333 flood height or other applicable flood hazard standard for new habitable
334 structures in the Water Quality and Flood Management Area.

335 4. Require that temporary fills permitted during construction shall be removed.

336 **B. Water Quality.** The purpose of these standards is to protect and allow for enhancement
337 of water quality associated with beneficial uses as defined by the Oregon Water
338 Resources Department and the Oregon Department of Environmental Quality.

339 The plans and implementing ordinances of cities and counties shall be in substantial
340 compliance with the following performance standards:

341 1. Require erosion and sediment control for all new development within the Metro
342 boundary as contained in the Metro Water Quality and Flood Management model
343 ordinance.

344 2. Require to the maximum extent practicable that native vegetation cover is
345 maintained or re-established during development, and that trees and shrubs in the
346 Water Quality and Flood Management Area are maintained. The vegetative cover
347 required pursuant to these provisions shall not allow the use of "Prohibited Plants
348 for Stream Corridors and Wetlands" contained in the Water Quality and Flood
349 Management Model Code adopted by the Metro Council.

350 3. Prohibit new uses of uncontained areas of hazardous materials as defined by DEQ
351 in the Water Quality and Flood Management Areas; and
352

353 **C. Protect the long term regional continuity and integrity of Water Quality and Flood**
354 **Management Areas**

355 Standards: Local jurisdictions shall establish or adopt transfer of density within
356 ownership to mitigate the effects of development in Water Quality and Flood
357 Management Areas, or through Transferable Development Rights (TDRs), which have
358 substantially equivalent effect as the Metro Water Quality and Flood Management Model
359 Ordinance.

360 Metro encourages local government to require that approvals of applications for
361 partitions, subdivisions and design review actions must be conditioned with protecting
362 Water Quality and Flood Management Areas with a conservation easement, platted as a
363 common open space, or through purchase or donation of fee simple ownership to public
364 agencies or private non-profits for preservation, where feasible. Metro and local
365 governments shall recognize that applications involving pre-existing development within
366 the Water Quality and Flood Management Areas shall be exempted from the provisions
367 concerning conservation easements and purchase or donation of fee simple ownership to
368 public agencies or private non-profits for preservation.

369 Section 5. Fish and Wildlife Habitat Conservation Area

370 A. The purpose of these standards is to conserve, protect, and enhance fish and wildlife
371 habitat within the fish and wildlife habitat conservation areas identified on the water
372 quality and flood management area map by establishing performance standards and
373 promoting coordination by Metro of regional urban water sheds.

374 B. Fish and Wildlife Habitat Conservation Area Recommendations

375 These areas shall be shown on the Water Quality and Flood Management Area Map.
376 Fish and Wildlife Habitat Conservation Areas generally include and/or go beyond
377 the Water Quality and Flood Management Areas. These areas shown on the map are
378 Metro's initial inventory of significant fish and wildlife habitat conservation areas. Metro
379 hereby recommends that local jurisdictions adopt the following temporary standards:

380 1. Prohibit development in the Fish and Wildlife Conservation Areas that adversely
381 impacts fish and wildlife habitat.

382 Exceptions: It is recognized that urban development will, at times, necessitate
383 development activities within or adjacent to Fish and Wildlife Habitat
384 Conservation Areas. The following Fish and Wildlife Habitat Conservation
385 Mitigation Policy, except for emergency situations, applies to all the following
386 exceptions:

387 A project alternatives analysis, where public need for the project has been
388 established, will be required for any of the exceptions listed below. The
389 alternatives analysis must seek to avoid adverse environmental impacts by
390 demonstrating there are no practicable, less environmentally damaging
391 alternatives available. In those cases where there are no practicable, less
392 environmentally damaging alternatives, the project proponent will seek
393 alternatives which reduce or minimize adverse environmental impacts. Where
394 impacts are unavoidable, compensation, by complete replacement of the impacted
395 site's ecological attributes or, where appropriate, substitute resources of equal or
396 greater value will be provided in accordance with the Metro Water Quality and
397 Flood Management model ordinance.

- 398 a. Utility construction within a maximum construction zone width
399 established by local governments.
- 400 b. Overhead or underground electric power, telecommunications and cable
401 television lines within a sewer or stormwater right-of-way or within a
402 maximum construction zone width established by local governments.
- 403 c. Trails, boardwalks and viewing areas construction.
- 404 d. Transportation crossings and widenings. Transportation crossings and
405 widenings shall be designed to minimize disturbance, allow for fish and

406 wildlife passage and crossings should be preferably at right angles to the
407 stream channel.

408 2. Limit the clearing or removal of native vegetation from the Fish and Wildlife
409 Habitat Conservation Area to ensure its long term survival and health. Allow and
410 encourage enhancement and restoration projects for the benefit of fish and
411 wildlife.

412 3. Require the revegetation of disturbed areas with native plants to 90 percent cover
413 within three years. Disturbed areas should be replanted with native plants on the
414 Metro Plant List or an approved locally adopted plant list. Planting or
415 propagation of plants listed on the Metro Prohibited Plant List within the
416 Conservation Area shall be prohibited.

417 4. Require compliance with Oregon Department of Fish and Wildlife (ODFW)
418 seasonal restrictions for in-stream work. Limit development activities that would
419 impair fish and wildlife during key life-cycle events according to the guidelines
420 contained in ODFW's "Oregon Guidelines for Timing of In-water Work to
421 Protect Fish and Wildlife Resources."

422 C. Fish and Wildlife Habitat Protection

423 Within eighteen (18) months from the effective date of this functional plan, Metro shall
424 complete the following regional coordination program by adoption of functional plan
425 provisions.

426 1. Metro shall establish criteria to define and identify regionally significant fish and
427 wildlife habitat areas.

428 2. Metro shall adopt a map of regionally significant fish and wildlife areas after (1)
429 examining existing Goal 5 data, reports and regulation from cities and counties,
430 and (2) holding public hearings.

431 3. Metro shall identify inadequate or inconsistent data and protection in existing
432 Goal 5 data, reports and regulations on fish and wildlife habitat. City and county
433 comprehensive plan provisions where inventories of significant resources were
434 completed and accepted by a LCDC Periodic Review Order after January 1, 1993,
435 shall not be required to comply until their next periodic review.

436 4. Metro shall complete Goal 5 economic, social, environmental and energy (ESEE)
437 analyses for mapped regionally significant fish and wildlife habitat areas only for
438 those areas where inadequate or inconsistent data or protection has been
439 identified.

440 5. Metro shall establish performance standards for protection of regionally
441 significant fish and wildlife habitat which must be met by the plans implementing
442 ordinances of cities and counties.

443 **Section 6. Metro Model Ordinance Required**

444 Metro shall adopt a Water Quality and Flood Management Model Ordinance and map for use by
445 local jurisdictions to comply with this section. Sections 1-4 of this title shall not become
446 effective until 24 months after Metro Council has adopted a Model Code and map that addresses
447 all of the provisions of this title. Metro may adopt a Model Code and map for protection of
448 regionally significant fish and wildlife habitat. Section 5 of this title shall be implemented by
449 adoption of new functional plan provisions.

450 **Section 7. Variances**

451 City and county comprehensive plans and implementing regulations are hereby required to
452 include procedures to consider claims of map error and hardship variances to reduce or remove
453 stream corridor protection for any property demonstrated to be converted to an unbuildable lot by
454 application of stream corridor protections.

455 **TITLE 4: RETAIL IN EMPLOYMENT AND INDUSTRIAL AREAS**

456 **Section 1. Intent**

457 It is the intent of the Metro 2040 Growth Concept that Employment and Industrial Areas contain
458 very little retail development. Employment and Industrial areas would be expected to include
459 some limited retail commercial uses primarily to serve the needs of people working or living in
460 the immediate employment areas, not larger market areas outside the employment area.
461 Exceptions to this general policy for Employment and Industrial Areas can be made for certain
462 areas as identified on the Employment and Industrial Areas Map.

463 **Section 2. Comprehensive Plan and Implementing Ordinance Changes Required**

464 Cities and counties are hereby required to amend their comprehensive plans and implementing
465 regulations to prohibit retail uses larger than 50,000 feet of gross leasable area per building or
466 business in the Employment and Industrial Areas specifically designated on the 2040 Growth
467 Concept Map.

468 **Section 3. Exceptions**

469 Exceptions to this standard may be included for:

- 470 A. Low traffic generating, land-consumptive commercial uses with low parking demand
471 which have a community or region wide market, or
- 472 B. As identified on the Employment and Industrial Areas Map, specific Employment or
473 Industrial Areas which already have substantially developed as retail centers or which
474 have been locally designated as retail centers may allow new or redeveloped retail uses.
475 Proposed refinements to the mapped areas may be considered in local compliance plans
476 as provided in Title 8.

477 **TITLE 5: NEIGHBOR CITIES AND RURAL RESERVES**

478 **Section 1. Intent**

479 The intent of this title is to clearly define Metro policy with regard to areas outside the Metro
480 urban growth boundary. **NO PORTION OF THIS TITLE CAN REQUIRE ANY ACTIONS**
481 **BY NEIGHBORING CITIES.** Metro, if neighboring cities jointly agree, will adopt or sign
482 rural reserve agreements for those areas designated rural reserve in the Metro 2040 Growth
483 Concept with Multnomah, Clackamas, and Washington County, and Neighbor City Agreements
484 with Sandy, Canby, and North Plains. Metro would welcome discussion about agreements with
485 other cities if they request such agreements.

486 In addition, counties and cities within the Metro boundary are hereby required to amend their
487 comprehensive plans and implementing ordinances within twenty-four months to reflect the rural
488 reserves and green corridors policies described in the Metro 2040 Growth Concept.

489 **Section 2. Rural Reserves and Green Corridors**

490 Metro shall attempt to designate and protect common rural reserves between Metro's urban
491 growth boundary and designated urban reserve areas and each neighbor city's urban growth
492 boundary and designated urban reserves, and designate and protect common locations for green
493 corridors along transportation corridors connecting the Metro region and each neighboring city.
494 For areas within the Metro boundary, counties are hereby required to amend their comprehensive
495 plans and implementing ordinances to identify and protect the rural reserves and green corridors
496 described in the adopted 2040 Growth Concept and shown on the adopted 2040 Growth Concept
497 Map. These rural lands shall maintain the rural character of the landscape and our agricultural
498 economy. New rural commercial or industrial development shall be restricted. Zoning shall be
499 for resource protection on farm and forestry land, and very low-density residential (no greater
500 average density than one unit for five acres) for exception land.

501 For areas outside the Metro boundary, Metro shall encourage intergovernmental agreements with
502 the cities of Sandy, Canby and North Plains.

503 **Section 3. Invitations for Intergovernmental Agreements**

504 Metro shall invite the local governments outside the Metro boundary and named in Section 1 of
505 this title to sign an Intergovernmental Agreement, similar to the draft agreements attached hereto.

506 **Section 4. Metro Intent with Regard to Green Corridors**

507 Metro shall attempt to negotiate a Green Corridor Intergovernmental Agreement with Oregon
508 Department of Transportation (ODOT) and the three counties (Clackamas, Multnomah and
509 Washington) to designate and protect areas along transportation corridors connecting Metro and
510 neighboring cities.

511 **TITLE 6: REGIONAL ACCESSIBILITY**

512 **Section 1. Intent**

513 Implementation of the 2040 Growth Concept requires that the region identify key measures of
514 transportation effectiveness which include all modes of transportation. Developing a full array of
515 these measures will require additional analysis. Focusing development in the concentrated
516 activity centers, including the central city, regional centers, and station communities, requires the
517 use of alternative modes in order to avoid unacceptable levels of congestion and to insure that
518 accessibility by alternative modes is attractive. The continued economic vitality of industrial
519 areas and intermodal facilities is largely dependent on preserving or improving access to these
520 areas and maintaining reasonable levels of freight mobility on the region's main thoroughways.
521 Therefore, regional congestion standards and other regional system performance measures shall
522 be tailored to reinforce the specific development needs of the individual 2040 Growth Concept
523 land use components.

524 These regional standards will be linked to a series of regional street design concepts that fully
525 integrate transportation and land use needs for each of the 2040 land use components. The
526 designs generally form a continuum; a network of thoroughways (freeway and highway designs)
527 will emphasize auto and freight mobility and connect major activity centers. Slower-speed
528 boulevard designs within concentrated activity centers will balance the multi-modal travel
529 demands of these areas. Street and road designs will complete the continuum, with multi-modal
530 designs that reflect the land uses they serve, but also serving as moderate-speed vehicle
531 connections between activity centers that complement the thoroughway system. While these
532 designs are under development, it is important that improvements in the most concentrated
533 activity centers are designed to lessen the negative effects of motor vehicle traffic on other modes
534 of travel. Therefore, the need to implement amenity oriented boulevard treatment that better
535 serves pedestrian and transit travel in the central city, regional centers, main streets, town centers,
536 and station communities is a key step in the overall implementation of the Metro 2040 Growth
537 Concept.

538 **Section 2. Boulevard Design**

539 For regional routes in the central city, regional centers, station communities, main streets and
540 town centers designated on the Boulevard Design Map, all cities and counties within the Metro
541 region are hereby required to implement or allow to be implemented boulevard design elements
542 as improvements are made to these facilities including those facilities built by ODOT or Tri-Met.
543 Each jurisdiction shall adopt amendments, if necessary, to ensure that their comprehensive plans
544 and implementing ordinances require consideration or installation of the following boulevard
545 design elements when proceeding with right-of-way improvements on regional routes designated
546 on the boulevard design map. In general, pedestrian and transit oriented design elements are the
547 priority in the central city and regional centers, station communities, main streets and town
548 centers:

549 A. Wide sidewalks with pedestrian amenities such as benches, awnings and special lighting;

- 550 B. Landscape strips, street trees and other design features that create a pedestrian buffer
551 between curb and sidewalk;
- 552 C. Pedestrian crossings at all intersections, and mid-block crossings where intersection
553 spacing is excessive;
- 554 D. The use of medians and curb extensions to enhance pedestrian crossings where wide
555 streets make crossing difficult;
- 556 E. Bikeways;
- 557 F. On-street parking;
- 558 G. Motor vehicle lane widths that consider the above improvements;
- 559 H. Use of landscaped medians where appropriate to enhance the visual quality of the
560 streetscape.

561 **Section 3. Design Standards for Street Connectivity**

562
563 The design of local street systems, including "local" and "collector" functional classifications, is
564 generally beyond the scope of the Regional Transportation Plan (RTP). However, the aggregate
565 effect of local street design impacts the effectiveness of the regional system when local travel is
566 restricted by a lack of connecting routes, and local trips are forced onto the regional network.
567 Therefore, the RTP will include design standards for connectivity aimed at improving local
568 circulation in a manner that protects the integrity of the regional system.

569 Local jurisdictions within the Metro region are hereby required to amend their comprehensive
570 plans and implementing ordinances, if necessary, to comply with or exceed one of the following
571 options in the development review process:

- 572 A. **Design Option.** Cities and counties shall ensure that their comprehensive plans,
573 implementing ordinances and administrative codes require demonstration of compliance
574 with the following:
 - 575 1. New residential and mixed-use developments shall include local street plans that:
 - 576 a. encourage pedestrian travel by providing short, direct public right-of-way
577 routes to connect residential uses with nearby existing and planned
578 commercial services, schools, parks and other neighborhood facilities; and
579 b. include no cul-de-sac streets longer than 200 feet, and no more than 25
580 dwelling units on a closed-end street system; and
581 c. provide bike and pedestrian connections on public easements or right-of-
582 way when full street connections are not possible, with spacing between
583 connections of no more than 330 feet; and

- 584 d. consider opportunities to incrementally extend and connect local streets in
585 primarily developed areas; and
586 e. serve a mix of land uses on contiguous local streets; and
587 f. support posted speed limits; and
588 g. consider narrow street design alternatives that feature total right-of-way of
589 no more than 46 feet, including pavement widths of no more than 28 feet,
590 curb-face to curb-face, sidewalk widths of at least 5 feet and landscaped
591 pedestrian buffer strips that include street trees; and
592 h. limit the use of cul-de-sac designs and closed street systems to situations
593 where topography, development patterns or environmental constraints
594 prevent full street extensions.

- 595 2. For new residential and mixed-use development, all contiguous areas of vacant
596 and primarily undeveloped land of five acres or more shall be identified by cities
597 and counties and the following will be prepared:

598 A map that identifies possible local street connections to adjacent developing
599 areas. The map shall include street connections at intervals of no more than 660
600 feet, with more frequent connections in areas planned for mixed use or dense
601 development.

602 **B. Performance Option.** For residential and mixed use areas, cities and counties shall
603 ensure that their comprehensive plans, implementing ordinances and administrative codes
604 require demonstration of compliance with performance criteria. Cities and counties shall
605 develop local street design maps or standards with street intersection spacing to occur at
606 intervals of no less than eight per mile, the number of street connections coordinated and
607 consistent with increased density and mixed land uses. Local street designs for new
608 developments shall satisfy both of the following additional criteria:

609 1. Performance Criterion: minimize local traffic on the regional motor vehicle
610 system, by demonstrating that local vehicle trips on a given regional facility do
611 not exceed the 1995 arithmetic median of regional trips for facilities of the same
612 motor vehicle system classification by more than 25 percent.

613 2. Performance Criterion: everyday local travel needs are served by direct,
614 connected local street systems where: (1) the shortest motor vehicle trip over
615 public streets from a local origin to a collector or greater facility is no more than
616 twice the straight-line distance; and (2) the shortest pedestrian trip on public right-
617 of-way is no more than one and one-half the straight-line distance.

618 **Section 4. Transportation Performance Standards**

619 **A. Alternative Mode Analysis**

620 1. Mode split will be used as the key regional measure for transportation
621 effectiveness in the Central City, Regional Centers and Station Communities.

622 Each jurisdiction shall establish a mode split target (defined as the percentage of
 623 all non-Single Occupant Vehicle modes of transportation) for each of the central
 624 city, regional centers and station communities within its boundaries. The mode
 625 split target shall be no less than the regional targets for these Region 2040 Growth
 626 Concept land use components to be established in the Regional Transportation
 627 Plan).

628 2. Local Governments which have Central City, regional centers and station
 629 communities shall identify actions which will implement the mode split targets.
 630 These actions should include consideration of the maximum parking ratios
 631 adopted as part of Title 2, Section 2, Boulevard - Design of this title, and transit's
 632 role in serving the area.

633 **B. Motor Vehicle Congestion Analysis**

634 1. Level-of-service. The following table may be incorporated into local
 635 comprehensive plans and implementing ordinances to replace current methods of
 636 determining congestion on regional facilities, if this change is needed to permit
 637 Metro 2040 Growth Concept implementation in the Central City, Regional
 638 Centers, Town Centers, Main Streets and Station Communities:

639 *General Performance Standards (using LOS*)*

	Preferred	Acceptable	Exceeds
Mid-Day one-hour	C or better	D	E or worse
Peak two-hour	E/E or better	F/E	F/F or worse

640 *Level-of-Service is determined by using either the latest edition of the Highway
 641 Capacity Manual (Transportation Research Board) or through volume to capacity
 642 ratio equivalencies as follows: LOS C = .8 or better; LOS D = .8 to .9; LOS = .9
 643 to 1.0; and LOS F = greater than 1.0. A copy of the Level of Service Tables
 644 from the Highway Capacity Manual is attached as Exhibit A.

645 2. Accessibility. If a congestion standard is exceeded as identified in 4.B.1, local
 646 governments shall evaluate the impact of the congestion on regional accessibility
 647 using the best available methods (quantitative or qualitative). If a determination is
 648 made by Metro that the congestion negatively impacts regional accessibility, local
 649 jurisdictions shall follow the congestion management procedures identified in 4.C.
 650 below.

651 **C. Congestion Management**

652 Prior to recommending a significant capacity expansion to a regional facility, or including
 653 such an expansion in a city or county comprehensive plan, the following actions shall be
 654 applied, unless adequately addressed in the Regional Transportation Plan:

655 1. To address Level of Service:

**EXHIBIT A
(SEE TITLE 4B)**

Level of Service (LOS) Definitions for Freeways, Arterials and Signalized Intersections

LOS	FREEWAYS (average travel speed assuming 70 mph design speed)	ARTERIALS (average travel speed assuming a typical free flow speed of 40 mph)	SIGNALIZED INTERSECTIONS (stopped delay per vehicle)	TRAFFIC FLOW CHARACTERISTICS
A	Greater than 60 mph Average spacing: 22 car-lengths	Greater than 35 mph	Less than 5 seconds; most vehicles do not stop at all	Virtually free flow; completely unimpeded Volume/capacity ratio less than or equal to .60
B	57 to 60 mph Average spacing: 13 car-lengths	28 to 35 mph	5.1 to 15 seconds; more vehicles stop than for LOS A	Stable flow with slight delays; reasonably unimpeded Volume/capacity ratio .61 to .70
C	54 to 57 mph Average spacing: 9 car-lengths	22 to 28 mph	15.1 to 25 seconds; individual cycle failures may begin to appear	Stable flow with delays; less freedom to maneuver Volume/capacity ratio of .71 to .80
D	46 to 54 mph Average spacing: 6 car-lengths	17 to 22 mph	25.1 to 40 seconds; individual cycle failures are noticeable	High density but stable flow Volume/capacity ratio of .81 to .90
E	30 to 46 mph Average spacing: 4 car-lengths	13 to 17 mph	40.1 to 60 seconds; individual cycle failures are frequent; poor progression	Operating conditions at or near capacity; unstable flow Volume/capacity ratio of .91 to 1.00
F	Less than 30 mph bumper-to-bumper	Less than 13 mph	Greater than 60 seconds; not acceptable for most drivers	Forced flow, breakdown conditions Volume/capacity ratio of greater than 1.00
>F	Demand exceeds roadway capacity, limiting volume that can be carried and forcing excess demand onto parallel routes and extending the peak period			Demand/capacity ratios of greater than 1.10

Source: 1985 Highway Capacity Manual (A through F Descriptions)
Metro (>F Description)

- 656 a. Transportation system management techniques
- 657 b. Corridor or site-level transportation demand management techniques
- 658 c. Additional roadway capacity to parallel facilities, including the
- 659 consideration of a grid pattern consistent with connectivity standards
- 660 contained in Title 6 of this plan
- 661 d. Transit service improvements to increase ridership

662 2. To address preservation of street function:

- 663 a. Traffic calming
- 664 b. Street function classification

665 3. To address or preserve existing street capacity

- 666 a. Transportation management (e.g. access management, signal interties, lane
- 667 channelization)

668 If the above considerations do not adequately and cost-effectively address the problem,

669 capacity improvements may be included in the comprehensive plan.

670 **TITLE 7: AFFORDABLE HOUSING**

671 **Section 1. Intent**

672 RUGGO Objective 17 requires Metro to use a "fair share" strategy to meet housing needs, which
673 includes housing densities supportive of "development of the regional transportation system and
674 designated centers and corridors," like Title I, above. Two other parts of the "fair share" strategy
675 are addressed here: (1) encouraging use of tools identified to improve availability of sufficient
676 housing affordable to households of all income levels; and (2) encouraging manufactured
677 housing to assure a diverse range of available housing types.

678 **Section 2. Recommendations to Improve Availability of Affordable Housing**

679 The following tools and approaches to facilitate the development of affordable housing are
680 recommended to begin to meet the need for sufficient and affordable housing:

- 681 A. Donate buildable tax-foreclosed properties to nonprofit organizations for
682 development as mixed market affordable housing.
- 683 B. Develop permitting process incentives for housing being developed to serve
684 people at or below 80% of area median income.
- 685 C. Provide fee waivers and property tax exemptions for projects developed by
686 nonprofit organizations serving people at or below 60% of area median income.
- 687 D. Create a land banking program to enhance the availability of appropriate sites for
688 permanently affordable housing.
- 689 E. Consider replacement ordinances that would require developers of high-income
690 housing, commercial, industrial, recreational or government projects to replace
691 any affordable housing destroyed by these projects.
- 692 F. Consider linkage programs that require developers of job-producing development,
693 particularly that which receives tax incentives, to contribute to an affordable
694 housing fund.
- 695 G. Commit locally controlled funds, such as Community Development Block Grants,
696 SIP tax abatement funds or general fund dollars, to the development of
697 permanently affordable housing for people at or below 60% of area median
698 income.
- 699 H. Consider inclusionary zoning requirements, particularly in tax incentive
700 programs, for new development in transit zones and other areas where public
701 investment has contributed to the value and developability of land.

702 **Section 3. Recommendations to Encourage Manufactured Housing**

703 State housing policy requires the provision of manufactured housing inside all Urban Growth
704 Boundaries as part of the housing mix with appropriate placement standards. The following are
705 recommended to reduce regulatory barriers to appropriately placed manufactured housing:

- 706 A. Requirements for a minimum of five acres to develop a manufactured housing
707 park should be reviewed to consider a lesser requirement, or elimination of a
708 minimum parcel and/or lot size entirely.
- 709 B. Manufactured homes configured as duplexes, triplexes, fourplexes, etc. should be
710 encouraged outside manufactured dwelling parks where zoning densities are
711 consistent with single story development.

712 **TITLE 8: COMPLIANCE PROCEDURES**

713 **Section 1. Compliance Required**

714 All cities and counties within the Metro boundary are hereby required to amend their
715 comprehensive plans and implementing ordinances to comply with the provisions of this
716 functional plan within twenty-four months of the effective date of this ordinance. Metro
717 recommends the adoption of the policies that affect land consumption as soon as possible.

718 **Section 2. Compliance Procedures**

719 A. On or before six months prior to the deadline established in Section 1, cities and counties
720 shall transmit to Metro the following:

- 721 1. An evaluation of their local plans, including public facility capacities and the
722 amendments necessary to comply with this functional plan;
- 723 2. Copies of all applicable comprehensive plans and implementing ordinances and
724 public facility plans, as proposed to be amended;
- 725 3. Findings that explain how the amended local comprehensive plans will achieve
726 the standards required in titles 1 through 6 of this functional plan.

727 In developing the evaluation, plan and ordinance amendments and findings, cities and
728 counties shall address the Metro 2040 Growth Concept, and explain how the proposed
729 amendments implement the Growth Concept.

730 B. Exemptions from any of the requirements in the above titles may be granted by the Metro
731 Council, as provided for in the Regional Urban Growth Goals and Objectives, Section
732 5.3, after MPAC review, based on city or county submittal as specified in this section.
733 The Metro Council will make all final decisions as to the existence of the factual basis for
734 the grant of any requested exemption.

735 1. Population and Employment Capacity. An exemption from the requirement
736 contained in Table 1 of Title 1 that the target capacities shall be met or exceeded
737 may be granted based on a submittal which includes the following:

- 738 a. A demonstration of substantial evidence of the economic infeasibility to
739 provide sanitary sewer, water, stormwater or transportation facilities to an
740 area or areas; or
- 741 b. A demonstration that the city or county is unable to meet the target
742 capacities listed in Table 1 because substantial areas have prior
743 commitments to development at densities inconsistent with Metro target;
744 or

745
746
747

- c. A demonstration that the households and employment capacities cannot be accommodated at densities or locations the market or assisted programs will likely build during the planning period.

748
749
750
751
752
753

As part of any request for exemption under this subsection, a city or county shall also submit an estimate of the amount of households or employment included in the capacity listed in Table 1 that cannot be accommodated; and a recommendation which identifies land that would provide for the unaccommodated capacity located outside the urban growth boundary and near or adjacent to the city or county.

754
755
756
757

In reviewing any request for exemption based on the financial feasibility of providing public services, Metro, along with local governments, shall estimate the cost of providing necessary public services and compare those with the estimated costs submitted by the city or county requesting the exemption.

758
759
760
761
762

- 2. **Parking Measures.** Subject to the provisions of Title 2, cities or counties may request an exemption from parking requirements. Metro may consider a city or county government request to allow areas designated as Zone A to be subject to Zone B requirements upon the city or county establishing that, for the area in question:

763
764
765
766
767
768
769
770

- a. There are no existing plans to provide transit service with 20-minute or lower peak frequencies; and
- b. There are no adjacent neighborhoods close enough to generate sufficient pedestrian activity; and
- c. There are no significant pedestrian activity within the present business district; and
- d. That it will be feasible for the excess parking to be converted to the development of housing, commerce or industry in the future.

771
772
773
774

The burden of proof for an adjustment shall increase based on the quality and timing of transit service. The existence of transit service or plans for the provision of transit service near a 20-minute or lower peak frequency shall establish a higher burden to establish the need for the exemption.

775
776
777
778
779
780
781
782
783

- 3. **Water Quality and Flood Management Areas.** Cities and counties may request areas to be added or deleted from the Metro Water Quality and Flood Management Area based on a finding that the area identified on the map is not a Water Quality and Flood Management Area or a Fish and Wildlife Habitat Conservation Area, as defined in this functional plan. Areas may also be deleted from the map if the city or county can prove that its deletion and the cumulative impact of all deletions in its jurisdiction will have minimal impact on the water quality of the stream and on flood effects. Findings shall be supported by evidence, including the results of field investigations.

784 4. Retail in Employment and Industrial Areas. Subject to the provisions of Title 4,
785 cities and counties may request a change in the Employment and Industrial Areas
786 Map. Metro may consider a city or county request to modify a mapped
787 Employment and Industrial Area to exempt existing or locally designated retail
788 centers, where they can demonstrate that:

789 a. The map overlooked lands within a substantially developed existing retail
790 center or a locally designated retail center.

791 5. Regional Accessibility. Cities or counties may request relief from the
792 requirements of Title 6, Regional Accessibility, where they can show that a street
793 system or connection is not feasible for reasons of topographic constraints or
794 natural or built environment considerations.

795 C. In addition to the above demonstrations, any city or county determination not to
796 incorporate functional plan policies into comprehensive plans shall be subject to the
797 conflict resolution and mediation processes included within the RUGGO, Goal I,
798 provisions prior to the final adoption of inconsistent policies or actions. Local actions
799 inconsistent with functional plan requirements are subject to appeal for violation of the
800 functional plan.

801 Section 3. Any Comprehensive Plan Change must Comply

802 After the effective date of this ordinance, any amendment of a comprehensive plan or
803 implementing ordinance shall be consistent with the functional plan requirements contained in
804 Titles 1 through 8. Metro shall assist the local government in achieving compliance with all
805 applicable functional plan requirements. Upon request, Metro will review proposed
806 comprehensive plan and implementing ordinances for functional plan compliance prior to city or
807 county adoption.

808 Section 4. Enforcement

809 City or county actions to amend a comprehensive plan or implementing ordinance in violation of
810 this functional plan at any time after the effective date of this ordinance shall be subject to appeal
811 or other legal action for violation of a regional functional plan requirement, including but not
812 limited to reduction of regional transportation funding and funding priorities. Failure to amend
813 comprehensive plans and implementing ordinances as required by Section 1 shall be subject to
814 any and all enforcement actions authorized by law. Prior to a final action to amend a
815 comprehensive plan or implementing ordinance, a local determination that a functional plan
816 should not or cannot be implemented shall be subject to the conflict resolution process provided
817 for in RUGGO, Goal I. Any city or county land use decision made more than 24 months after the
818 effective date of this ordinance that is inconsistent with the requirements of this functional plan is
819 subject to appeal for violation of this functional plan.

820 **Section 5. Compliance Plan Assistance**

821 A. Any local government may request of Metro a compliance plan which contains the
822 following:

823 1. An analysis of the local government's comprehensive plan and implementing
824 ordinances, and what sections require change to comply with the performance
825 standards.

826 2. Specific amendments that would bring the jurisdiction into compliance with the
827 requirements of Sections 1 to 8, if necessary.

828 B. Jurisdictions must make the request within four months of the effective date of this
829 ordinance. The request shall be signed by the highest elected official of the jurisdiction.

830 C. Metro shall deliver a compliance plan within four months of the request date. The
831 compliance plan shall be a recommendation from the Executive Officer. The compliance
832 plan shall be filed with the Metro Council two weeks before it is transmitted, for possible
833 review and comment.

834 **Title 9. Performance Measures**

835 **Section 1. Intent**

836 In order to monitor progress in implementation of this functional plan, and in order to implement
837 Objective 10 of RUGGO, Metro shall establish benchmarks related to the achievement and
838 expected outcome resulting from the implementation of this functional plan.

839 **Section 2. Performance Measures Adoption**

840 A. Within three months of the adoption of this functional plan, the Metro Executive Officer
841 shall submit to the Council the Executive Officer's recommendations for performance
842 measures. The performance measures will be used in evaluating the progress of the
843 region in implementation of this functional plan and policy recommendations for
844 corrective action should performance measures not be achieved. The Executive Officer
845 shall use the best technology available to Metro, and shall, in addition, submit the current
846 and recent historic levels for the proposed performance measures.

847 B. The Council, after receiving advice and comment from the Metropolitan Policy Advisory
848 Committee, shall adopt a list of performance measures that will be used to monitor and
849 evaluate this functional plan. The performance measures will be evaluated at least by
850 regional level, by Growth Concept design types, by regional and town center market
851 areas, and by jurisdiction. The performance measures shall include a biennial goal for the
852 next six years, and shall be accompanied by policies for adjusting the regional plans
853 based on actual performance.

854 C. The performance measures shall include, but shall not be limited to the following:

855 1. Amount of land converted from vacant to other uses, according to jurisdiction,
856 Growth Concept design type, and zoning;

857 2. Number and types of housing constructed, their location, density, and costs,
858 according to jurisdiction, Growth Concept design type, and zoning;

859 3. The number of new jobs created in the region, according to jurisdiction, Growth
860 Concept design type, and zoning;

861 4. The amount of development of both jobs and housing that occurred as
862 redevelopment or infill, according to jurisdiction, Growth Concept design type,
863 and zoning;

864 5. The amount of land that is environmentally sensitive that is permanently
865 protected, and the amount that is developed;

866 6. Other measures that can be reliably measured and will measure progress in
867 implementation in key areas.

868 D. Use of the performance measures

869 1. The performance measures will contain both the current level of achievement, and
870 the proposed level necessary to implement this functional plan and achieve the
871 Metro 2040 Growth Concept adopted in the Regional Urban Growth Goals and
872 Objectives (RUGGO). The performance measures will be used to evaluate and
873 adjust, as necessary, Metro's functional plans, Urban Growth Boundary, and other
874 regional plans.

875 2. By March 1 of every other year beginning March 1, 1998, the Executive Officer
876 shall report to the Council an assessment of the regional performance measures,
877 and recommend corrective actions, as necessary, consistent with the Metro
878 Council's policies.

879 3. The Council shall refer the recommendations to the Hearing Officer, who shall
880 hold a hearing to review the data in the Executive Officer's report on the
881 performance measures, and gather additional data from any interested party. The
882 Hearing officer shall review all of the information presented on the performance
883 measures. The complete record of information, findings of fact, and a
884 recommendation shall be forwarded to the Council by the Hearing Officer.

885 4. The Council shall hold a hearing on the record, adopt findings of fact, and take
886 any necessary corrective action by September 1 of the year.

887 **Title 10. Definitions**

888 **Balanced cut and fill** means no net increase in fill within the floodplain.

889 **Designated Beneficial Water Uses** means the same as the term as defined by the Oregon
890 Department of Water Resources, which is: an instream public use of water for the benefit of an
891 appropriator for a purpose consistent with the laws and the economic and general welfare of the
892 people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation,
893 mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife
894 uses.

895 **Development** means any manmade change defined as buildings or other structures, mining,
896 dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or
897 excavation. In addition, any other activity that results in the removal of more than 10% of the
898 existing vegetated area on the lot is defined as development, for the purposes of Title 3.

899 **Exceptions:**

- 900 a. Stream enhancement or restoration projects approved by local jurisdictions.
901 b. Agricultural activity.
902 c. Additions and alterations to existing structures and development that do not
903 encroach into the Water Quality and Flood Management Area more than the
904 existing structure or development.

905 **DHB** means the diameter of a tree measured at breast height.

906 **DLCD Goal 5 ESEE** means a decision process local governments carry out under OAR 660-23-
907 040.

908 **Expected Capacity** means the amount of units that can be expected to be contained in an area.

909 **Goal 5 ESEE** means a decision process local governments carry out under.

910 **Growth Concept Map** means the conceptual map demonstrating the 2040 Growth Concept
911 design types attached in the Appendix as Exhibit 3.

912 **Hazardous materials** means materials described as hazardous by Oregon Department of
913 Environmental Quality.

914 **Fish and Wildlife Habitat Conservation Area** means the area defined on the Metro Water
915 Quality and Flood Management Area Map to be completed and attached hereto. These include
916 all Water Quality and Flood Management Areas that require regulation in order to protect fish
917 and wildlife habitat. This area has been mapped to generally include the area 200 feet from top
918 of bank of streams in undeveloped areas with less than 25% slope, and 100 feet from edge of
919 mapped wetland on undeveloped land.

920 **Floodplain** means land subject to periodic flooding, including the 100-year floodplain as
921 mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

922 **Functions and Values of Stream Corridors** means stream corridors have the following
923 functions and values: water quality retention and enhancement, flood attenuation, fish and
924 wildlife habitat, recreation, erosion control, education, aesthetic, open space and wildlife
925 corridor.

926 **Local Trip** means a trip 2½ miles or less in length.

927 **Metro** means the regional government of the metropolitan area, the elected Metro Council as the
928 policy setting body of the government.

929 **Metro Boundary** means the jurisdictional boundary of Metro, the elected regional government
930 of the metropolitan area.

931 **Metro Urban Growth Boundary** means the urban growth boundary as adopted and amended by
932 the Metro Council, consistent with state law.

933 **Net Acre** means an area measuring 43,560 square feet which excludes:

934 (1) any developed road rights-of-way through or on the edge of the land; and

935 (2) environmentally constrained areas, including any open water areas, floodplains,
936 natural resource areas protected under statewide planning Goal 5 in the
937 comprehensive plans of cities and counties in the region, slopes in excess of 25
938 percent and wetlands requiring a Federal fill and removal permit under Section
939 404 of the Clean Water Act. These excluded areas do not include lands for which
940 the local zoning code provides a density bonus or other mechanism which allows
941 the transfer of the allowable density or use to another area or to development
942 elsewhere on the same site; and

943 (3) all publicly-owned land designated for park and open spaces uses.

944 **Net Developed Acre** consists of 43,560 square feet of land, after excluding present and future
945 rights-of-way, school lands and other public uses.

946 **Permitted Capacity** means the highest amount of units that are permitted be contained in an
947 area as calculated from zoning and other local jurisdiction regulations.

948 **Perennial Streams** means all primary and secondary perennial water ways as mapped by the
949 U.S. Geological Survey.

950 **Performance Measure** means a measurement derived from technical analysis aimed at
951 determining whether a planning policy is achieving the expected outcome or intent associated
952 with the policy.

953 **Persons Per Acre** means

954 **Practicable** means available and capable of being done after taking into consideration cost,
955 existing technology, and logistics in light of overall project purpose.

956 **Riparian area** means the water influenced area adjacent to a river, lake or stream consisting of
957 the area of transition from an hydric ecosystem to a terrestrial ecosystem where the presence of
958 water directly influences the soil-vegetation complex and the soil-vegetation complex directly
959 influences the water body. It can be identified primarily by a combination of geomorphologic
960 and ecologic characteristics.

961 **Target capacities** means the capacities in Table 1 required to be demonstrated by cities and
962 counties for compliance with Title 1, Section 2.

963 **Target densities** means the average combined household and employment densities established
964 for each design type in the RUGGO 2040 Growth Concept.

965 **Top of Bank** means the same as "bankfull stage" defined in OAR 141-85-10(2).

966 **Vacant Land:** Land identified in the Metro or local government inventory as undeveloped land.

967 **Water Quality and Flood Management Area** means an area defined on the Metro Water
968 Quality and Flood Management Area Map, to be attached hereto. These are areas that require
969 regulation in order to mitigate flood hazards and to preserve and enhance water quality. This
970 area has been mapped to generally include the following: stream or river channels, known and
971 mapped wetlands, areas with floodprone soils adjacent to the stream, floodplains, and sensitive
972 water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for
973 areas of less than 25% slope, and 200 feet from top of bank on either side of the stream for areas
974 greater than 25% slope, and 50 feet from the edge of a mapped wetland.

City or County	Dwelling Unit Capacity ¹	Job Capacity	Mixed Use Areas	
			Household	Job Increase
Beaverton	15,021	25,122	9,019	19,084
Cornelius	1,019	2,812	48	335
Durham	262	498	0	0
Fairview	2,921	5,689	635	2,745
Forest Grove	2,873	5,488	67	628
Gladstone	600	1,530	20	140
Gresham	16,817	23,753	3,146	9,695
Happy Valley	2,030	1,767	52	245
Hillsboro	14,812	58,247	9,758	20,338
Johnson City	168	180	0	0
King City	182	241	55	184
Lake Oswego	3,353	8,179	446	3,022
Maywood Park	27	5	0	0
Milwaukie	3,514	7,478	2,571	6,444
Oregon City	6,157	8,185	341	2,341
Portland	70,704	158,503	26,960	100,087
River Grove	(15)	41	0	0
Sherwood	5,010	8,156	1,108	3,585
Tigard	6,073	14,901	981	8,026
Troutdale	3,789	5,570	107	267
Tualatin	3,635	9,794	1,248	2,069
West Linn	2,577	2,114	0	594
Wilsonville	4,425	15,030	743	4,952
Wood Village	423	736	68	211
Clackamas County ³	19,530	42,685	1,661	13,886
Multnomah County	3,089	2,381	0	0
Washington County ³	54,999	52,578	13,273	25,450
	243,993	461,633		

976
977
978
979

¹ Based on Housing Needs Analysis. Applies to existing city limits as of June, 1996. Annexations to cities would include assuming responsibility for livable share previously accommodated in unincorporated county.

² Target densities for mixed use area are: Central City - 250 persons per acre; regional centers - 60 ppa; town centers 40 ppa.; station communities - 45 ppa.; main streets 39 ppa.

³ Standards apply to the urban unincorporated portion of the county only. At the request of cities, Metro may also supply targets for planning areas for cities in addition to the existing boundary targets cited above.

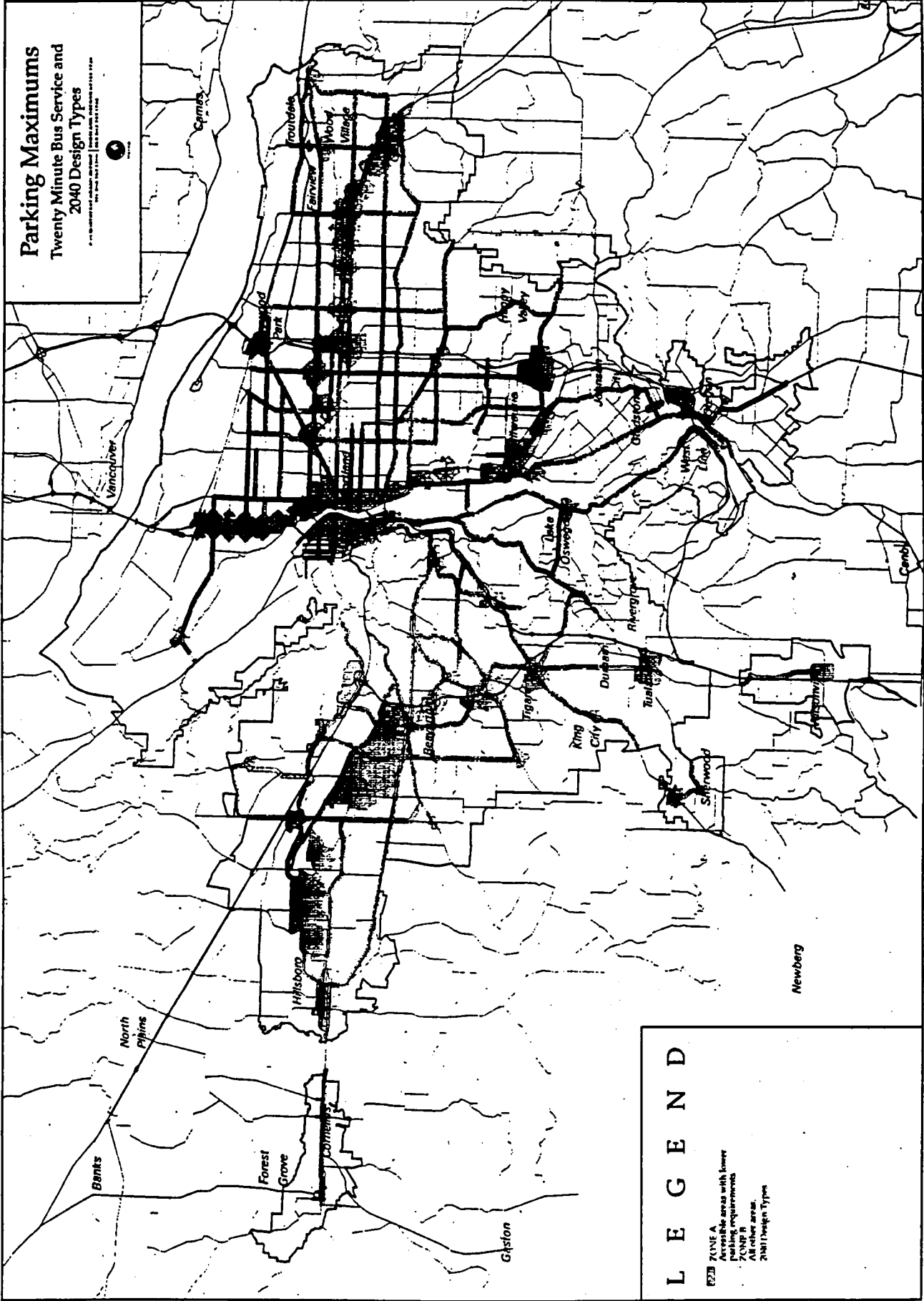
Regional Parking Ratios (parking ratios are based on spaces per 1,000 sq ft of gross leasable area unless otherwise stated)			
Land Use	Minimum Parking Requirements (See) Central City Transportation Management Plan for downtown Portland stds)	Maximum Permitted Parking - Zone A:	Maximum Permitted Parking Ratios - Zone B:
	Requirements may Not Exceed	Transit and Pedestrian Accessible Areas ¹	Rest of Region
General Office (includes Office Park, "Flex-Space", Government Office & misc. Services) (gsf)	2.7	3.4	4.1
Light Industrial Industrial Park Manufacturing (gsf)	1.6	None	None
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5
Schools: College/ University & High School (spaces/# of students and staff)	0.2	0.3	0.3
Tennis Racquetball Court	1.0	1.3	1.5
Sports Club/Recreation Facilities	4.3	5.4	6.5
Retail/Commercial, including shopping centers	4.1	5.1	6.2
Bank with Drive-In	4.3	5.4	6.5
Movie Theater (spaces/number of seats)	0.3	0.4	0.5
Fast Food with Drive Thru	9.9	12.4	14.9
Other Restaurants	15.3	19.1	23
Place of Worship (spaces/seats)	0.5	0.6	0.8
Medical/Dental Clinic	3.9	4.9	5.9
Residential Uses			
Hotel/Motel	1	none	none
Single Family Detached	1	none	none
Residential unit, less than 500 square feet per unit, one bedroom	1	none	none
Multi-family, townhouse, one bedroom	1.25	none	none
Multi-family, townhouse, two bedroom	1.5	none	none
Multi-family, townhouse, three bedroom	1.75	none	none

980
981
982

¹ Ratios for uses not included in this table would be determined by local governments. In the event that a local government proposes a different measure, for example, spaces per seating area for a restaurant instead of gross leasable area, Metro may grant approval upon a demonstration by the local government that the parking space requirement is substantially similar to the regional standard.

Parking Maximums
Twenty Minute Bus Service and
2040 Design Types

DATE: 10/15/2010 10:00 AM
 PROJECT: 2040 DESIGN TYPES
 DRAWING: 2040 DESIGN TYPES

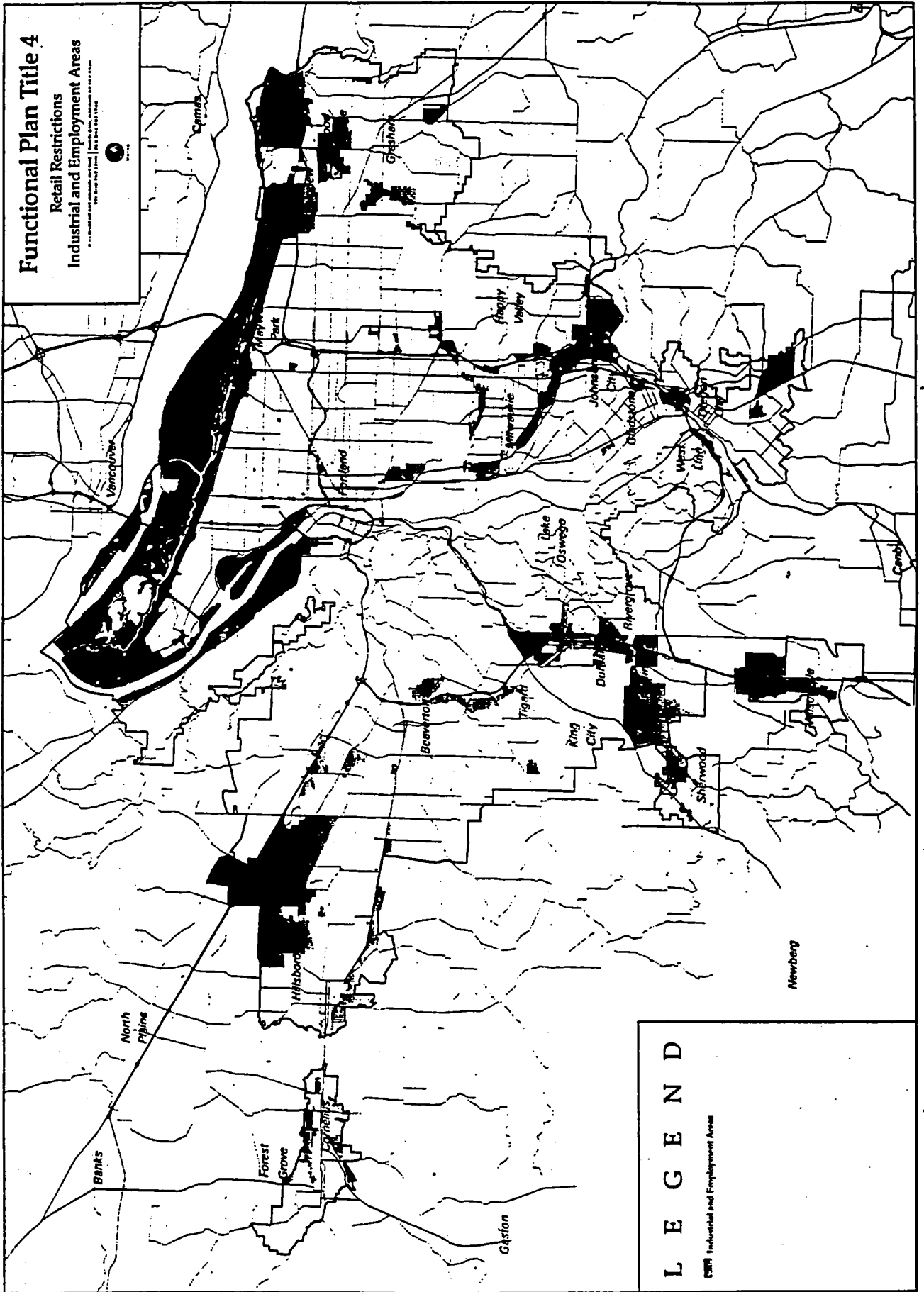


LEGEND

- ZONE A
 Accessible areas with lower
 parking requirements
- ZONE B
 All other areas
- 2040 Design Types

Functional Plan Title 4
Retail Restrictions
Industrial and Employment Areas

PLANNING DEPARTMENT
 1000 WEST 10TH AVENUE, SUITE 1000
 DENVER, COLORADO 80202
 PHONE: 724-3000
 FAX: 724-3000



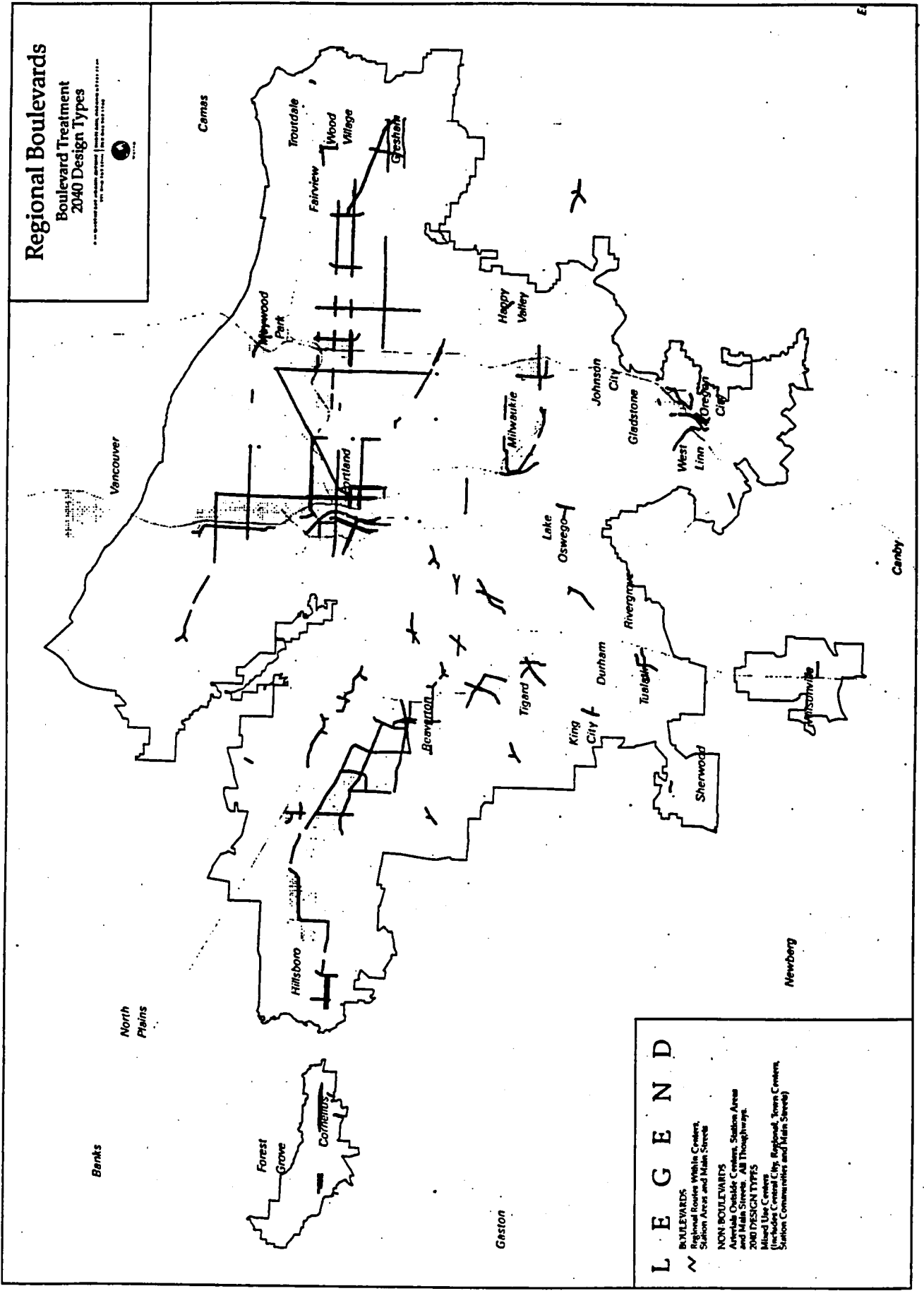
LEGEND

■ Industrial and Employment Areas

Regional Boulevards

Boulevard Treatment 2040 Design Types

Metropolitan Planning Council
1000 North 1st Street, Suite 200
Portland, Oregon 97227
503.281.1234



LEGEND

- BOULEVARDS**
Regional Routes, Mobile Centers,
Station Areas and Main Streets
- NON BOULEVARDS**
Arterial Outside Centers, Station Areas
and Main Streets, All Thoroughways
- 2040 DESIGN TYPES**
Mixed Use Centers
(Includes Central City, Broadway, Town Centers,
Station Communities and Main Streets)

PLEASE NOTE:

THE DOCUMENTS (ORIGINALS)
RECEIVED INTO THE PUBLIC RECORD
AT THE SEPTEMBER 5, 1996
METRO COUNCIL MEETING ARE
LOCATED IN THE FUNCTIONAL PLAN RECORD
(Supplemental Documentation) ~~at the~~
~~at the Council Records Record~~

(Doc. Nos. 090596-01 TO
090596-33)

- Becky Shoemaker
Council Archivist
12/15/98