

# 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 - REVISED  
DATE: September 19, 1996  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

Approx.  
Time\*

Presenter

2:00 PM	<b>CALL TO ORDER AND ROLL CALL</b>	
(5 min.)	<b>1. INTRODUCTIONS</b>	
(5 min.)	<b>2. CITIZEN COMMUNICATIONS</b>	
(5 min.)	<b>3. EXECUTIVE OFFICER COMMUNICATIONS</b>	
	<b>4. CONSENT AGENDA</b>	
2:15 PM (5 min)	4.1 Consideration of Minutes for the September 5, 1996 Metro Regular Council Meeting and Work Session.	
2:20 PM (5 min)	<b>5. RESOLUTIONS</b>	
	5.1 <b>Resolution No. 96-2386A</b> , 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.	McFarland
2:25 PM (10 min)	<b>6. COUNCILOR COMMUNICATION</b>	
	<b>ADJOURN</b>	

**CABLE VIEWERS:** This meeting is shown live on Channel 30 the first Sunday after the meeting at 8:30 pm. The entire meeting is also shown again on the second Monday after the meeting at 2:00 pm on Channel 30.

**NOTE:** All times listed on the agenda are approximate; items may not be considered in the exact order listed.  
For assistance per the Americans with Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office)

*Agenda Item Number 4.1*

**Approval of Minutes**

*For the September 5, 1996 Metro Council Meeting and Work Session*

**Metro Council Meeting  
Thursday, September 19, 1996  
2:00 PM - Council Chamber**

## MINUTES OF THE METRO COUNCIL MEETING

September 5, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 4:05 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 8, 1996 Metro Council Meeting and Work Session.

**Motion:** Councilor McLain moved the adoption of the minutes of the August 8, 1996 Metro Council Meeting and Work Session.

**Second:** Councilor McFarland seconded the motion.

**Discussion:** None

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

### 5. INFORMATIONAL PRESENTATION

None.

**6. ORDINANCES - FIRST READING**

- 6.1 **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.

**Ordinance No. 96-654** was assigned to Government Affairs.

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

**Ordinance No. 96-655** was assigned to Growth Management.

**7. RESOLUTIONS**

- 7.1 **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.

The resolution was sent to Government Affairs and was removed from the Council agenda.

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

**Motion:** Councilor McFarland moved the adoption of Resolution No. 96-2385.

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

**Discussion:** Commissioner Tanya Collier acknowledged the State Board of Higher Education and Chancellor Cox for undertaking the task at hand. She clarified that what this resolution does is to request that our region be a part of that planning process. Metro 2040, the Portland Multnomah Progress Board, the Central City 2000, the Oregon Business Council, and the Regional Jobs Initiative are all planning efforts occurring in the region and hinge on having a strong urban university. Portland State University is essential to this planning. Commissioner Collier recharacterized the issue surrounding PSU as an access issue rather than a turf issue. PSU serves more Oregon residents than any other colleges in the state. 84% of PSU students are Oregon residents, 90% of these come from Clackamas, Marion, Multnomah, Washington and Yamhill counties, 97% of the recent graduates report that location was the most important consideration in their decision to attend PSU, obviously because many of these individuals are going to school as well as working at the same time. 90% of the students are commuters, 80% are employed full or part-time. 43% of the undergraduates are over the age of 25 compared with 25% of the other Oregon university students and 23% nationally. 63% of PSU graduate students are older than 30. Commissioner Collier reiterated that access is key to economic development. The whole point of bringing industry into the region is not just for the lower paid positions but to prepare professionals at the upper end of the scale so that there is a good balance of jobs. She concluded that we need the University in order to keep our

economic development commitments. The resolution calls for two things; for our region to be an active participant in the restructuring discussions and that we ask the State Board of Higher Education to make significant investments in PSU as they are going through their discussions. She noted that this resolution has passed in Clackamas, is on the agenda in Washington County, has passed the City of Portland and is in the process of being brought forward to the rest of major players in the region.

**Ms Joan Johnson**, Chairwoman of the Portland State Advocates, an alliance of more than 600 PSU friends and alumni, supporters of both higher education and PSU. She is here today because her organization is greatly concerned about the proposal to turn over PSU's Engineering School and parts of its Graduate Business School to Oregon State University and the University of Oregon respectively. The organization feels that this proposal undermines the Metro area by removing programs that are essential to the region. The proposal also undermines the University's efforts to attract grants and private funding as well as the economic health of the region by diminishing a strong university presence. If the proposal is approved, there will no longer be a major university but rather bits and pieces of various programs run by different schools. The group also believes that the proposal flies in the face of common sense. Will programs directed from OSU or U of O better meet the needs of the metropolitan area? The issue is not one of quality of PSU graduates, PSU has gain national recognition both as a model urban university and for the quality of its programs. PSU just received a million dollar award from the Kellogg Foundation in recognition of its leadership in higher education reform. The issue is quantity. There is a need for more graduates in Engineering, Business, and Computer Science in the Portland area. In Washington County there is a particular awareness of that need. What is needed are more resources for higher education in the tri-county area. PSU's Engineering School receives only about 1/3 of the funding that OSU's Engineering School receives. Overall PSU receives only about half the funding that OSU and U of O receive. PSU serves more students annually than any other school in the state system, 35,000 to 37,000 full and part-time students working for a degree, those taking one or two classes as well as those enrolled in professional programs. In 1990 the Governor's Commission on Higher Education urged that Portland State University be fully developed as a university to serve the needs of greater Portland. The group believes the time to do this is long past due. She encouraged the Council to pass the resolution before them.

**Councilor Washington** thanked Commissioner Collier for clarity on access rather than turf.

**Vote:** The vote was 5 aye/ 1 nay/ 1 abstain. Councilors McLain, McFarland, Monroe, Washington Morissette voted aye, Councilor McCaig voted nay and Presiding Officer Kvistad abstained from the vote. The motion passed.

**Councilor McCaig** noted that she had no difficulty with the region being a participant in this decision but she does have difficulty with number 2, stepping into the discussion that is going on between the Governor, the Board of Higher Education and the Task Force to make a recommendation about this significant investment. She acknowledged that we don't know all of the needs yet and Metro hasn't participated in the discussion about all of the needs of the State Higher Education. She was unwilling

to make that choice at this point without the work being completed by the Governor and the Board of Higher Education. She appreciates the work being done by PSU and understand their role as advocates.

Presiding Officer Kvistad affirmed that his abstention was based on the same points.

**8. COUNCILOR COMMUNICATIONS**

None.

**9. FUNCTIONAL PLAN PUBLIC HEARING (ORDINANCE NO. 96-647A)**

Presiding Officer Kvistad opened a public hearing at 3:20 pm on Ordinance No. 96-647A, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept.

Ms. Gussey McRobert, Mayor of Gresham, thanked the Council for allowing her to testify early. She indicated that she would be addressing three titles. Title 1, she supports the target densities for each growth concept design type but, in the process, one of the major things that needs to be resolved under this title was left out, that is, that development would have to comply with the 2040 land use types in the growth concept in RUGGOs. She noted what Larry Shaw suggested, which was, an amendment on Title 1 to add between lines 132 and 136, *for any area designated as town center the plans of implementing ordinances shall not permit a target density equal or greater than the target density for regional centers*. One of the major implementing factors in 2040 is to channel transportation dollars into regional centers and to not allow the development to be focused in there as well would undermine the viability of regional centers. One can not implement 2040 without that change.

She reviewed the Parking Policy. The joint MPAC JPACT subcommittee met several times and included Mr. LeFeber, a representative from Cub Foods, and a representative from Coldwell Banker Realty. At the end of the joint meeting they were in agreement with what was developed in the subcommittee. The retail centers had been grouped with the grocery stores, this gained agreement. Mr. LeFeber acknowledged at the end of the subcommittee meeting that he could live with the recommendations.

The City of Gresham has passed a parking measure which is very similar to this title. It doesn't limit anyone, it is not restrictive. There is an exception process so that if there are individual circumstances these can be handled locally.

Mayor McRoberts reviewed Title 4, Retail and Employment in Industrial Areas. She noted that it is a problem to try to have the same requirements for both, together. The RUGGOs, which is the constitution that should drive what this plan is, separates them. The employment says *limited to size and location intended to serve primary industrial uses*. It does not say anything about 'supportive'. But, it does in the employment center portion, *primarily to serve the needs of people working or living in the immediate employment areas not larger market areas outside the employment area*. So it does make sense to separate those, as has been said before. There is a big difference between very little to support it. This title is really important because it is a loop hole for the retailers to go into cheap industrial land, it is like leap frogging over other development out into the farmland which they do in a lot of other states besides this one. Industrial land does not cost very much. There must be some

leverage for these people to build in a regional center. If you are going to allow dissemination retail in the industrial areas is allowed then the regional centers will fail.

She reviewed Title 9, Performance Measures. (Mayor McRoberts distributed packets of recommendations to the Council prior to the work session.) In her packet there is a resolution that the Gresham Council unanimously approved supporting the Urban Growth Management Functional Plan. In the back of this packet she noted Gresham's schedule for completing 2040. Gresham started a year ago because Gresham's 2020 is the same as Metro's 2040. Gresham will be in compliance by the Spring of 1998. She added that no one else had started a year ago. She is concerned that starting the review for compliance three months into 1998, given that Gresham is the only one that will be in compliance at that time much less be able to give Metro a review, is a problem. She believes no one will have anything done, they are going to submit something that indicates they are not through. The timeline does not work. MPACT supported benchmarks and performance measures but the measures did not get in until after Gresham had passed the Plan off to the Growth Management Committee. MPACT has never seen the measures. She believes that with only two years they will be in a treadmill of reviewing and reporting and not being able to comply with 2040. She respectfully requested that the Council sends this back to MPACT.

**Councilor McFarland** asked if Mayor McRoberts felt that the time should be adjusted and extended?

**Mayor McRoberts** agreed. She is not sure what the timeline should be but she believes it should be extended. Councilor McFarland added that it was unlikely that many of the cities would have the staff to be in compliance. Mayor McRoberts felt that possibly the counties and the City of Portland would be able to achieve the goal but the rest of the cities do not have that large of a staff.

**Presiding Officer Kvistad** closed the public hearing at 3:30 pm and reopened the public hearing at 4:20 pm.

**Presiding Officer Kvistad** noted that each individual would have three minutes to testify before the Council.

**Mr. Morrissey** added that written material should be given to the Clerk of the Council.

**Councilor McLain** announced that there will not be a Growth Management Meeting next Tuesday.

**Presiding Officer Kvistad** announced that written testimony on the Functional Plan has been extended to September 24th.

**Mark Whitlow**, representing the Retail Task Force, 222 SW Columbia #1400, Portland, OR 97201, addressed concerns on Title 4. The Retail Task Force appeared before the Council last year urging the Council not to adopt the portion of the RUGGO that is now the spring board for this part of the Functional Plan having to do with regulation of retailing and employment areas. The Task Force urged the Council to reexamine that portion of RUGGO as being regulatory based on a premise that the Task Force does not support. The Task Force has been working with staff and are appreciative of the time received. Staff and the Task Force have reviewed several of the amendments. Four amendments are now before the Council. Of the four, the Task Force is most supportive of amendment dated September 4th. The Task Force asked that the Council focus their attention on this amendment, they believe it has the most promise of any of the amendments with respect to Title 4. The Task Force would like to send the next week with staff working on additional language changes

with respect to Title 4 provisions and the related Title 8 provisions. The Retail Task Force will be back on September 12th to provide detailed testimony.

**Councilor McLain** asked Mr. Whitlow if he was referring the September 4th memo to John Fregonese from Larry Shaw which she introduced at the Work Session. Mr. Whitlow agreed.

**Bob LeFeber**, represents International Council of Shopping Center (ICSC), 1100 SW 6th #1105, Portland, OR 97204. His comments are the same as Mr. Whitlow's. He believes that they are very close on Title 4 to a resolution that everyone will be happy with. He noted that he had only seen the language this morning and wanted to make sure and get it out to local jurisdictions, who have also expressed concern about current restrictions in Title 4, for their input. He has yet to hear back from these local jurisdictions. He acknowledged that they should have something by the next hearing that can be brought forward that can be agreed upon.

**Peggy O'Neill**, 1430 Rosemont Rd., West Linn, OR 97068, private citizen. Along with her today in the audience are other private citizens who are here to express support. She noted that at the end of her testimony she will ask for a show of hands from these private citizen so that the Council can see that there are others who agree with her comments in the capacity of private citizens not representing any affiliations. She is here today to express support for the Coalition for a Livable Future position regarding Title 3 of the Functional Plan. It is necessary to protect stream corridors from the environment impacts of development. They believe that development should be restricted in riparian areas in order to protect water quality and fish and wildlife habitat as well as to facilitate flood plain management. As citizens they would like to emphasize that it is absolutely essential to protect the natural areas in our region as we plan to accommodate increased growth. They support retaining the current Urban Growth Boundary accommodating new housing needs by increasing the density within this boundary. She noted that it seems that there are some members on the Council who have received input from citizens who don't want the density increased in their areas and are asking that they would like the Urban Growth Boundary extended. She suggested that perhaps this input is a "squeaky wheel" that the Council is hearing and that there are many citizens who very much agree with the concept of increasing the density, keeping the Urban Growth Boundary the way it is as well as protecting the natural areas within that boundary. Individually, she continued, she lives in the Tanner Basin region of West Linn. Until a few months ago, her house was situated on 4 acres, just outside the city limits but within the current Urban Growth Boundary. She and her husband divided off 2 lots already, increasing the density on their own property. It is their plan to develop the remainder of their property as soon as the Parker Road sewer line and new water facility is put in. Two of her neighbors are also planning on developing their properties. She reiterated that there are people out there who are interested in increasing the density. Ms. O'Neill then asked if the citizens in the audience who would agree with her comments raise their hands. (Approximately 20 individuals raised their hands in support of Ms. O'Neill comments.)

**Art Lewellan**, 27 SE 74th, Portland, OR 97215, of LOTI, asked to have maps submitted for use by the Council as he testified to assist in understanding his perspective. He did not bring the maps to submitted into the public record. The plan that the Council has before them he has been working on for a year and a half. The plan has evolved, it has been presented to the Council before. He has found that through this kind of work and study in the urban environment, that the concepts of density, to be created in order to preserve our living environments both urban and rural, can accomplish a great deal of what he hopes that we will be going towards in the future. He agrees that the regional concept is a direction that we can move towards, a revitalization of our urban and city dwelling environments. There is one exception which he stressed, that is, where transit centers are incorporated as part of an overall system existing transit corridors be given a good deal of priority. He



believes that those kinds of communities can evolve into more livable environments. So he feels that rather than focus on any undeveloped area, to develop regional town center, that existing transit corridors should be focused on. Examples include Gabriel Park and McLoughlin Blvd between Milwaukie and Oregon City as well as the Hillsdale corridor. These should be focused on as regional centers as a revitalization effort to accomplish the same ends of not just creating a new high density more livable environment but a redeveloped higher density environment. He concluded by saying that the Council would be doing more by creating this type of concept, creating a model for future development, not just for the region but for the country by taking areas that can no longer fill the density needs and focusing our efforts into recreating redevelopment. (Maps attached)

**Fred Nussbaum**, 6510 SW Barnes Road, Portland, OR 97225, private citizen, AORTA member and Washington County resident, resident of District 4, and alumnus of the PSU in Urban Studies. He believes that Functional Plan is moving in the right direction with regard to density requirements and holding the Urban Growth Boundary. He has lived in the Portland area for 37 years, he has lived in areas where lot sizes were 5000 sq. ft in the Hollywood District. He added that the quality of life was great. Right now he lives in a planned development that is 18 years old with 16 houses built on two acres. He has houses on both sides of his and the quality of life is just fine. We can live in higher density without giving up quality of life. It is going on right now and can continue in the future. Many out there, that live under those conditions, are happy with it. Under Title 1, he is also happy that there is a way to equitably distributing the capacity for accommodating this growth to all the different jurisdictions. Under Title 2, parking requirements, he questions the continuation of minimum parking requirements, it does not fit into the concept of trying to encourage people to use alternative transportation modes. Maximum parking requirements makes some sense, minimums do not. There are other ways of controlling parking so that parking does not spill over into residential areas. Why have minimum parking requirements when we are trying to get people out of cars. On Title 3, he deferred to other groups with more expertise. On Title 4, there are some amendments being proposed, he believes the current language suffices to provide for retail development that would serve the employment area and industrial area and the people that work there. It is important that we don't segregate our land uses. He believes that the amendments open door to big box developments that are inappropriate and should be going to regional centers as others have already said. On Title 5, he deferred to other groups who are more knowledgeable. He noted that he does agree that Metro should be coordinating with neighboring cities in the planning of rural areas. The Boulevard concept is great but some of the design ideas should be requirements not considerations just like the requirements for the neighborhood streets. He believes that the language is a little too soft.

**Zephur Moore**, 2732 NE 15th, Portland, OR 97212 said that the Urban Growth Boundary should be limited. We are trying to stack as many people as possible into the Urban Growth Boundary which is causing buildings and streets that extinguish native areas and wildlife habitat. Referring the Section 5, Number B of the Fish and Wildlife Conservation areas, those areas will be planted with native vegetation. But the areas not within the jurisdiction of Metro, most private land, those areas are being planted with invasive non-native ivy. This is totally the opposite of habitat. There is a lot of ivy that has been planted and it is destroying native habitat. He asked what is happening in Metro to control ivy and to reverse its tide? He noted that Tryon Creek Park each year loses an acre to ivy. He does not know how to turn this around but what can be done as a region to turn it around? What is being done to stop people from planting ivy?

**Councilor McLain** responded that as a regional government we are trying to start our plans of ivy removal and that there is a lot of restoration projects where that ivy removal is taking place on a consistent basis with volunteers. This may not be the whole solution but it is being worked on. She added that by letting Mr. Moore come and testify this helps the awareness of limiting ivy planting.

**Tim Schauermaan**, 20600 NW Quail Hollow, Portland, OR 97229. He was here representing the Tualatin Valley Economic Development Council as a messenger. The group has provided written comment. He wished to make clear that the points made in the written testimony is from the private side of the public/private partnership and are in no way intended to represent the views of the various governments that are part of the TVEDC membership. Their primary concern is that this is a massive undertaking to try and balance conservation, natural and farm resources while maintaining other quality of life issues. Their hope is for the Plan to continue to be dynamic as we learn how it works and to modify it if changes are needed to meet our citizens needs. Mr. Schauermaan then spoke as a private citizen, representing no other entity but himself. He has been involved in affordable housing as a leader of the Habitat for Humanity effort in Forest Grove, has been a developer and is now a reformed developer, not doing it any more. His comments are around those areas. He has also been President of the Forest Grove Cornelius Economic Development Council. He hopes as plans are developed that we understand that outlying cities such as Forest Grove have some needs to balance housing and jobs. For most of the outlying cities, there is a need for more jobs much more than more housing. If we don't get more jobs in the outlying cities we will then be sending a stream of people into the inner-city to find work, clogging freeways and using mass transit more than necessary. He encouraged that the Council look at the balance of jobs and industry in outlying communities. On low cost and affordable housing, the very nature of the undertaking has created some market forces, as we constrain the land and as the growth that is occurring continues and people clamor to have their piece of land, it is driving housing costs out of reach. Habitat for Humanities prime goal is to provide low cost affordable housing for poor people. They are finding they can no longer do this. Land costs are putting them out of business. Land cost on the low end of housing needs become a much more significant factor of the cost of the housing than they do on the high end. He said that he had no solution but if we are going to constrain the boundaries, he believes this is a serious issue. Finally, he is out of the development business but his experience shows that as we try to push higher density, it forces more local governments to deal with 200 angry citizens who don't want higher density in their neighborhood. He is unsure how this issue will be dealt with but it is a reality.

**John LeCavelier**, 6300 SW Nicol Rd, Portland, OR 97233, past President of Fans of Fanno Creek. He is speaking as private citizen. He works in Clackamas County and his office is at the head waters of Newell Creek. He believes that this plan moves forward in a direction that is supportive of Newell Creek watershed. He targeted Title 3, Water Quality and Flood Management Protection, in his testimony. He believes that more is known now of the functional and values of intact systems. These are really important. It will be difficult to balance that kind of density increase with those issues, but we must keep that greeninfrastructure. He would urge the Council to continue to think in those ways. The lesson is, human engineered systems must incorporate a wholeistic watershed system approach to resource management. Health ecosystems provide the most cost effective and efficient water quality, habitat and flood control values and functions in our community. The region is looking to the Council for leadership. The public has done their work and the Council is currently doing their work. He urged the Council to adopt the Functional Plan and to hold tight on Title 3 language.

**Ross Tewksbury**, PO Box 25594, Portland, OR 97298, grew up in Washington County. He believes that Washington County has already undergone extreme over development and all of the problems that go with development. He noted how bad the traffic jams were in the storms of 1996. It has become like a mini Los Angeles. The lightrail project, which he is in support of, will have the effect of cutting a wide swath through one of the less developed areas, it will go from very low density to very high density. He was glad to read in the paper that Washington County was slated for less development. He noted that there is already a huge back log of projects pending in Washington County Planning Office. There are many houses for sale and apartment for rent in Washington

County. Most of the new living environments are for high income brackets. Nearly all areas such as Los Angeles, Seattle, San Francisco and San Diego where there has been unrestricted growth, the housing prices are far higher than in this region. One issue of concern is that people who have privately owned farm and forest areas within the Urban Growth Boundaries should not be forced to develop them through zoning or tax laws or increasing taxes on them. These are very valuable open spaces for wildlife and people. Government should be helping to preserve these areas as they are. According to Mr. Tewksbury, in this plan, high density and transportation are the overwhelming high priorities. He believes this is wrong. The natural environment, fish habitat and wildlife should be equally high or higher. This is what makes the quality of life enjoyable in the region. However, this is what loses out. A few conservation areas set aside are not enough. He believes the plan is too narrowly defined. It would mean that every place not called a conservation area could be history. In each development all of the natural habitat, plants, animals and trees are being bulldozed away to make room for buildings and concrete with some non-native landscaping done afterwards. For example, in a West Slope development, five acres of large fir trees were mowed down. This is terrible. We can have both housing and development and keep the natural environment if it is done right. There are plenty of examples in Portland of this. Where will all the birds, bees, plants, animals and trees live? In the area he lives butterflies have declined by about 90% over the past 30 years. This type of development needs to be changed. We need to have an Urban Growth Boundary not an urban sacrifice zone.

**Jim Callantine**, 12322 SE 147th Portland, OR 97232, a member of the Rock Creek CPO. His views don't represent the CPO organization but are strictly his own. His issues are, primarily the 147th and Sunnyside area, to bring 147th to 162nd from Sunnyside Road up to Monner Road into the urban study area. He urges that this not be done at this time. His reasoning is that 17 years ago everything south of Sunnyside Road was to be high density, north of that would be medium to low density residential. He believes the roads can't handle the people that are out there right now let alone an additional 1580 houses. The schools can't handle the growth. Emergency vehicles, school buses, TriMet and the fire department aren't able to function up and down this road with just a cut back at the bottom of the hill. You can't increase the density at the top of the road and only plan for change on part of the road. The road won't handle the traffic with this planned growth. The CPO has also looked at green open spaces. As it is now, there are still some animals such as deer that are trying to get down to the Clackamas River and use a corridor. The housing projects have pretty much wiped out the open spaces. He is concerned that if you bring these areas of Sunnyside into the urban studies area without any stipulation on open spaces to get the animals to and from an area you are cutting off the wildlife. Another area that won't take growth due to the roads is Happy Valley. Increasing the density in this area with only two or three roads available will create a lot of congestion. In addition to the limit of roads, there are no sidewalks for kids to walk to schools and to school buses. He is urging that the Council not bring this area from Sunnyside to Monner, from 147th to 162nd into the urban study area at this time.

**Presiding Officer Kvistad** noted that there will be Listening Posts on the urban study areas in the later part of November.

**Bryan Powell**, 520 SW Yamhill Suite 300, Portland, OR 97204 of Lane Powell Spears Lubersky, the Public Affairs Chair of the National Association of Industrial Office Properties, NAIOP. NAIOP has assembled a panel of commercial real estate professionals to testify. With permission of the Council, he requested that their testimony be pooled and requested that testimony be delayed until the other member of the group is in the Chamber. NAIOP has been involved in the 2040 process since the beginning, has served on a number of committees.

Mr. Powell addressed an issue dealing with high efficiency parking management provision, this is in Title 2. There is a paragraph which says if users engage in high efficiency parking management alternatives, users who do things with their parking lot to save land such as fleet, valet or structured parking, those users may be exempted from maximum parking standards. Mr. Sackett recommended one change, that is to change the word may to *shall*.

NAIOP supports Metro's goal of conserving land to accommodate growth within the Urban Growth Boundary. However, NAIOP has grave concerns about the interplay between the adoption of the Functional Plan as a means to accomplish the goals that are set forth in Functional Plan as it interplay's with market realities. NAIOP urges the Council to review carefully the 2040 Means Business Committee recommendations and the studies that were done by Hobson and Johnson with respect to available commercial and industrial land supply because by the time the Functional Plan processes are adopted over the next five years, the availability and the current inventory of commercial and industrial land supply will have dwindled to dangerous level. What that will have is an impact not just on the commercial real estate arena but on manufactures, service industries and other businesses that are deciding whether they want to settle in the Portland Metro area.

Local governments are concerned about projects, but with respect to parking, NAIOP does not believe it is appropriate that a local government should be able to preclude the development of a project based solely on parking issues where the user of that project has undertaken to employ one of these high efficiency parking management alternatives. Users should be rewarded as a matter of course and given an adjustment or exemption from the maximum parking ratios. There are several different types of businesses which typically need higher parking ratios, if they engage in one of these high efficiency parking alternatives, conserving land, following Metro's policy, he believes that those users should be entitled to an exemption. The two types are catalogue companies and high tech firms that have multi-shifts.

**Brad Miller**, 101 SW Main St. Suite 1100 Portland, OR 97204, of Ball Janik and Novack. NAIOP supports Metro's goals of conserving land for the accommodation of growth within the Urban Growth Boundary. It applauds the hard work of all those who have played a role in creating the Functional Plan. The Functional Plan creates land use framework which makes it possible to accommodate growth within the Urban Growth Boundary and reflects numerous and courageous hard choices. As Councilors you must carefully analyze the provisions of the Functional Plan as its provisions will significantly effect the lives of all the citizens within the region. There are only two concerns that NAIOP has, one related to parking policy. NAIOP is concerned that the parking maximum map for Zone A & B is based on existing plans for transit service rather than existing service. The result is that there are certain areas which are not currently served by adequate transit service which will be subjected to more restrictive parking ratios than NAIOP believes is appropriate at this time. Second, users that conserve land by using higher efficiency parking management alternatives should receive exemptions from maximum parking ratios to reward those users for their efforts in conserving land. Mr. Miller referred to the parking maximum map, for parking ratios to work, there must be affordable, frequent and convenient public transportation alternatives. If you don't have those alternatives, you will get smaller lots but you won't have the alternatives to encourage people to take public transportation. The parking maximum map appears to cover both current service but also some planned service. The proposal that makes more sense which comes out of the exemption process is the requirement that Zone A be scaled down a bit to only reflect areas currently served by public transportation but those area which will be served by public transportation in the future have a process by which excess parking can be converted to future development at the time that public transportation is available.

**Jeff Sackett**, 15455 Hallmark Dr., Lake Oswego, OR 97035, with Triangle Development Company and President Elect of the local chapter, NAIOP. Mr. Sackett indicated that a good example of the parking situation is out at Amber Glen Business Center where INTEL and NIKE have signed leases. Both tenants have figured how to put more people into less space so that their facility costs are more efficient. Therefore they have a parking requirement of about five per thousand. Under the ratios in Zone A they would not be allowed that much, on the order of 3.4. If it were Zone B it would be 4.1. That is an example of a potential problem to users in our communities which are growing. It is particularly an issue if that area is designated Zone A as is presently drawn on the map but without the present service of TriMet it becomes difficult for those companies to locate there between now and when lightrail becomes available. They are not taking odds with the idea or concept but if there is transit service they can get by with less parking. Now it is a matter of timing. Therefore, NAIOP's position is that if the map shows where there is presently service, great, but that it be updated on an annual basis in lieu of five years as suggested in the document so that as new service is added the map is changed and areas moved from Zone B to Zone A.

Mr. Sackett addressed his recommendation to change the word may to *shall* with respect to high efficiency parking alternatives in Title 2. NAIOP understand that there are concerns about the Portland Central Business District, they would propose carving out Portland Central Business District. What they are focusing on more is the outlying areas. If someone wishes to locate in the outlying areas and they engage in one of the high efficiency parking alternatives, they should get an exemption. Other industries such as the high tech firms, which have made the difference in our economy the last several years, run their plants with several shifts. At the time there is a shift change they need to have parking available for both shifts. If one of these companies are going to engage in land saving devices for parking NAIOP thinks they ought to be given an exemption.

**Mike Wells**, 200 SW Market #200, Portland, OR 97201, with Crushman and Wakefield of Oregon a commercial real estate broker as well as President of the Oregon chapter of NAIOP. Mr. Wells indicated he is a fee developer, developing bases for owner/users and investors who have tenants. He is not here to represent any particular business. He can say that some of the businesses he has worked for or had tenants for his clients are companies such as Norm Thompson, Wholesome and Hardy Foods, Wassau Insurance Companies, McMenam's Pubs and Breweries, Phoenix Electric and Adidas American. He has a broad understanding of what parking needs are from a wide variety of businesses. Every business is economically driven and is therefore not motivated to build or lease more building or parking space than they need. In the Functional Plan parking is often referred to as excessive or unproductive. Any business that built or leased more parking than they need would not be successful or survive. He does support his colleagues in that the Zone B parking requirements for most businesses in Zone B maximums are probably tolerable. The Zone A maximums are marginal especially when sites are located where there is no adequate transit service during the hours that businesses need it. Plans for transit service are nice but businesses operate today with facilities and infrastructure that is in place today. They invest money today, so if they are going to build less parking the transit service must be in place. The most vivid example is a Norm Thompson incoming call center, a 24 hour calling facility that accepts 800 number calls from all over the world. They operate 24 hours per day and they need a lot of parking during their peak times. They are a catalogue sales company that is driven primarily by sales during the Christmas season that starts in September and runs through the end of the year. During those times they need 10 to 12 parking stalls per 1000 sq. ft. of space because they are intensively using their space. It is even more than this at shift changes. This company looked all over the west Metro area for a facility that would work for them and they found one where they could work with the developer and get them a multi-tenant facility. They had about 5 per 1000 parking in the entire building they were in. Fortunately the other tenants were less than heavy parkers so they effectively got 7 per 1000 parking which still wasn't enough in the peak

season. They were able to locate their corporate headquarters across the street which provided spill over parking, it just barely works. If they had had to be in their own building, under the current Metro rules, even if there were planned transit facilities out there, they could not have made that work. There is an exception criteria allowed in the Functional Plan but he thinks is ought to be clarified and strengthened so that companies can be allowed to do this and still survive.

**Commissioner Linda Peters**, 155 N First, Hillsboro, OR 97124, Washington County Board, said that the Board did not pass a resolution but agreed unanimously on the wording of a letter. She read the letter into record. She also noted that the Board invited public comment at its regularly scheduled meeting on September 3rd( the communications received are attached for the record). These communications include letters from Tualatin Hills Park and Recreation District, the City of Beaverton, Judy Skinner, Mr. and Mrs. William Moore, Carol Gearin and Unified Sewerage Agency of Washington County, two things from Peggy Lynch, the Audobon Society of Portland and Sensible Transportation Options for People. Letters that Council has already received have not been included. Additionally, local jurisdiction comments are being considered by the Washington County Coordinating Committee, representative from Washington County cities. She anticipates that the Washington County Coordinating Committee will be forwarding a letter to Council containing comments on issues identified as a county wide interest or importance in advance of the September 12th hearing. She encouraged the Council to address their issues thoughtfully as revisions to the Functional Plan are considered prior to adoption. During the September 3rd discussion, the Board identified several issues that they believe warrant the Council attention. They are as follows, first, transportation performance standards, the transportation system performance analysis that Metro is doing in updating the RTP needs to find its way into the Functional Plan. It is their understanding that part of this work is to test the application of performance standards under Title 6 section 4. It is not clear how this work will be integrated into the Functional Plan. Congestion Management, Title 6, section 4B lists a number of steps that a local government must go through before including a roadway capacity improvement in its comprehensive plan. These requirements seem to flow from congestion management techniques under the ISTEA. It is not clear how this would operate in practice, is this a system analysis done in conjunction with the RTP or with individual projects? They believe that the appropriate place to do this analysis is at the RTP level and that the Functional Plan should make this clear. Third, compliance procedures, while the Functional Plan provides a number of ways in which Metro will assist government, none of these would seem to provide funds directly to local governments. Title 8, section 2, if requested, Metro would evaluate a local plan and make recommendations on changes but cities and counties would still bear the cost of varying ordinances. The current estimate is that it could cost Washington County in excess of 1 million dollars to update its community plans and development code to implement the Urban Growth Management Functional Plan. On the revenue side, in November voters will decide whether to approve Ballot Measure 47 which could reduce property tax revenue by as much as 20%. If that occurs all jurisdiction will face severe budgetary crisis. They urged the Council to think flexibly in determining how the financial burden of implementing the Functional Plan provisions might be eased. In the area of compliance procedures, it is clear that Metro is the final decision maker in terms of determining compliance with the Functional Plan, what is not clear is the course for local governments on appeal. Are all appeals to LUBA? This should be clarified in Title 8. The Board would like to restate it's views that the development of the 2040 Growth Concept has been productive in helping develop a long term vision for region. They look forward to continued work with Metro to make it a reality.

**James Reynolds**, 2915 SE Ash St., Portland, OR 97214, addressed his comments to Title 1. He asked that the Council consider incorporating ways within Title 1 to create incentive strategies for the Metropolitan business community to train and hire local low income Portland residents to help fill employment needs into the next millennium additional to new businesses in the areas, recruit from

outside this region. Further, he asked for the Council to consider not only new housing starts but plans for refurbishing towards increased density, existing housing in all inner-city areas. This combination of qualitative improvement in wage earnings and living conditions for existing low income Portland residents can go hand in hand with the development, existing and into the foreseeable future. By incorporating low income families into Portland's growth, instead of disenfranchising them, Metro can do a great deal towards decreasing crime. This improving quality of life as we increase the number of lives living here will only make it a better place, a safer place, a happier place for all concerned. There is going to be a lot of people moving here, let us not forget the existing residents as we go into the 21st century.

**Peter Wright**, 2201 SW Hazel, Lake Oswego, OR 97034. Mr. Wright gave an historical overview of the evolution and extinction of the carrier pigeon, indicating the man's existence and need for food overrode the need for the existence of the carrier pigeon. The relentless assault upon nature continues. Today's mentality is the same, men need jobs, people need houses, if we don't build them the cost of houses will go up. It is time that we learn from history that the cruelty and brutality of men with machines must not continue. We must draw the line and hold that line. Here, with this Functional Plan, we have the benefit of a line having been drawn and the wisdom of what happens when the line is broken. Do we have the integrity, the knowledge and the courage to hold that line?

**John Leeper**, 11160 SW Muirwood, Portland, OR 97225, spoke as a private citizen. The task before Metro is compounded by state and federal legislation that mandates certain things be done. While the Functional Plan contents will represent considerable planning effort on all jurisdictions in the future, the Functional Plan will not be in stone. He believes that it can be amended in the future if in fact it does not result in the intended or desired results. He supports the Functional Plan as written however he has submitted primarily editorial changes to make it a better plan. This Functional Plan and 2040 could be considered a dilemma wheel. He encouraged all to get off this wheel because the Council is never going to satisfy everyone. He recommended approval. (Written testimony was also submitted).

**Peter Finley Fry**, 722 SW 2nd #330, Portland, OR 97204 addressed three issues. First, he interprets Central City to include industrial sanctuary areas, parking structures to include roof top parking as a parking structure type. Retail and industrial areas are tough issues. He noted that the big bucks knocked everyone side ways because retail has always been in industrial areas, i.e. Frans Bakery, Darigold. Most of the distribution manufacturing firms on the east side do sell retail to the entire market. This has been happening for 30 years. He recommends, as the Council looks at regulating big boxes, do not preclude retail that has always been associated with industrial firms as accessory to their primary use. He also recommended not to confuse distribution with retail. Third, Portland's current capacity to far exceed market demand or 2040 expectations. The numbers on section B may be a little high, the low numbers are a little low. For example, inner neighborhoods are 14 persons per acre, so 14 people anticipates no children. Existing density exceed the inner neighborhood numbers by existing development patterns. 250 persons per acre for Central City may be difficult to achieve. Provision infrastructure is critical to achieving these goals. His favorite paragraph in the Functional Plan is on page 1, it says, *Metro will work with local jurisdictions to develop a set of regional wide development code provisions.* He believes this is really critical because what is necessary is a balance of regulations. As you increase intensity planners tend to over regulate because people living closer together working closer together creates lots of problems so we use regulations to separate noise walls, etc. So what happens is, the inner city become burdened with high levels of regulations. He hopes there will be a balance.

**David Knowles**, Planning Director for the City of Portland acknowledged that the City of Portland strongly supports the Functional Plan. The City is very pleased with the Functional Plan and encourage the Council to adopt the Plan. The City of Portland, its commissioners, its mayor and staff are available to Council to answer questions about how the City is proposing to implement the Plan and how it works on the ground. He noted that the critics have said Portland can't do it, that the 70,000 unit target is simply unrealistic. First, the 70,000 number is in the Functional Plan and it is there in order to indicate a fair share for each jurisdiction to take in terms of development in the future. It is a relative allocation of responsibility for all jurisdictions in the region to do their fair share, to accept development. This is the way it should be viewed. It is not an absolute target. If we don't achieve that target the world will not end. According to the Plan, Portland has been allocated 70,000 units, the total allocation for the region is 243,000 units. The City of Portland is about 28% of that allocation and has about 45% of population of the region. They are not pretending that they are going to maintain the current share of the region's population. With respect to actual production, he would note that the region only produced 10,000 units. The market needs seem to be being accommodated currently. He thinks it is important not to place too much emphasis on the absolute number. The numbers are a reasonable estimate of what the City of Portland will accommodate in 20 years. If every jurisdiction is committed to the Functional plan, if the Urban Growth Boundary stays in place and expansions are kept to a minimum level, if the economy doesn't do something unexpected and has a major down turn, and finally, if the region population growth actually occurs, it will make this projection realistic. What Portland is doing locally to make the Plan happen is to put the zoning in place and the City has been doing that since the Albina Community Plan got adopted three years ago. The City is still doing it in outer southeast and southwest and now in east Portland. He concluded that the City has to also fit their development process and the City is in the process of doing this. All of the plans won't mean anything if people can't get through the process, as Councilor Morissette can tell you. The City has made significant strides in doing this.

**Councilor Morissette** asked Mr. Knowles if the City is going to match transportation numbers for growth with planning numbers. He indicated he thought the number on the transportation plan with the next 20 years starting in 1994 is 58,000.

**Mr. Knowles** indicated he would be happy to respond to the question after the public testimony was completed this evening.

**Peggy Lynch**, 3840 SW 102nd Ave, Beaverton, OR 97005, reiterated that the Council is our regional government, responsible for regional planning, the voters clearly gave the Council that responsibility. This Functional Plan helps the Council meet this responsibility. Title 1 moves us toward the 2040 growth concept, a previous regional decision and the work done over the last few months connecting the growth concept and minimum density requirements to this section should be supported. Title 2, the Regional Parking Policy, levels the business playing field and acknowledges the State Transportation Rule. Title 3 recognizes that streams and natural areas know no jurisdictional boundaries. Title 4 protects your goal of jobs housing balance. Title 5 reminds us that we are not alone, our neighbors are important to our success. Title 6 assures regional transportation dollars are spent well and wisely and that new problems are not created that might cost the public more dollars. Ms. Lynch commended TriMet on its new project choices, transportation choices for livability that they are beginning. Title 7 acknowledges the need for affordable housing and that affordable housing needs no boundaries and that the jobs/housing balance must recognize the jobs in our community include jobs which pay minimum wages. Those valuable citizens deserve housing too. Title 8 says that we need to know that all 24 cities and three counties must work together, providing a way to work together. Title 9 says that we need the regional yo know that as we are working together that we are



meeting those regional goals and that there are methods for adjusting our visionary work as we go forward.

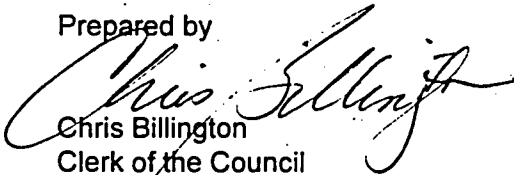
**Councilor McLain** noted that the Council was here to listen and many times there were comments made that might have been a misrepresentation of language in the Functional Plan. There may have been comments made that there had already been responses to and amendments made but the Council did not make those comments tonight and when you see the final product, the Council will be making their own comments on some of the issues that the public has indicated through testimony.

**Presiding Officer Kvistad** closed the public hearing at 5:45 pm.

**10. ADJOURN**

With no further business to come before Metro Council this evening, the meeting was adjourned by Presiding Officer Jon Kvistad at 5:47 pm.

Prepared by



Chris Billington  
Clerk of the Council

**\*Addendum/Attachments:**

A copy of the originals of the following documents can be found filed with the Permanent Record of this Meeting, in the Metro Council Office.

<u>Documement Number:</u>	<u>Document Origination/Originator:</u>	<u>Doc. Date</u>
090596-1	Bob Robinson (2 faxes) 2226 SE 35th Place Portland, OR 97214	9/5/96
090596-2	M Scott Jones 3508 SE Madison Portland, OR 97214	9/3/96
90596-3	John Liljegren 5832 SW 52nd Ave Portland, OR 97221	9/4/96
090596-4	Mayor Gussie McRobert City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030	9/5/96
090596-5	Commissioner Linda Peters Washington County Board of County Commissioners 155 N First Ave., Suite 300 MS 22 Hillsboro, OR 97124	9/4/96

090596-6	Carol Gearin 2420 NW 119th Ave Portland, OR 97229	9/4/96
090596-7	Winslow C Brooks Planning Director City of Hillsboro 123 West Main St Hillsboro, OR 97123	9/4/96
090596-8	Mayor Rob Drake City of Beaverton 4755 SW Griffith Drive PO Box 4755 Beaverton, OR 97076	8/28/96
090596-9	Mayor Craig Lomnicki City of Milwaukie 6101 SE Johnson Creek Blvd Milwaukie, OR 97206	8/20/96

Written public testimony received on or after September 5, 1996 but prior to the September 12, 1996 Public Hearing.

090596-10	Commissioner Linda Peters Board of County Commissioners 155 North First Avenue Suite 300 Hillsboro, OR 97124	9/5/96
-----------	---	--------

(Included with Ms. Linda Peters letter were the following letters received by the Board of County Commissioners at their most recent meeting):

090596-11	Ronald Willoughby General Manager Tualatin Hills Park and Recreation District 15707 SW Walker Rd Beaverton, OR 97006	8/30/96
090596-12	Judy Skinner PO Box 5607 Aloha, OR 97006-0607	9/2/96
090596-13	Mr. & Mrs. William Moore 8440 SW Goodwin Garden Home, OR 97223	9/2/96
090596-14	Carol Gearin 2420 NW 119th Avenue Portland, OR 97229	8/30/96

Metro Council Meeting  
Thursday, September 5, 1996  
Page 17

090596-15	Unified Sewerage Agency of Washington Co. 155 North First Avenue Suite 270 Hillsboro, OR 97124	8/29/96
090596-16	Peggy Lynch 3840 SW 102nd Ave Beaverton, OR 97005	8/29/96
090596-17	Audobon Society of Portland 5151 NW Cornell Rd Portland, OR 97210	8/30/96
090596-18	Sensible Transportation Options for People 15405 SW 116th Ave #202B Tigard, OR 97224	8/30/96
090596-19	Jon Chandler Oregon Building Industry Association 375 Taylor St NE Salem OR 97303	9/3/96
090596-20	Jay Mower, President Hillsdale Vision Group Inc 6327 SW Capitol Hwy #105 Portland, OR 97201	9/5/96
090596-21	Sheila Ritz City Administrator City of Wood Village 2055 NE 238th Wood Village, OR 97060	9/11/96
090596-22	Kay Engleheart 1414 NE Jarrett Portland, OR 97211	9/9/96
090596-23	Rosemont Property Owner Association Stafford Road Properties (no address)	4/30/96
090596-24	Jane Fortin Housing Specialist Independent Living Resources 4506 SE Belmont St Portland, OR 97215	9/9/96
090596-25	Don MacGillvray (E-mail) MCCI Member	9/8/96

090596-26	Seth Alford 8915 SW Rosewood Way Portland, OR 97225	9/6/96
090596-27	Mayor Lou Ogden City of Tualatin PO Box 369 Tualatin, OR 97062	9/10/96
090596-28	John J Leeper 11160 SW Muirwood Drive Portland, OR 97225	9/5/96
090596-29	Winslow Brooks City of Hillsboro Planning Department 123 West Main St. Hillsboro, OR 97123-3999	7/1/96
090596-30	Amanda Fritz Planning Commission City of Portland	9/10/96
090596-31	Randy Bateman, President Hillsboro Area Chamber of Commerce 334 SE 5th Hillsboro, OR 97123	9/11/96
090596-32	Mayor Paul Thalhofer City of Troutdale 104 SE Kibling Avenue Troutdale, OR 97060-2099	9/9/96
090596-33	Mayor Jim Nicoli City of Tigard 3125 SW Hall Bvd. Tigard, OR 97223	9/12/96

# MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

September 5, 1996

## Council Annex

Councilors Present: Jon Kvistad (Presiding Officer), Rod Monroe, Ed Washington, Susan McLain, Ruth McFarland.

Councilors Absent: Patricia McCaig, Don Morissette.

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

### 1. Announcements

**Presiding Officer Kvistad** noted that anyone at the Work Session that was not able to stay to give public testimony on the Functional Plan until after the regularly scheduled Council meeting would be allowed to give testimony at the end of the Work Session or at the beginning of the regular Council meeting.

### 2. Overview on Functional Plan

**Presiding Officer Kvistad** noted that today's Work Session would include an overview on the Functional Plan to orient any Councilors that may have needed further information on the Plan. He asked Councilor McLain, Growth Management Chairperson, to review the Functional Plan for those present.

**Councilor McLain** reviewed the 7 page staff report from the Growth Management Committee. She noted that Mr. Morrissey had compiled some of the issues, discussion and amendments brought forward. She indicated that Title 4 was still being worked on. Public testimony by retail and industrial individuals received at the Growth Management Committee brought forward issues concerning Title 4. Included in the Growth Management Committee Report packet was discussion of Title 4 and ideas brought forward. Amendment proposals by Councilor Morissette were included in Mr. Morrissey's report. She added that there was an August 1, 1996 memo from Mr. Shaw to her that gave some information and language that she was looking at and an August 6th memo from Mr. Shaw to Councilors Morissette and McCaig which included language that had been recommended by Fred Meyer.

**Councilor McFarland** asked Councilor McLain to explain to the Council if the language in Title 4 actually did what the Council had intended it to do. What was the Council trying to do with Title 4 and what are the controversial issues surrounding this Title.

**Presiding Office Kvistad** responded that as the Work Session progressed, that question should be answered.

**Councilor McLain** asked if she could make summary remarks on Title 4. The focus of Title 4 was to deal with industrial, retail, commercial zoning needs and square footage needs of particular retail and industrial entities. Public testimony had indicated that there may be some problems with this Title. The basic goal of Title 4 was to make sure industrial, retail components of the 2040 Growth Concept met certain performance standards that would create a better use of land and particular type of land use, as it dealt with the transportation system. The desired result was to find where it makes sense to put a certain type of retail. For example, the conflict between industrial transportation, traffic and residential retail commercial transportation. There were some truck and traffic patterns that could cause problems for commercial and retail and vice versa. It was important to pay attention to where industrial, retail and commercial types were placed. It needed to make sense with transportation, market needs, and the needs of the particular individuals or customers being served. There were very specific issues in each one of those areas whether it be transportation, size of facility, etc. The Committee was trying to address the needs of the Plan, making sure it made sense and was a good use of land as well as the retailers and the commercial, industrial property owners ensuring they could do business. The Committee had tried very hard to make sure those individuals were heard. The committee had spoken to many individuals in those arenas, the Columbia Corridor on the industrial side, several groups of retailers and the committee believed those groups and individuals were in the loop. The Committee was aware of their issues and concerns and is trying to deal with them. There were places where there was conflict and disagreement but, by the time the Functional Plan was passed at the Council level, there would be an attempt to address all of those issues and hopefully come to some resolve.

Title 3 on Water Quality and Flood Plain Mitigation had received a good amount of attention. There was a lot of support for Title 3. This title was a bit different in its performance standards than some of the other titles. There had been some questions about the specificity of the language and some concerns about the map for exceptions on some of the goals. They wanted to see the map before certain groups want to "buy on" to this product. Rosemary Furfey from Water Planning and Mark Turpel from Growth Management Planning were sent to talk with some of these groups. The Committee was again dealing with the WRPAC, Water Policy Advisory Committee, language that had been presented to the Committee and was a part of the Functional Plan.

**Councilor McLain** noted that all seven of the Councilors had heard the presentation on the general Functional Plan concept and particular title goals. She asked for questions.

## **2. Update and Process**

**Presiding Officer Kvistad** overviewed the update and what the process would be for decisions on the Functional Plan. He noted that the Council had this document for over a month in terms of the Functional Plan. The packet breaks out the Urban Growth Report,

the Functional Plan and the Urban Reserves Decision. Today started the first of the work session and public hearings on the Functional Plan. There would be a series of four work sessions, one today, one on September 26th, October 3rd and 17th so that the technical aspects of the Functional Plan could be discussed and then as the Council moved to a decision it would give time for public input. He announced that the Council would keep written testimony open until September 25th, an additional week or two more than intended. With the interest that had been generated, it was probably in the Council's best interest and helpful to the general public to give them more time for input and understanding. A public hearing would follow today's work session. At approximately 3:30 p.m., the Council could move into the regular Council meeting and public hearing. For those individuals who wished to testify early, at the beginning of Council Meeting, the Council would move directly into a public hearing. The Council would then go into regularly scheduled agenda items and then back into a public hearing. On September 12th there would be an evening public hearing at 5:30 p.m. The Council meeting itself will be at 2:00 p.m. that day. The final vote on the Functional Plan would be on October 24th.

### **3. Council Information Needs**

**Presiding Officer Kvistad** added that Mr. Morrissey, Councilor McLain, the Executive staff and himself would be available to discuss any part of the Functional Plan that Council felt they needed more information on. They would also be available to put public testimony into perspective. The Council process was laid out but should Councilors have any concerns or questions over the next week following September 5th public hearing, a final determination on whether further discussion or public testimony was needed and could be accommodated. He asked that Councilor McLain and Mr. Morrissey give an overview of each of the titles.

### **4. Growth Management Committee unfinished business discussion items**

**Councilor McLain** discussed Title 1, Requirements for Housing and Employment Accommodation. One of the very basic comments that was heard was should this be the first Title. There was also a question regarding the capacity as far as the numbers, were the numbers the correct numbers and assumptions to deal with what was being called the livability target. There were a couple of charts mentioned. Chart 1 noted in this Title on page 33. There had been some questions about those numbers and about the actual ability of certain jurisdictions to reach livability targets. This was an issue that would be reviewed along with the language and intent of Title 1. Also an issue was with Section 5, requirement to increase expected capacity which was referred to on page 7 of Section 5. Also looked at were some of the issues of review of public facilities capacities, there had been some comments about the relationship of counties and cities with Special Districts. Currently there is parallel work going on about the Boundary Commission and annexation of HB 102. All of those issues and how those related documents would fall out, were very important to that conversation and should be reviewed.

Title 2 was the Parking Title on page 8, the Regional Parking Policy dealt with both concepts of minimum and maximum on parking policy and performance standard. In Councilor McLain's personal opinion, it had been watered down over the last 2 years and she was glad that it was still there. She stated that she had not heard of any new language changes or any new concerns regarding this Title.

Title 3 Water Quality and Flood Management on page 10. There was concern about the map, because the finished product had not been completed, but it was in the works and would be coming out shortly. Certain jurisdictions felt that they had already done the work on their own individual plan and wanted to make sure that language of Section 5 did not in any way displace what they thought was better language. They were looking at this intently to make sure that it was going to be basically parallel to some of the goals that they already had. There was some language in this title discussed from a biological standpoint, the necessary buffer for stream protection, there was a number given that was a scientific biological number of a 200 foot buffer. There were some inconsistencies in the present system right now in the different jurisdictions about what they considered to be a buffer, such as where the buffer was being measured from. Councilor McLain stated that there had been no alternative language offered at that point. Section 5, Fish and Wildlife Habitat Conservation area, this was some of the newest work being done in the region. There had not been a lot of work in this area as far as joint agency responsibility or joint agency background work. There was very high interest in looking at Section 5 and the Fish and Wildlife Habitat Conservation area.

#### **4.1 Title: Retail in Employment and Industrial Areas**

Title 4 on page 15, retail, industrial, employment, commercial zoning areas. One of the issues here was should this title be divided out and have a title that just deals with employment and commercial retail and a title that deals exclusively with industrial areas. Some of the conversation on that had been what could be done with just simply having better definitions, have both of them under Title 4 but have better definitions for what was commercial retail and what was being talked about regarding industrial. Councilor McLain asked if there were any questions on Title 4 or the amendments.

**Council Analyst Michael Morrissey** commented that Councilor Morissette put forward some amendments on behalf of the shopping center group. The main discussion was about some language, whether or not there should be an exemptions map and they also considered raising the size of the retail establishment from 50,000 to 60,000 square feet. There was some conversation about the language, a suggestion to propose language to make it friendly to the notion that there could be some kinds of retail development. There was a memo from Larry Shaw to Councilor McLain, dated October 1, stating that there was a particular amendment proposed accepting the notion of the 60,000 square feet. Also, it spoke to the notion that part of the intent of this was where the people were



coming from relative to the use of retail market areas. If there was any retail it should be available mostly for a local use only and not be going from very wide areas. Lastly, there was another memo from Larry Shaw relating to some points that Fred Meyer brought up, the main point being, to not necessarily use the notion of square feet as the limitation for size of a facility but consider the idea of a retail shopping area and where the population came from.

**Councilor McLain** commented that there was also a September 4th memo to John Fregonese from Larry Shaw regarding a Title 4 proposal and the attached draft proposal would request that Title 4 for Industrial and Employment area section of RUGGOs. She felt this contained some reasonable language which was reviewed by Legal Staff and Growth Management Staff, and believed this supported the RUGGOs and did a good job clearing up some language in this title. She further stated this item was something that would be put forward for clarification of some language and was doing a better job for supporting RUGGOs and the basic goals.

**Presiding Officer Kvistad** commented that updates would be given throughout the course of the discussions to keep every member updated.

**Councilor McLain** added a note to the audience that there were Councilors who were willing to discuss amendments and encouraged the audience to feel free to call and discuss any issues or concerns that they might have.

**Michael Morrissey** informed that the way he summarized these issues, each of those three amendments had some different aspects. The three things that he saw were, what was the purpose and scope of retail in industrial and employment areas. Second, should there be a cap on the size retail facility. Third, should there be a discussion or limitation or somehow could it be categorized from the area from which retail shoppers would come to this area, and was that a better option to use rather than a square footage cap. Finally, should there be a differentiation about how this title was applied to employment areas and industrial areas.

**Councilor McLain** continued on Title 5, Neighbors, Cities and Rural Reserves starting on page 16. The only comment that she had heard that was considered in the high category of controversy was, what was a rural reserve. There had been some discussion in the past. She believed that the Rural Reserve idea or concept had developed over the last 3 years in the 2040 Growth Concept and it was being addressed in a number of different ways. One of the ways Councilor McLain stated that she would bring this to their attention, was if recalled from Tuesdays Growth Management meeting, Executive Officer Burton indicated that he believed that any of the Urban Reserves that were not designated as Urban Reserves should be designated as Rural Reserves. That would carry out the concept of the 2040 Growth Concept as far as what was being attempted to be

done with that terminology. The definition of the Rural Reserve had been questioned several times and was also something that should be looked at as they review Title 5.

Title 6, Regional Accessibility. She commented that the major issue that she heard was, how to define accessibility, how to define congestion and how to rank congestion and Standard Performance as it related to the Regional Transportation Plan. A comment that she heard was the RTP and the Functional Plan paralleled and worked together in such a way that was productive and had protected livability.

**Michael Morrissey** added that as this recommendation came from MPAC, they emphasized the notion that they had attempted to beef up the concept of mode split so that this did not just speak of cars and buses. They wanted to set some language in there that would highlight the notion of different kinds of transportation.

**Councilor McLain** continued with Title 7, Affordable Housing. This was one of the issues that people asked how they could be against affordable housing. The basic concept was agreeable, it was just how did this Title fit in with the rest of the Titles as far as the standards. She stated she had not seen any alternative language on Title 7 and the only amendment that she knew about was Mr. Morissette's amendment.

**Councilor McFarland** commented that she still had a problem with the definition of what affordable housing meant, what was it and for whom was it affordable and at what level. She recognized what Councilor Morissette discussed, the percentage, mean and medium of income. But she would like to see someone address the question of what was really meant when it was stated affordable housing and for whom.

**Councilor McLain** replied that she felt that was extremely appropriate, even though that was a big task, taking that on as a definition for Title 10. That might give some more ease to some of the communities of what was being headed for.

**Presiding Officer Kvistad** stated that one of the things to be recognized was that there were two big areas. One was the general policy discussion of the Functional Plan in general. There had been recommendations that had come in from individuals as well as the advisory committees, but the work product and the policy decisions on what the Functional Plan was, belonged to the Council. Second, the Council would be getting into the specific decision about the individual Titles and the specifics and amendments to them.

**Councilor McLain** stated that on page 23 on Section 3, Affordable Housing, it talked about manufactured housing. The Committee was trying to encourage manufactured housing having a fair and equal playing field. She referred to line 706 requirement A, which stated, requirements for a minimum of 5 acres to develop a manufactured housing park should be reviewed to consider a lesser requirement or elimination of a minimum

parcel and/or lot size entirely. That was an issue that did not have clarity at the Committee level, and was something that someone would bring up at the Council level.

Title 8, was pretty much the same as it was. Title 9 was the Performance Standards.

**Michael Morrissey** interjected that Title 8 was the way that the local jurisdictions had 24 months to change their local regulations. This sets for some a way that exemptions could be processed.

**Councilor McFarland** asked for an example. She referred to, for instance, if there was an area in the city that had large lots but has an ordinance against flats, and asked if that was like what was being talked about here.

**John Fregonese, Growth Management** stated that the local jurisdictions had a lot of flexibility in how to meet their density. The Council had to review that plan and determine that they had met the standards contained in there. The facts would be reviewed and their compliance standard would be reviewed. It would be up to the Council to decide if they met the goal.

**Councilor McFarland** asked if that jurisdiction gave some reasons why they could not put all these people in there, and the Council did not feel good about their reasons, what could be done about it.

**John Fregonese** replied that the enforcement procedure would entail, first, mediation, then, there would be a hearing before MPAC, MPAC would give its recommendations whether you should proceed with enforcement or whether this was not a significant difference. Whatever the result was, it would come back to the Council, after those steps, a court order would be obtained to require the re-zoning.

**Presiding Officer Kvistad** commented that Council would make the decision but MPAC would be the one that would act as a buffer to have those discussions. If some of these could be dealt in partnership it would be the best solution.

**Councilor McLain** stated that she hoped that Section 5, lines 820-833, the Compliance Plan Assistance would not be forgotten. It was stated that if there were disagreements, it had been said that the Committee would try to work through with them and help them to figure out how there was a compromise available that would suit both the Performance Standard and the goal.

#### **4.2 Title: Performance Measures**

Title 9, Performance Measures. The Committee agreed that it was important to set out a process of what could be done to make sure that the performance measures were adopted.

Title 9 gave some measurements that were listed 1 through 6. There was a very set idea of what those measurements would be. Section D, on the Use of Performance Measures on page 29. This gave a timeframe of how this would work and indicates that by March 1st of every other year, beginning March 1, 1998, the Executive Officer would report to the Council an assessment of the Regional Performance Measures and recommend corrected actions as necessary consistent with the Metro Council policies and the 2040 Growth Concept. He gave a reference of how that would work and keep it consistent with the process in place.

Title 10, Definitions. What had been discovered was that more definitions were needed. It had been requested that some definitions be added.

**Presiding Officer Kvistad** commented that this would be a place where Councilor McLain would want to spend some time explaining the boundary, all the basics would be discussed in the work sessions.

**Councilor McLain** commented that the maps and the tables were interesting, and there were a lot of issues about them. The only map that she had heard of recently was looking at the Portland Central Eastside not being on the Functional Plan Title 4.

**John Fregonese** conveyed that the Central Eastside was part of the Central City Plan and on the big map they had designated the entire Central City as one designation because it was very small and there was a lot of complexity in that plan. For example the industrial area was a few blocks east and a few blocks west of Grand Avenue and MLK.

**Presiding Officer Kvistad** asked Councilor Washington if he had any questions regarding the first couple of Titles.

**Councilor Washington** replied that he did not at this point.

**John Fregonese** commented that the best thing that could be done was to answer specific questions that came up. The areas that had been most controversial were the targets for the cities. There was some dispute as to whether or not they could meet those targets. Those targets were not at this time forecasted for a zoning capacity. He further commented that there would be some refinement debate about the parking, Title 2. It started out as reducing parking minimums and whatever debate there was, if you listen, there isn't much debate that we should reduce parking in this region, that's a ballot regional goal. There was the DEQ issue, in terms of those parking elements, the need to get down to the DEQ level so they could be able to effectively implement their air quality reduction. The parking maximums, there was a debate on whether or not there should be maximums. He further stated there are going to be maximums and where those maximums should be applied. There are some distinguishing areas there. There are a lot of maps available to show specifics during the hearing to see the evolution of the map in

comparison with some of the earlier versions. That was going to be a complicated issue. There would be discussion on 20 minute transit and designs types and some maps would be designed to show what the distinguishing areas were.

**Councilor McLain** commented that people had been getting calmer about that. They want transit service available and they want to make sure that the Committee understood that it was not in their area. It can't work unless that transit service was provided.

**John Fregenose** commented that it was hard to argue with that point. Title 4 was controversial in terms that one thing that had been portrayed was that some of this was a ban of big box retail and it was not. It was really trying to decide where big box retail should go. There was real consensus that it should not be in industrial areas. He stated that he had not heard a lot of dispute about that. The argument would be over the employment areas and what the retailers role will be in the employment areas. The concept that was worked on and given to Councilor McLain was starting for the first time to differentiate between industrial areas and employment areas. He felt that was a helpful policy tool to be used in resolving this dispute.

**Councilor McFarland** asked how to decide what was what. She further asked what the differences were between the employment areas and the industrial areas.

**John Fregenose** commented that the employment areas were designated because they were not pure industrial, there was a lot of office park use, some retail use, there was some areas that were planned to have more retail and some areas still have retail banned. Some areas have recently moved to take retail uses out of the employment areas. For example Airport Way limited the retail to preserve it for jobs. The big thing about retail is, it can out bid any other competing use. They can pay more for land than office or industrial and they generate 3 to 4 times more traffic than a typical industrial or office use. They also displace land, there was nothing wrong with retail but it's just putting the right use in the right place. It was suggested that local governments should be told that if you are allowing it, continue to allow it as long as you know that you have the facilities for retail. If you plan this for industrial, but it's all going retail, check the facilities and make sure you have the transportation. If you don't allow it, then continue to not allow it unless you really want to change it to retail, in which case again make sure you can provide the transportation if you are going to do that, because it is a much different transportation scenario than if it was all industrial.

**Councilor McLain** pointed out that Mr. Fregenose left out one of the main messages that he usually gave which was, existing versus future.

**John Fregonese** concurred that existing was intended to permit retail where there was existing retail.

**Presiding Officer Kvistad** asked if there was one thing in terms of the Regional Accessibility section where there was some specific or general comments about the performance of these standards, anything that needed to be stressed.

**John Fregonese** replied that in terms of the Regional Accessibility, it would be important to realize the boulevard design requirement to consider different designs, but does not mandate those designs, and some people misunderstood, this does not mean that you have to put in benches. It means you have to consider all those things when you are doing a design. It does require consideration but it does not require any outcome. In terms of performance measures, the idea that Councilor McCaig had added in there was to tie a trigger between performance and adjustment of a Regional Plan. If that was going to be done it was important that the Performance Measure could be actively measured and could be as objective as possible.

**Councilor McLain** reiterated that there was a menu, the Performance Standard, and it could be reached in a number of different ways. Either through the design or through a combination of other local actions that would create that particular standard.

**John Fregonese** expressed some concern not to follow the path of the Benchmarks because it was a very different kind of issue.

**Presiding Officer Kvistad** asked in terms of Performance Criteria and Performance Options, when they're dealt with specifically, how would those be visualized and utilized to their best advantage. Secondly, how would work be done on the policy side to develop those options and criteria to make sure that they get in place.

**John Fregonese** replied that in terms of Title 9, it looked at what local governments were being asked to do. Maybe looking at their Urban Growth Reports and saying what do we expect to happen and then asking to be given some examples of things that we could measure and what we would do if we got it to a certain situation if we had more infill than we expected or less infill than expected, and how could that be used to start deciding when the Urban Reserves start coming in. A fairly logical choice and progression could be made going from implementing the 2040 Growth Concept to when the Urban Reserves start being urbanized.

**Councilor Washington** asked if he would state his toothpaste example again.

**John Fregonese** replied that the idea was that this was a every two year review of how the capacity of the Urban Growth Boundary had been used. If capacity was thought of as a store shelf, the next step would be to review it and see if it had gone according to plan. As an example it was expected that 42 percent of the employment would go through infill. It was expected 25-30 percent of residential use was to come through infill. The question was raised what if it was 40 percent, maybe then not as much would have to

stocked as thought. Densities were expected to be an average of 6,200 square feet. The question was raised, what if one year it was 5,000 square feet, then not as much is needed to be stocked. The real variable there would be what growth actually was, because if fewer people come here you obviously had to stock less, even if you were meeting your plan goals. If more people came here, more would have to be stocked.

**Presiding Officer Kvistad** commented also in terms of review process, as the Urban Reserves and Urban Growth Boundary were being dealt with, it would try to be done on a two year cyclical review where every single year it would be reviewed and every other year there would be a process or mitigation if it was necessary.

**John Fregonese** commented the advantage of going to that type of cycle was not having to make such a big admission. If it was put to every 5 years, and it was short, the amount that had to be added was many thousands of acres. If it was done every two years, you could add a smaller amount, you could be more accurate. you could keep the boundaries tighter so you could run on a closer market. It was a closer tolerance that allowed you to adjust it more finely.

**Presiding Officer Kvistad** interjected that as things progressed, about a month down the road, that would be part of the Urban Reserve discussion and stated that he would be bringing forward that proposal at that time. There would be a process in place that was not there now that would give some certainty about how to move forward.

**Councilor Washington** commented to Mr. Fregonese, that if the Council were to do what he suggested, it meant that they would have a very good idea of what was available right now and it would be an excellent starting point that would serve them well. If it could be done, what Mr. Fregonese suggested the Council ought to do, then it would be easier to understand why it could be so sure that it was possible.

**John Fregonese** replied that since 1990, there had been annual vacant land inventories of the region. Air photos were taken of the entire region, that are now digital, and then measured exactly how much land goes from vacant other uses and can compare one year to another on the computer and see exactly what happened between 1994 and 1995 and so forth. All the building permits could be obtained to place them specifically on the maps so it could be seen how the growth and densities affect an area. It was not perfect, by any means, but it could more accurately determine what was happening in the region. This had allowed the ability to make some of those forecasts, for example the 25 percent infill.

**Councilor Washington** asked if there was a margin of error there.

**John Fregonese** commented that the actual vacant land, whether it was buildable or not, there was more a margin of error. Within the whole region it was within 5 percent plus or minus. When you get to the actual building permits, you say the building permits were

pretty accurate but they were probably more along 5 to 10 percent if you go to any individual jurisdiction. The building officials had to actively record the data and they had to send it to the Department of Congress right and timely. Some jurisdictions, when they get busy, put off doing that because it was not essential. The accuracy was as good as to be expected and certainly better than any other source.

**Presiding Officer Kvistad** stated that one of the reasons why computerization had moved so quickly in the Council Department was because the Staff was going to make available to Mr. Fregonese on-line and on his systems the software that would allow him to take a look at those scenarios.

**Councilor McLain** commented on the last conversation on review and mitigation. That was in its rawest form of conversation currently. There were a couple of things that were heard from the Executive Officer and also from the Growth Management Committee, when the Urban Reserves were designated, the amendment process and the 5 year review were antiquated. So what was being said was that a process needed to be in place to make sure that there was a way to make adjustments or do mitigation if it was necessary. But if the job was done right and if the standards and capacity that were suggested in the Plan were met, mitigation was not necessary. She pointed out that taking it from a 5 year review to a 2 year review was the idea of not wanting a 'last lot' mentality. They wanted to make sure that there was a process put in place when the other became an antique. It was not to say that more chances won't be given or revisions to the Urban Growth Boundary than in the last 20 years.

**Presiding Officer Kvistad** interjected that he was dealing with the process itself, the actual discussion on that was outside of the Function Plan. Which was why he was stating that a month from now when this part was finished, he does not want to overlay it with the process work.

**Councilor McLain** replied that she was indicating that Presiding Officer Kvistad and herself might be a 1 and a 10.

**Michael Morrissey** commented that Title 9 was originally proposed by the Executive Officer and Councilor McCaig came in and made some changes. Title 9 talked about every other year there would be a report from the Executive Officer and then it talked about recommended corrective actions, if necessary, and what the range of those corrective actions were.

**John Fregonese** stated that the intention was, when a Performance Measure was adopted, the Council would adopt policies on what to do in certain situations. It was noted that it said, recommended corrected actions were necessary, consistent with the Councils' policies, so that the Council would have some policy decision to decide if something was an appropriate action.



**Presiding Officer Kvistad** pointed out that was what he was saying, that currently that process was open and those policy decisions were yet to be made but they would be dealt with as the Council moved through these items.

**Councilor McLain** commented that it also dealt with the concept that master planning had to be there to show that the Urban Reserve was ready and that was another related element.

**Presiding Officer Kvistad** added that what was talked about when dealing with litigation was a two year cycle. It was possible within the framework, that, the Council might be able to do something proactive by knowing if there had to be a mitigation or a move to have a competition for vast projects or things that would really best represent the total 2040 long-range vision. It was not necessarily that the door be opened and here was where we will land, it gave a framework to be proactive, bring people to the table and build new types of urban forum.

**John Fregonese** stated that there was a fundamental change that was on the verge. In the 18 to 19 years that the Urban Growth Boundary had been in effect, Metro had been a passive recipient of Urban Growth Boundary amendments. Either now or in the near future, Metro will have to be the proponent of the amendments of bringing in the Urban Reserve. Designating the Urban Reserve is the first step, the second step would be deciding how well it was going and the third step would be actually deciding to do it.

**Presiding Officer Kvistad** commented that was one thing that the Council was aware of. The shift of the new charter with the powers of decision coming to the Council, going to the 7 people that were sitting at the desk, really do change the dynamics of what the Council is all about. Presiding Officer Kvistad asked if anyone else had any questions or comments. He asked Mr. Cooper to give an overview of the legal process.

**Dan Cooper, General Counsel** communicated on the amendment process. The Committee recognized that the document was not in final form from their point of view, there was some unfinished business. He knew in all likelihood after the public hearing process some or all of the Council may want to propose amendments. The ordinance the Charter required was that you not adopt it at any meeting at which it was amended. In order to meet a deadline or proposed deadline of adoption of the 24th of October, the amendment process needed to be done by the 17th to be able to put forth a completed version of the Ordinance as amended by the 24th, when final action takes place. For the Committee the General Counsel Office prepared a clarification of what had come out of MPAC. A long series of technical amends were done, trying to make sure the document hung together and was legally consistent from one title to another, and that the titles actually achieve in language what the stated intent was. Further, possible clarifications would be worked on because they most likely would be needed and at the same time the

policy amendments that any of the Councilors wanted to propose. They would be encouraged to contact Mr. Cooper or Mr. Shaw and let them draft those amendments so that they were consistent with the rest of the document. If the Council adopts any of those amendments they would be prepared to speedily turn that into the final version of the Plan after the 17th.

**Presiding Officer Kvistad** reiterated that any amendments would need to be moved forward by the 10th so that there was a week prior to the adoption to make sure they were fully noticed and out so that copies could be made.

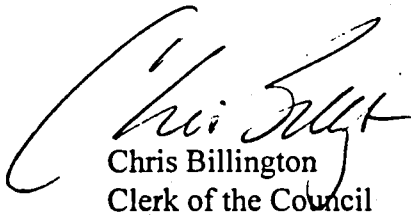
**Dan Cooper** stated that if any of the Councilors had any amendments that were needed to work on for the public hearing process to let him know.

## 5. Wrap Up

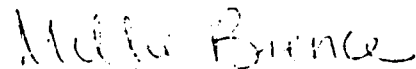
**Presiding Officer Kvistad** asked if there was anyone present in the public audience who needed to testify now due to time constraints. Presiding Officer Kvistad asked Mayor Gussie Roberts to come forward and testify.

## 6. Adjourn

Prepared by



Chris Billington  
Clerk of the Council



Millie Brence  
Council Assistant



METRO

# Metro Public Hearing

Please print legibly! <sup>x</sup>

Date: 9/18/96 Clerk's No.:

Name: Aleta Woodruff

Affiliation: UCCD

Address: 2143 NE 95th

City: Portland Zip Code: 97220

Phone Number: 252-8564

I wish to speak on agenda item#: on behalf of UCCD

For: Against:

Have you testified previously on this subject? Yes  No

c:\r\cncldep\2083

*Agenda Item Number 5.1*

**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 19, 1996  
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A ) RESOLUTION NO. 96-2386A  
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 firm or individual submitting the highest ranking proposal shall be subject to Council confirmation prior to the execution of a personal services contract with the firm or individual.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## **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, on behalf of the Metro Council, 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., October 4, 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**

Contract administration, including payment, billing and verification procedures, will be performed 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., October 4, 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 27, 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 by a committee composed of two Metro councilors and one individual designated by the Metro Executive. 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, and will be conducted by the evaluation committee. Final selection will be confirmed by the Metro Council.

- 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 Council Government Affairs Committee and 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 15, 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.

**GOVERNMENT AFFAIRS COMMITTEE REPORT:**  
**CONSIDERATION OF RESOLUTION NO. 96-2386A.**

---

Date: September 19, 1996

Presented by Councilor McFarland

**Committee Recommendation:** At the September 16th meeting the committee voted unanimously to recommend Council adoption of Resolution 96-2386A. Voting in favor: Councilors McFarland, Washington and McCaig.

**Committee Issues/Discussion:** Resolution 96-2386A authorizes the content and release of a request for proposal for the purchase of services to represent Metro before the 1997 session of the Oregon Legislature. The committee amended the resolution, the request for proposal and the scope of work in several places, to make clearer the role of the Council and Government Affairs Committee in

- issuing the proposal,
- evaluating proposals and confirming the successful finalist, and
- directing and overseeing the work of the contractor.

The maximum contract amount for this fiscal year, for the resulting contract is \$45,000.

## 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.