

A G E N D A

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METRO

MEETING: METRO COUNCIL REGULAR MEETING
DATE: November 7, 1996
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

<u>Approx. Time*</u>		<u>Presenter</u>
2:00 PM	CALL TO ORDER AND ROLL CALL	
(5 min.)	1. INTRODUCTIONS	
(5 min.)	2. CITIZEN COMMUNICATIONS	
(5 min.)	3. EXECUTIVE OFFICER COMMUNICATIONS	
	4. CONSENT AGENDA	
2:15 PM (5 min)	4.1 Consideration of Minutes for the October 17, 1996 and October 24, 1996 Metro Council Regular Meetings.	
	5. ORDINANCES - FIRST READING	
2:20 PM (5 min)	5.1 Ordinance No. 96-658 , An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Transferring \$35,275 from the Regional Parks and Expo Fund contingency to provide funding for flood related expenses at Oxbow Regional Park, title reports for transferred Multnomah County Properties and to purchase a laser printer for the Regional Parks and Greenspaces Department; and Declaring an Emergency.	
2:25 PM (5 min)	5.2 Ordinance No. 96-660 , An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Spectator Facilities Fund by reducing contingency by \$300,000 and increasing the Materials and Services and Capital Outlay portions of the budget to provide for capital renewal and replacement at the Portland Center for the Performing Arts; and Declaring an Emergency.	

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| 2:30 PM
(5 min) | 5.3 | Ordinance No. 96-661 , An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in various funds to hire a Capital Projects Assistant for MERC, and Declaring an Emergency. | |
| | 6. | RESOLUTIONS | |
| 2:35 PM
(5 min) | 6.1 | Resolution No. 96-2411 , For the Purpose of authorizing the commencement of review of the rates for Ambrose Calcagno, Jr., doing business as A.C. Trucking Company, for the operation of the Forest Grove Transfer Station. | McFarland |
| 2:40 PM
(5 min) | 6.2 | Resolution No. 96-2417 , For the Purpose of Authorizing an Extension of a Contract with the Spangle Associates for Utilizing A Federal Grant Facilitating Use of Relative Earthquake Hazard. | Morissette |
| 2:45 PM
(5 min) | 6.3 | Resolution No. 96-2407 , For the Purpose of Confirming the appointment of Bruce Warner to the position of Director of the Regional Environmental Management Department. | McFarland/
Burton |
| 2:50 PM
(5 min) | 6.4 | Resolution No. 96-2414 , For the Purpose of Opposing the Siting of an Inmate Intake Center, A Medium Security Women's Prison or any other Correctional Facility on the Wilsonville Tract. | Burton |
| 2:55 PM
(5 min) | 6.5 | Resolution No. 96-2415 , For the Purpose of Opposing the Siting of an Inmate Intake Center, A Medium Security Women's Prison or any other Correctional Facility on the Dammasch State Hospital Property. | Burton |
| 3:00 PM
(5 min) | 6.6 | Resolution No. 96-2420 , For the Purpose of Confirming the Selection of Western Strategies to represent Metro before the 1997 session of the Oregon Legislature. | McFarland |
| 3:05 PM
(5 min) | 6.7 | Resolution No. 96-2421 , For the Purpose of Amending the Contract between Metro and Ankrom Moisan Associated Architects for Architectural Services Associated with the Development of the Oregon project at Metro Washington Park Zoo. | McFarland |
| 3:10 PM
(20 min) | 6.8 | Resolution No. 96-2403 , For the Purpose of Appointing Seth Tane, Bill Peters and Josephine Pope to Three Expiring Terms on the Metro Central Station Community Enhancement Committee. | Washington |
| 3:30 PM
(10 min) | 7. | COUNCILOR COMMUNICATION | |

ADJOURN

CABLE VIEWERS: This meeting is shown 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.

All times listed on the agenda are approximate; items may not be considered in the exact order.

For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542.

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Agenda Item Number 4.1

Approval of Minutes

For the October 17, 1996 and October 24, 1996 Metro Council Meetings

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

October 17, 1996

Council Chamber

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

Councilors Absent: None

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

Dave Nadal, 2014 SE 12th, #304, Portland, OR 97214, appeared before the Council to ask if regular citizens would be permitted to testify at the public hearing scheduled for next week. Presiding Officer Kvistad said the public hearing would be open to anyone wishing to testify on the Functional Plan. Mr. Nadal expressed his wish that the October 24 Council meeting had been scheduled for 7:00 PM.

Mr. Nadal then said that in reading the RUGGOs, he came upon a rule that any legislation to be acted on had to be presented in its final form three days prior to being acted on; and he pointed out that the Functional Plan legislation before the Council had been in a state of change up until the start of the meeting.

Presiding Officer Kvistad responded that the process of adopting the Functional Plan was an ongoing process and had been on the agenda for more than a month. He further stated that after the amendment process was complete, Ordinance No. 96-647A would become the final version, Ordinance No. 96-647B, and the final version would be voted on according to the established process.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the October 10, 1996 Metro Council Regular Meeting

Motion:

Councilor Washington moved approval of the consent agenda.

Vote:

Councilors McCaig, Monroe, Washington, McLain, Morissette, McFarland, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

5. ORDINANCES - SECOND READING

5.1 Ordinance No. 96-647A, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept

The Council then considered Ordinance No. 96-647A, which would adopt a Functional Plan for Early Implementation of the 2040 Growth Concept. Presiding Officer said the Council would be acting on amendments proposed by individual councilors, and he gave a brief description of how the amendment process would proceed for the remainder of the meeting.

According to Presiding Officer Kvistad, the following amendments were approved at the Council meeting of October 3, 1996: Kvistad Amendment No. 2, Kvistad Amendment No. 3, McLain Amendment No. 4, and the Morissette Amendment No. 3. The following amendments were approved at the Council meeting of October 10, 1996: McLain Amendment Title 1 Amendment, and the Monroe Amendment No. 1.

Presiding Officer Kvistad said Councilor Morissette's amendment to Title 1 would be distributed and added to the list of amendments to be considered. He asked Councilor McLain about a letter received from Doug Bollam, and asked if Mr. Bollam's concerns were addressed in her amendment. Councilor McLain said Larry Shaw, Assistant General Counsel, had reviewed McLain Amendment 2A, and both she and Mr. Shaw believed the "and development" language suggested by Mr. Bollam was included.

Mr. Shaw said language appeared in McLain Amendment 2A, which included the definitions for all Titles, and which clarified McLain Amendment No. 2. He said McLain Amendment No. 2 made extensive amendments to Titles 1 and 8. Included in the definitions found in 2A was the definition of the term "development". Mr. Shaw said he had worked with Mr. Bollam, and had reached agreement as to the exact words of the definition. However, Councilor McLain pointed out that Mr. Bollam referred to "or development", while she used the phrase "and development". She asked Mr. Bollam to speak to his request.

Mr. Bollam, 3072 Lakeview Blvd., Lake Oswego, appeared before the Council to discuss the language in question. He said in McLain Amendment No. 2, on line 46 the words "and development" had been struck. He said deletion of this language would preclude citizens who had a residence within the present water quality and flood management area from adding to their driveway, widening it, or from putting more than one load of gravel or asphaltting their driveway. He recommended that the "and development" language not be struck from the document.

Mr. Shaw referred to discussions with Mr. Bollam, stating he thought Mr. Bollam had agreed that his purpose in making his request was to protect existing structures. Mr. Shaw said existing structures were protected because the development definition that began on line 38 was all-inclusive. He said if the word "development" was left in, you would have water quality and flood management areas that were broader than the current structure. Therefore, people would be able to make changes to their driveway and other parts of their property that were included in the word "development" that were not structures even though it would encroach on the water quality and flood management area. Mr. Shaw said it was his understanding Mr. Bollam had agreed this was not a good idea; and this was why the word was left out.

Mr. Bollam responded that he thought Mr. Shaw had been referring to the "accessory uses" aspect that was being added. He said he did not realize his proposed language had been interpreted as being development in the broad scale sense of the text itself.

Councilor McLain distributed a letter from Mr. Bollam for consideration at the appropriate time.

Presiding Officer Kvistad asked Michael Morrissey, Council Analyst, to discuss the amendment packets. Mr. Morrissey said the amendments would be considered in title order. Copies of all of the proposed amendments discussed in the following pages are included as part of the meeting record.

TITLE 1, MCLAIN AMENDMENT NO. 2

Mr. Morrissey pointed out that McLain Amendment No. 2 amended Title 1, "Requirements for Housing and Employment Accommodation"; Title 8, "Compliance Procedures"; and Title 10, "Definitions". It was decided to consider the amendment as it dealt with each Title individually.

Motion:

Councilor McLain moved, seconded by Councilor Monroe to amend Title 1 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 2.

Councilor McLain said her amendment set forth certain wordsmithing changes and added language regarding the development of a set of region-wide community development code provisions, standards and other regulations to help implement the 2040 Growth Concept and Functional Plan.

Councilor Morissette said his problem with this portion of the Functional Plan had to do with the 80% minimum densities. He said the chart at the end of Councilor McLain's amendment meant that minimum densities had been raised to a point where there would not be options available to local jurisdictions, or the ability to provide the housing types necessary. Therefore, he would not support the amendment.

Vote:

Councilors McCaig, Monroe, Washington, McLain, and McFarland voted aye. Councilors Morissette and Kvistad voted nay. The vote was 5/2 in favor and the motion passed.

TITLE 1, MCLAIN AMENDMENT NO. 8A

Mr. Morrissey said McLain Amendment No. 8A was a substitute for her amendment No. 8.

Motion:

Councilor McLain moved, seconded by Councilor McFarland to amend Title 1 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 8A.

Councilor McLain said the proposed language would offer a more specific definition for minimum densities that would not limit creativity or the ability to deal with open spaces, areas outside the Urban Growth Boundary (UGB), and areas designated as unbuildable. John Fregonese, Director of Growth Management, said the purpose of the amendment was to provide that minimum density standards would not be applied throughout Metro's jurisdiction, only in the appropriate places. He pointed out Metro has large areas of jurisdiction outside the UGB. He said the maximum zoned density does not include the density bonus for zones that allow them.

Richard Rodgers, 2429 SE Brooklyn, Portland, Or. 97202, legislative analyst to Councilor Morissette, appeared before the Council to ask about Title 1, line 87, with regard to full time and part time jobs as they relate to Table 1 in the Functional Plan. He asked if full time and part time jobs would be counted as equal equivalents in meeting the target numbers. Mr. Fregonese responded that Metro's job estimates were for total jobs, not full time equivalents (FTE). He said only 75% of the jobs listed in the job capacity were full time jobs. Mr. Rodgers asked if this represented a deviation from the initial assumption, or if it was a clarification of an existing understanding. Mr. Fregonese said it was a clarification.

Vote:

Councilors Monroe, Washington, McLain, Morissette, McFarland, McCaig, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

TITLE 1, MCLAIN AMENDMENT NO 9

Councilor McLain pointed out that two competing amendments were before the Council, her Amendment No. 9 and Councilor Morissette's unnumbered amendment. She asked that they be considered together.

Motion:

Councilor McLain moved, seconded by Councilor McFarland to amend Title 1 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 9.

Councilor McLain said her amendment provided clarification to the portion of the Functional Plan dealing with accessory units. Councilor Morissette said he felt the amendment that was approved earlier needed additional clarification. He said he feared the amendment proposed by Councilor McLain could prohibit potential good uses for accessory units, however, it would not go as far as to prohibit creation of duplex zones in single family residential areas.

Councilor Monroe asked Councilor McLain if the language she proposed would allow local jurisdictions to prohibit a kitchen or a range and refrigerator as part of the accessory unit. Councilor Monroe said he was concerned that the language would permit local jurisdictions to act in such a way as to negate the intent of the proposed language. Mr. Fregonese said a dwelling unit was defined in the state building code as having separate sanitation and cooking facilities. He said the language stating that regulations "may include, but are not limited to...." was intended to allow discretion for local jurisdictions to place reasonable regulations to ensure accessory units would fit in with single family neighborhoods. These regulations might pertain to off-street parking requirements, type of structure, size limitations, and other requirements.

Mr. Shaw said the word "reasonable" was intended to relate to the word "prohibit".

Councilor Morissette spoke to his proposed amendment, specifically addressing the language he proposed adding to the end of paragraph two, section "D" which read "...inside the Metro urban growth boundary. Cities and counties may make reasonable regulations on accessory units provided restrictions are not made that prohibit rental occupancy, separate access, and full kitchens in the accessory units. Minimum square footage restrictions for accessory units may be enacted provided that minimums are no higher than 800 square feet." In response to a concern of Councilor McLain, he said he would have no problem with excluding the language pertaining to square footage. However, he said he would be concerned with having too large a unit next to the house, as it could move the property into duplex zoning.

Councilor McLain asked if Councilor Morissette would be willing to eliminate the term "unit" that followed the language, "single family dwelling" in paragraph 2 to his amendment. If he would do so, she felt his proposed language would accomplish the purpose of her amendment language.

Councilor McFarland said she would resist inclusion of Councilor Morissette's proposed language at the end of paragraph 2, because it placed too many restraints on local jurisdictions. She said Council should ensure that local jurisdictions could not prohibit accessory units, but at the same time allow them flexibility in determining the types of accessory units to permit. She referred to the assurance of legal counsel that the language proposed by Councilor McLain would prohibit local jurisdictions from passing regulations that would essentially exclude these types of buildings.

Councilor McLain said she had no problem with Councilor Morissette's intent language, which was the first paragraph in section "D".

Councilor Monroe said he felt Councilor Morissette's proposed language, "separate access" was more clear than Councilor McLain's proposed language, "entrances". Councilor Monroe asked if Councilor McLain's language would permit separate access to be denied. Mr. Fregonese said the McLain could conceivably not be a clear prohibition. Mr. Fregonese said his opinion was that no jurisdiction would write an accessory unit ordinance would prohibit separate entrances. Councilor Monroe said he wanted to ensure that reasonable regulations would not prohibit separate access.

Motion to Amend
Main Motion:

Councilor Monroe moved, seconded by Councilor McFarland to amend McLain Amendment No. 9 by deleting the period after the word "occupancy", and adding, "but, shall not prohibit rental occupancy, separate access, and full kitchens in the accessory units."

Councilor McLain asked for clarification that the language would include size, lighting, entrances, and owner occupancy as general issues; and specific issues that would be called out as being not acceptable would be prohibitions regarding rental occupancy, separate access, and full kitchens.

Mr. Fregonese suggested that the wording, "of the primary unit" be added following the language, "owner occupancy", and the words, "of the accessory unit" be added following the language "rental occupancy".

Councilor Monroe, the mover, and Councilor McFarland, the seconder agreed to accept this language as a friendly amendment to Councilor Monroe's amendment. The amendment under consideration then read:

"Cities and counties shall not prohibit the construction of at least one accessory unit within any [allowed] detached single family dwelling [unit] that is permitted to be built in any zone inside the urban growth boundary. Reasonable regulations of accessory units may include, but are not limited to, size, lighting, entrances and owner occupancy[-] of the primary unit, but shall not prohibit rental occupancy of the accessory unit, separate access, and full kitchens in the accessory units."

Councilor Washington asked how the Council would ensure that local jurisdictions were complying with these provisions. Presiding Officer Kvistad responded that if it was discovered local jurisdictions were having compliance problems, the Council would have to address those problems at that time. Mr. Fregonese concurred with Presiding Officer Kvistad, and added that the provisions would be required to be in the local jurisdiction's code, and they could not prohibit something their code allowed.

**Vote on Motion to
Amend Main Motion:**

Councilors Washington, McLain, Morissette, McFarland, McCaig, Monroe, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Mayor McRobert asked that "or detached garage be added after "detached single family dwelling". She requested after the words "detached single family dwelling" add the word "or detached garage" or at least not to prohibit them. The language on the table does not prohibit the garage option.

Presiding Officer Kvistad asked Mr. Cooper what those changes would mean to the intent of what was in the document.

Dan Cooper, replied from what he understood from the request from Mayor McRobert, the words written currently would require the local governments to allow the accessory units within the existing dwelling units. What she had requested if there were a detached garage, that was not part of that dwelling unit, that the local jurisdiction could have the option of either /or as the location of the accessory unit. The current language would prohibit that.

Councilor Monroe asked if the Gussie Amendment were added, would that allow local jurisdictions to prohibit accessory units except in detached garages.

Mr. Cooper replied if there were a detached garage it would. If there were not detached garages and the jurisdiction said you had to have a detached garage then he thought it would prohibit it.

Councilor Monroe stated he did not want to do that, but he had no problem allowing local jurisdictions the authority to allow them to be cited and detached garages. He did not want to give them the authority to prohibit them in the main structure.

Mr. Cooper stated they did not need to be given authority to allow them attached garages, they already had that authority. What was being done here was setting a minimum standard for what they must allow.

Councilor Monroe asked for Mayor McRobert to come back up. He asked Mayor McRobert to intervene and clarify his line of questioning.

Mayor McRobert stated the intent was it did not work to do it within the single family dwelling and if there was a detach garage that they not be prohibited from doing that.

Councilor Monroe commented what was also being said was that if a builder, developer or individual homeowner wanted to convert within the building to one, that they would want to allow that.

Mayor McRobert commented if that were the case then why would they need this at all. If it was not mentioned, then she saw no point in the whole amendment.

Councilor Monroe stated the purpose was there were local jurisdictions that prohibited accessory units and granny flats, the Council was trying to stop that.

Mr. Cooper reiterated his previous statement. It was requiring them not to prohibit it in either structure.

Presiding Officer Kvistad stated as he understood this, right now local jurisdictions could do whatever they wanted to. With this there were certain jurisdictions, that do not allow any of it. He told Mayor McRobert that in her jurisdiction it would make no difference whether or not the garage was in there or not. It was in other communities that it was an issue as to whether this should be set up or not.

Mr. Cooper concurred with Presiding Officer Kvistad's comment that this did not prohibit local jurisdictions from allowing accessory units and garages.

Presiding Officer Kvistad clarified that any jurisdiction had the authority within their boundary to make those changes.

Councilor Washington asked if now they could have them detached in the garage or over the garage wherever they wanted and as many units as they wanted.

Presiding Officer Kvistad replied that any jurisdiction could make the determination.

Councilor Monroe clarified in respect to the prohibition of these units, was mandatory but with respect to whether or not such units were allowed in garages would remain permissive.

Jim Jacks, Planning Director, City of Tualatin, said as the discussion showed this issue was not as simple as the concept that was in the amendment. He thought the idea was in the concept form but did not know how it was going to work out case by case at the local level and had simply not had enough discussion or thought behind it. He felt more work needed to be done on this and it might be reasonable for local jurisdictions to run it by their planning commission, city councils or staff to see how it would work. He felt this could lead to additional parking problems.

Councilor McLain stated that what was being done today was to pass the amendments that they had general agreement and support for, so the jurisdictions could take an opportunity to review the entire document.

Presiding Officer Kvistad gave a timeline of October 24 for a public hearing then vote it forward to legal counsel for review, then on November 14 that document would come back to the Council for final action. This would allow for a complete public hearing on the 24th as well as final action and it would allow the communities more time to react to specific portions of this document.

Stacy Fowler, stated it seemed to her that the Council wanted to allow persons the opportunity to have an accessory structure. She did not think that the intent was necessarily within the house, within the garage or next to the house. She felt the intent was one accessory dwelling for each structure, making an amendment that deleted the words "within any" changing the language to "for each", would allow it to be permissive.

Councilor McLain asked Mr. Cooper or Mr. Shaw if by reading that it did not change the intent of her amendment but made it clearer.

Mr. Cooper replied the language written in Councilor McLain's amendment was pretty narrow because it referred to within the dwelling unit. If the intention was simply as Ms. Fowler stated, to allow one per dwelling unit, then what she suggested was a very reasonable thing to do.

Councilor McLain commented about not being a prohibition by any jurisdiction on adopting at least one accessory unit per detached dwelling, this did the same thing. It would allow for Mayor

McRobert's situation to take place within the language and she did not see that it would do damage.

Councilor Monroe felt it would be appropriate for local jurisdictions to prohibit the actual building of a second house on each residential lot. He would hate to prohibit a local jurisdiction from having some control over whether or not people could actually build a second house on each residential lot.

Councilor McLain stated Councilor Monroe was persuasive but would not amend that.

Presiding Officer Kvistad stated he did not hear a motion on that amendment and unless he heard a motion to amend the language they would be moving forward.

Vote on Main Motion
as Amended:

Councilors Morissette, McFarland, McCaig, Monroe, Washington, McLain, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

TITLE 1, MCLAIN AMENDMENT NO. 10

Motion:

Councilor McLain moved, seconded by Councilor Monroe to amend Title 1 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 10.

Councilor McLain said Mr. Fregonese talked about some of the issues relating to the difference between residential and employment. The difference needed to be identified as far as when looking at the historic density for housing and for employment that it was very different. What this would do would require to increase capacity of recent development at low density and it applied only to the residential and it took out the employment section in it.

Presiding Officer Kvistad asked Mr. Fregonese to explain his concern of the "all cities and counties shall" language and wondered what kind of costs and burdence could be put on local jurisdictions.

Mr. Fregonese stated this was part of the compliance procedure to determine if they had the activity in the recent past. There were cases in the region where the zoning would permit high density but the pattern of approval had been for low density. This was also required for compliance to 2709 that they look at the previous five years actual density permitted, so that work had to be done by Metro or by the local governments.

Councilor McCaig stated she did not think this was a technical amendment. She asked if this had been reviewed by MPAC, because they were the ones who would ultimately either like this or not.

Mr. Fregonese said it had not been reviewed but the difference between permitted and maximum zoned densities was a technical amendment that Mr. Cooper initiated to ensure there was consistent wording and they both meant the same thing.

Mr. Cooper said both terms meant the same thing. When the review was first done, there were a lot of different terms for density. What was new about the amendment was not the requirement to do the calculation and not that cities and counties had to do it. It would change the previous requirement that was included in the Functional Plan that those calculations be done for housing and employment, and simply make it a requirement for doing the calculations for housing only.

This was why it was not a technical amendment and why it was not included in the technical re-write because that was a policy decision. The deletion of employment calculations was the change, the rest was technical clean up.

Councilor McCaig asked why this was done.

Mr. Fregonese replied the only requirement of House Bill 2709 was for residential use. Actually measuring employment densities was very difficult because employees come and go depending upon the business cycle, housing units tend to stay fixed and don't tend to vary much. It would be nearly impossible to do with any accuracy, and not required by any law to be met.

Councilor McLain added the policy elements of that, were simply left out of the amendment making process, she thought it had been done, it had not and that was what was being done now.

Rich Rodgers stated by removing employment it would not have to do anything to prove it had met employment targets. Removing this requirement then essentially said that a local jurisdiction had the carte blanche that they would be able to meet the target even if it was not based on anything from experience.

Mr. Cooper replied he understood the testimony, if one did not go back and look at what jurisdictions did for providing employment building opportunities and see what their track record was, you wouldn't know how they zoned the ground. The issue was, when reviewing what local jurisdictions did to their comprehensive plans and zoning maps to meet the employment targets in Table 1, how would you make a judgment call as to whether or not they achieved that or not.

Mr. Fregonese responded the method used to determine compliance with the Functional Plan would be the key here. Under the revisions Section 6, it said they had to meet the overriding Performance Standard. All those Performance Standards applied both to employment and housing. He believed the overriding Performance Measures covered the instance, he thought it would be very difficult to go through the section recommended to be deleted.

Mr. Rodgers responded to Mr. Fregonese's point that it was difficult to measure employment densities, the 1992 Technical Appendix contained measurement of both housing and employment densities for all 2040 design types. He thought this change took the measurement capacity measurement process, to allow the local jurisdictions to base their goals more on abstract ideas than on actual experiences.

Mr. Fregonese replied that employment could be measured by wage and salary data retrieved from the Labor Division, but was non-disclosure, confidential information that could not be disclosed at a small enough geography so that it could be determine how the employment had occurred. Therefore it could not be published the level of detail that would be required of this, it would be against the law to get the number of employees a particular business had and put it out in a publication. For that reason employment densities could be measured on an area wide basis. It's different with dwelling units, it was a public record which could be published freely.

Mayor McRobert was concerned about what was previously brought up. This was all based on change and his idea would not allow change.

Vote:

Councilors McFarland, McCaig, Monroe, Washington, McLain, and Kvistad voted aye. Councilor Morissette voted nay. The vote was 6/1 in favor and the motion passed.

TITLE 2, MCCAIG AMENDMENT NO. 1

Motion:

Councilor McCaig moved, seconded by Councilor McFarland to amend Title 2 of the Functional Plan as set forth in her amendment entitled McCaig Amendment No. 1.

Councilor McCaig stated this was to establish parking ratios. To change the exception process in zone A to a variance, to make it a more stringent process, rather than an adjustment, inasmuch an exception process in zone B were relaxed. Local jurisdictions would have a tighter perimeter to allow amendments for exceptions to the parking ratios that had been established under zone A.

Councilor McLain commented she thought Councilor McCaig's amendment was excellent and supported it.

Robert LeFerber, International Council of Shopping Centers, 50 SW Pine Street, #400, Portland, Or. 97204, stated there were significant differences between an adjustment and a variance. He saw a problem with wanting desirable major employers to locate in the well served areas but yet they may not be able to do it because they had some conflicts like multiple shifts. If they could not come in and meet this hardship test, they would be driven out into zone B where they would not be served by transit. He felt this was counter productive.

Councilor McCaig thought the hardship test had not changed a bit. It was just the availability of the local jurisdiction to have a different decision as a result of the hardship test. If the hardship test was established in statute, then what was being done was helping the local jurisdiction enact and make a decision based on a review of those performance measurements.

Mr. LeFerber replied the way it was written now it already talked about that in very well served areas with transit that should be taken into account whether not an adjustment was given and that it was a case by case determination. He did not know if any of the instances he recited would meet a variance test.

Mark Whitlow, Bogle and Gates for Retail Task Force, 222 SW Columbia #1400, Portland, Or. 97201, stated the variance procedure did not give local government any flexibility when they wanted to approve something. The standards for adjustment were written often times to work off a purpose statement and if they could not meet the standards, then develop something that was equal or better than the regulations in meeting those standards. He commented on zone A 20 minute service at peak hours, was really not very good service at all, and felt until those standards were built up for better service then there would be a need for parking.

Mayor McRobert supported this amendment. Variances have in addition to the hardships of showing that you could get by with the minimum required change, and it should be hard to get in zone A. She thought there were other alternatives to using land wisely.

Jim Jacks, City of Tualatin, P.O. Box 369, Tualatin, Or. 97062, referred to the proposed language in the amendment on lines 278-279 that spoke to parking ratios and the minimum parking ratios. He stated if there were the minimum, why would you want a company to go through a variance process if they said they only needed 2 1/2 spaces per thousand. If the idea were to encourage less parking, why put them through a variance to put in less than what the typical requirement would be. He touched on the proposed amendment in line 771, he said those then in a local regulation would become approval criteria. He felt that hidden in the definition of variance was two more approval criteria, and felt those should be put in line 771. He stated he did not support using a variance process when other processes could work.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, expressed the goal of the amendment was good but was concerned that there were local jurisdictions that did not have variance processes, and would now be required to create a new process in their code. The entire discussion about this whole Title had been on its relevance to transit service. The other area that was worked on was pedestrian accessibility and pedestrian performance. She was concerned for the Council to remember when talking about the entire Title that it was not just talking about 20 minute bus service or transit service. The goal was trying to create communities that had a pedestrian performance that was greater than before.

Councilor McCaig stated she had no difficulty with deleting in lines 278-279 the " or and minimum parking ratios".

Mr. Morrissey made a technical comment, he pointed out that there was an addition to Title 10 and wanted to be clear that was part of the motion.

Presiding Officer Kvistad stated if it passed it would become part of the definitions. He expressed concern about variance, family wage jobs that further restriction on people being able to get to and from employment was not something he was comfortable with and would be a "no" vote on this item.

Councilor McCaig closed stating that was not what this item did. She did not believe this would restrict family wage jobs.

Vote:

Councilors McCaig, Monroe, Washington, McLain, and McFarland voted aye. Councilors Morissette and Kvistad voted nay. The vote was 5/2 in favor and the motion passed.

TITLE 2, MCLAIN AMENDMENT NO. 7

Motion:

Councilor McLain moved, seconded by Councilor McCaig to amend Title 2 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 7.

Councilor McLain stated there were suggestions of making the language in this Title more understandable. If 20 minute bus service had been available in the area within the one-quarter mile walking distance, some items were added to deal with some of the issues pertaining to the walking issues. She stated there were three major types of amendments in Title 2 for clarification. One, legal clarification, two, consistency clarifications and three, making sure it was parallel with transportation rule and the RFP work.

Robert LeFeber, International Council of Shopping Centers, 50 SW Pine Street, #400, Portland, Or. 97204, appreciated the change of zone B to becoming a recommendation. He stated some concerns with zone A and the extent of it. There had been several cities that said 20 minute peak hour service was inadequate for zone A standards, and thought it should be more restrictive.

Mark Whitlow, Bogle and Gates for Retail Task Force, 222 SW Columbia #1400, Portland, Or. 97201, commented he agreed with Mr. LeFeber's statement. From a retail point of view if a person were to wait 20 minutes for a bus they would choose other modes. Consistency in the region and state was good and did appreciate the efforts of the Council but at the same time the state was re-examining reduction of parking for a requirement under the Transportation Planning

Rule. He recommended that the Council see what findings the study provided, and to put this off until next year for implementation of the Functional Plan.

Mayor McRobert asked if in section 2-A-1 that cities and counties shall require more parking than the minimums and was that really what was wanted to be said.

Mr. Cooper replied that the "no" should stay in.

Mayor McRobert further asked if zone B had been eliminated instead of making it optional.

Councilor McLain stated it was the understanding that those requirements were only in zone A and would not have them both on the maps for both zone A and zone B.

Mayor McRobert reiterated that there was no zone B on the map at all and that it had in fact been eliminated.

Mr. Fregonese replied that zone A was on the map and everything else was zone B.

Mayor McRobert commented that she continued to rise above the local arguments about parking. She stated there was a lot of reliance on the Council. The businesses in zone A were going to be at an economic disadvantage if their competitor could be in zone B and have more parking. New businesses would not be allowed in zone A, they would have to go to zone B. This was important because parking was part of the Ozone Maintenance Plan. The responsibility had shifted from that of the automobile owner to that of the factory industry.

Councilor Monroe commented on Mayor McRobert's discussion of ozone attainment and non-attainment. There had been a discussion on this at JPACT and if they were to go into non-attainment one of the possible solutions was the requirement to use reformed fuels which would be much more expensive to the user. He said her point on ozone attainment was well taken.

Presiding Officer Kvistad added that the JPACT comments that 55% of the non-attainment was auto related and of that 80% of the pollution and emissions came from 20% of the vehicles.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, discussed section 2-A-2, and thanked the Council for the last sentence on how to deal with pedestrian access on map, but needed to know if the map that had been part of that package had been adjusted to ensure that those areas would be a part of the map of zone A. She had received information from DEQ in the Hillsboro area where there were two industries asking for DEQ permits. This was an issue about jobs and the economy and was why this needed to be done. It was not an issue about whether there would be another Costco for example, it was an issue of how Costco would be built so it could provide those kinds of services.

Mr. Fregonese replied to Ms. Lynch's previous question stating the map would remain as it was unless it was ordered to be amended, the current map did have pedestrian areas as well as other areas.

Councilor McLain closed that they went to zone A and zone B, because it tried to make sure that it was as strong and was trying to help with the Air Shed and the Ozone Maintenance Plan as much as possible. She was convinced after looking at the information that it was a combination of Title 2 with Title 4 and a lot of the other titles, and the whole 2040 Growth Concept as implemented under the Regional Framework Plan that would cause them to stay within the Air Shed Ozone Maintenance Proposal.

Vote:

Councilors McCaig, Monroe, Washington, McLain, and McFarland voted aye. Councilors Morissette and Kvistad voted nay. The vote was 5/2 in favor and the motion passed.

Councilor Morissette briefed that with parking restrictions, he saw a different vision out of some of the things being discussed. He could envision some people getting out of their cars, getting into busses and other modes. But he saw a lot more congestion with this and believed there would be an air quality problem. Not just from the density but from the sprawl of people commuting because they could not afford a house in the city. It seemed to him that best way to solve the problem was to put things people need closet to them so they did not have to commute long distances. He saw some of the goals happening but he did not see purer air with the densities of people.

Presiding Officer Kvistad announced that following a brief recess, Resolutions No. 96-2388, 96-2393A, and 96-2401 would be heard out of order in order to accommodate staff schedules.

6. RESOLUTIONS

6.1 Resolution No. 96-2388, For the Purpose of Authorizing the Release of a Request for Proposals (RFP) to Develop and Design an Interactive Multi-Media Environment for a Mobile Information System, also Known as Metro Information on Long-Range Transportation (MILT), Authorizing the Executive Officer to Enter Into a Multi-Year Contract

Motion:

Councilor McLain moved, seconded by Councilor Monroe for adoption of Resolution No. 96-2388.

Councilor McLain stated this resolution gave an opportunity to approve the release of a request for the development of a multi-media project including program, troubleshooting and bus design. She referred to attachment A which described exactly what the proposal included. The Council would allow The Executive to enter into multi-year agreement subject to the final contract. If it substantially differed from the original RFP and did not exceed funds for this project, the Transportation Committee requested that come back to the Committee to see what it looked like to see if it was representative of what the Committee gave them the license to do.

John Houser Council Analyst stated that staff had submitted a revised project schedule. The revision pushed back the timeline for all activities by about two to three weeks.

Councilor Morissette stated it was very important, when going through this process, to be careful with the analysis of the questions that they asked to find the results. This kind of information could be very helpful if given a broad scope of pros and cons to each one of the choices.

Vote:

Councilors Monroe, Washington, McLain, Morissette, McFarland, McCaig, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

6.2 Resolution No. 96-2393A, For the Purpose of Authorizing the Release of a Request for Proposals for the Commodity Flow Data Collection and Analysis Project and Council Approval of the Contract

Motion:

Councilor Monroe moved, seconded by Councilor Washington for adoption of Resolution No. 96-2393A.

Councilor Monroe asked Mr. Houser to describe a change to the document.

John Houser referred to the memo from Dick Walker. On Tuesday afternoon, staff provided him with a revised copy of the RFP document that addressed concerns from the Transportation Planning Committee. The principal issue dealt with the amount of funding for the proposed project, at the Committee meeting there was discussion that the funding level could range anywhere between \$250,000 to \$350,000 which would include \$250,000 already in the budget plus an estimated carry-over of up to \$100,000. Since the Committee meeting the staff had determined that carry-over was in fact only \$12,000 and therefore was now proposing to take out of the RFP in the specific amount of \$262,000. They also made some clarification in some of the wording with regard to what the perspective vendors would be requested to provide to Metro. He further asked Mr. Cooper if the revisions to the RFP document was sufficient enough to require that they go back to JPACT for reconsideration by that body.

Councilor Monroe stated the \$262,000 did fall within the range of \$250,000 - \$350,000 that had been discussed in the Committee. This came through JPACT because it was RFP for a Commodity Flow Data Collection Project, to determine commodity flows within the Metro Region which would have an impact on infrastructure decision for freight movement in the 2040 process.

Mr. Cooper replied that the contracting issue was simply a Metro Council issue. If those decisions were made at Council then they would not have to go back to JPACT.

Councilor Monroe commented that the Transportation Planning Committee added an amendment to this Resolution that said the final proposed project scope of work and budget would be subject to review and approval by the Council Transportation Planning Committee. That language had been added as a part of the resolution and was why it was 96-2393A.

Mr. Cooper replied normally that was something that would require Council approval but something like a report back to the Committee was one thing but should go to the Council for the authority to bind. He suggested want to do that for getting it approval for the final project it ought to come back to the Council not the Committee. What ever was added should be at the Council level.

Councilor Monroe asked if it should be at the Transportation Planning Committee and the Council, subject to review and approval by the Metro Council.

Mr. Cooper replied it should be just the Council and then referred to the Transportation Planning Committee.

**Motion to Amend
Main Motion:**

Councilor Monroe moved, seconded by Councilor Washington to amend Resolution No. 96-2393A as shown in the preceding

**Vote on Motion to
Amend Main Motion:**

Councilors Washington, McLain, Morissette, McFarland, McCaig, Monroe, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Councilor Monroe stated that the Commodity Flow Analysis Project was something that was badly overdue. Passenger Transportation Mobility, bicycle mobility, pedestrian mobility was studied, but there was no comprehensive study of Freight Movement, a Commodity Movement within this region. It was something that the Port of Portland had been urging to be done for some time. It was very needed if there was to be a whole system that worked to move people and goods. He hoped that there would be more money than the \$262,000 and hoped they would be able to get a

usable study. If not the Council would have final say and final review of whether or not that job could be done for that amount of money and could terminate the project at that time or add additional money from another source if it was decided it needed to be enhanced.

The resolution as amended then became **Resolution No. 96-2393B**.

**Vote on Main Motion
as Amended:**

Councilors McLain, Morissette, McFarland, McCaig, Monroe, Washington, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

6.3 Resolution No. 96-2401, For the Purpose of Reappointing Monica Hardy and Steve Schwab to the Solid Waste Rate Review Committee

Motion:

Councilor McFarland moved, seconded by Councilor Washington for adoption of Resolution No. 96-2401.

Councilor McFarland briefed there was an Advisory Committee that was a seven member committee with rather specific kinds of groupings. Monica Hardy represented the general public and had been very active and recommended that she be reappointed for a four year term and Steve Schwab represented the haulers and asked that he come back for a one year term. His area of interest and concern was of the rates and wanted to address them after the staff report of rates had been published. Councilor McFarland recommended that the Council endorse both of these members to the terms recommended that they serve.

Vote:

Councilors Morissette, McFarland, McCaig, Monroe, Washington, McLain, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

5. ORDINANCES - SECOND READING (cont.)

5.1 Ordinance No. 96-647A, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept (cont.)

TITLE 4, KVISTAD AMENDMENT NO. 4A

Presiding Officer Kvistad commented his concern had been due to the conflict there was on the Retail Community, that there be further discussions to see if there could be some common ground. His suggestion was to move this ordinance to accept the draft, move the draft to legal counsel, have the legal counsel give their interpretations for final action on November 14. He requested the chair of the Committee to have further discussion with members of the Retail Community. At this time he would not move his amendment.

Mr. Cooper clarified his discussions with the Presiding Officer, which had been regarding the need for legal review for the preparation of findings and not just review of text. The primary purpose was to come back to the Council with the findings to attach to the Ordinance before the final vote.

Presiding Officer Kvistad commented he spoke to the findings portions the first time when dealing with Title 2. In the time frame before final adoption, thought it may be possible to come up with some language that would suit the retail community as well as the members of the Council.

Councilor McCaig asked about the schedule and if the Functional Plan would be reviewed in a Public Hearing and a final vote would be taken with no amendments at that time or Public Testimony. She further clarified that the listening posts were not in place of the Council Meetings.

Presiding Officer Kvistad reiterated that the Public Testimony would occur on the 24th and the draft as testified to with any points of clarification would be acted upon as a final draft on the 14th. If there were amendments they could be passed at any time up until the final vote. Presiding Officer Kvistad also affirmed that the listening posts were in addition to the regular Council meetings.

TITLE 4, MCFARLAND AMENDMENT NO. 2

Motion:

Councilor McFarland moved, seconded by Councilor Monroe to amend Title 4 of the Functional Plan as set forth in her amendment entitled McFarland Amendment No. 2.

Councilor McFarland briefed this amendment changed the map and the Multnomah Kennel Club would be moved out of an employment area designation and then would be redesignated as part of "Fairview" Towncenter. All that was being done at this time was taking it off the map. When it was to be put into something else it had to be addressed through the RUGGOs.

Presiding Officer Kvistad clarified this was similar to what was done with the gravel quarry in the towncenter of Murrayhill.

Mr. Cooper replied that was correct.

Vote:

Councilors McFarland, McCaig, Monroe, Washington, McLain, Morissette, and Kvistad voted aye. The vote was 7/0 in favor and the motion passed unanimously.

TITLE 4, MCLAIN AMENDMENT NO. 6

Motion:

Councilor McLain moved, seconded by Councilor McFarland to amend Title 4 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 6.

Councilor McLain indicated that out of all of the work done on the Functional Plan there was not one Title or paragraph that had more scrutiny than Title 4. The difference of opinion on this title was what kind of regulation should be used, if any, to regulate retail in trying to put together an overall concept or 2040 community plan. An agreement had been reached on to break out industrial and employment. Industrial should be a stand alone with the same exceptions and the same process with industrial and employment. Section 1 of the intent had been changed to "very little" to "supportive". One of the areas of debate was how large of a retail building or business would be allowed in an employment area. The second issue was better language had been described for Section 2b. The new language indicated under exceptions that those exceptions was a standard for the employment areas only, that it may be included in the local compliance plans. This would give an opportunity if there were exceptions out there that they have an exceptions process to work through. Councilor McLain touched on retail uses, section C. One of the reason this was put in was because there were some local retail people who came and talked about the differences between store sizes and market areas. She asked for Mr. Fregonese to come forward and present some of the information gathered to support this amendment technically.

Mr. Fregonese discussed the memo Councilor McLain referred to regarding big box retail. He stated this was not a ban on big box retail or a ban on retail in industrial areas. It would attempt to ban the kind of retail that generated a lot of traffic and to put that in areas that were designed to handle traffic associated with big box retail. He referred to the memo sent to Councilor Washington. The first point was specific square foot regulations, some questions were asked why the use of 50,000 to 60,000 square feet. The reason square footage was being used was although it was imperfect it did approximate different kinds of stores and their market area. Recent construction trends showed there was a big difference between stores like grocery stores that had less than 60,000 square feet and large retail uses that were the classic big box, such as Costco and Home Depot. He stated he would like to enter into the record a map that showed all of the grocery stores in the region, and pointed out the radiuses and sizes of the stores. It was believed that the 50,000 to 60,000 square feet was a good average way of determining what was appropriate for an employment area and what was not. There were exceptions made to allow a market area determination to be used for the small draw business. One of the main concerns in allowing big box retail in employment area was the large amount of traffic they generated as well as, retail wages being the lowest in that sector. What happens when retail goes into an industrial or employment area that was often built and set aside sometimes with public funds, to form the economic base of a region. Retail use would use up capacity which was intended for freight for retail employees. In exchange for the higher wage, industrial and manufacturing uses to displace those with low retail wages. He stated retail was needed but in the right places. Retail in industrial displaces both higher wage jobs and traffic capacity and crosses jurisdictional lines. There was 4,043 acres of vacant land within centers and corridors inside the current UGB. All those could be available for big box retail development. In addition when 2040 Means Business looked at almost 8,000 specifically, in the time between September 1994 and the summer of 1996, 292 acres of industrial land had been lost to retail or residential use.

Councilor Washington thanked Mr. Fregonese for his information.

Councilor McLain stated she asked both Hillsboro and Gresham to give her a take on Amendment 6. She indicated that Mayor McRobert favored Amendment 6 over the original MPAC language. She also talked to the City of Hillsboro and the head planner Wink Brook, he indicated they felt much more comfortable with Amendment 6, Title 4 than they had on any of the other versions. She did not believe this particular Title would find a puzzle or solution that would be 100% acceptable to everyone. She felt that Amendment 6 addressed both local jurisdiction and retail issues as best as possible and gave an opportunity to go forward to keep the Air Shed and Maintenance Plan on Air Quality and to do what they would do originally with 2040.

Councilor McCaig stated she understood in McLain Amendment 6, the distinction between employment and industrial. The next item was the requirement of local jurisdictions, that they be required to amend their local comprehensive plans in order to accommodate in employment areas to prohibit in employment and industrial areas 60,000 square foot, she thought there was some discussion at some point about a "may", the possibility of allowing local jurisdictions to have more flexibility to review extenuating circumstances and provide exceptions to this. The weight of this was now on the "shall require" versus continuing to allow some facilities to exist.

Mr. Fregonese replied the change made in the exceptions process Title 4 Section 3-B was pretty broad. If they had substantially developed retail which had proposed to be or had been locally designated but not acknowledged retail. It could be done in employment areas only if there was adequate transportation facilities. The higher burden of proof was, if that was going to be done, make sure there was the road capacity to handle the extra traffic. He thought this was a tougher standard but there was a rational nexus to that standard. The Section 3-B was a fairly broad

standard because it said it either existed or it needed to be proposed. It was a wide open door to propose it in employment but it needed to be shown there were facilities to accommodate it.

Councilor McCaig stated, looking at the original MPAC recommendation, besides the difference in the feet between 50,000 and 60,000 under Section 2, she asked Mr. Fregonese to tell her specifically what the differences were between the original recommendation and Amendment 6, and wanted to know what the net effect would be.

Mr. Fregonese stated that Section 2 in both of them was the prohibition. McLain 6 was very much longer and more detailed. Section 2 just said to amend the plans to ban it. Section 3 was generally the exceptions clause in both, this one would allow development in retail centers but did not require a showing of transportation adequacy. The MPAC draft did not require that, the new draft did.

Councilor McCaig referred to item C under 3, which was the 2.5 mile radius. She stated this was actually not supported by Fred Meyer and asked why that would be included.

Mr. Fregonese replied that Fred Meyer did raise the issue of large stores which draw from small areas. This would allow a large store to go through a different kind of landuse promise, but allowed local governments to permit large stores that draw from the small area, like Fred Meyer which tend to be bulky in size but tend to draw basically from the area immediately around the employment area.

Councilor McCaig stated if she was able to tell what the three differences were between the MPAC proposal and McLain Amendment #6, it would be that it separated employment and industrial, that it was more specific in the prohibitions, but the prohibitions were not broader, there were more specific and it was broader in the kinds of exceptions, and she would not support the third exception.

Mr. Fregonese stated that the difference between A and B was that the McLain draft was a tougher exception clause because it did require showing of transportation facilities, the MPAC proposal did not.

Councilor McCaig affirmed it was 3C on the exceptions of the 2.5 mile radius.

Councilor McLain commented on the exceptions process. A number of hours had been spent with Fred Meyer to give an indication of what they wanted. They wanted Title 4 to be gone. What C did was to give creditability, as findings were built, that the exception type store was not being ignored that seemingly had a different square footage need and a different market need. As Mr. Fregonese said, there was something that could be done at the counter and some areas, but in the exception allowed them on a case by case basis to make their case. It was specifically given a requirement of what was most interested in, which was the requirement to do better with Transportation.

Councilor McCaig stated to Councilor McLain that at one point she considered in the prohibition category removing the "shall" to a "may", but decided against that by the amendment she put forward and asked if she could explain why she concluded it should continue to be "shall" and not "may".

Councilor McLain responded that from what she remembered of that conversation, was that the reason "shall" should remain and not "may" was, with the "may" it was not giving direction to what was really wanted to be created in those employment areas, with the "shall" it was asking

them to create their own exception issues which would be reviewed to make sure that they fit. She felt that it strengthened the design type for the plan, and was actually making a better, stronger statement of what was wanted in those areas to accomplish for the overall community and the plan. She was convinced that "may" would not do that.

Chuck Martin, President-Alliance of Portland Neighborhood Business Associations, 3030 NW 29th Avenue, Portland, Or. 97210 asked for a change in the Employment and Industrial area map. One of the industrial sanctuaries was the Brooklyn Industrial Sanctuary which surrounded the Southern Pacific Railroad yards and their intermodal terminal. He stated that about a year ago he saw that industrial sanctuary as an employment zone. He called it to the attention of the businesses in the area and the Southern Pacific Railroad in San Francisco. Southern Pacific was going to send a team of people here to start working with the City and Metro to try and hold that as an industrial zone. The railroad did not want employment zones around rail switching yards and they felt those were prime industrial areas. At the time Charlie Hales' office was contacted, Mr. Hales stated this was going to be changed from an employment zone back into an industrial zone. Mr. Martin was suspicious if in fact the City had moved Metro on this area, so he contacted Mr. Fregonese and was told that it was being changed back into an industrial zone. He was confused to the fact that the current map showed the Brooklyn Industrial Sanctuary around that railroad yard was still being shown as an employment zone. He wanted to know what needed to be done to get that industrial sanctuary changed to industrial on the maps.

Presiding Officer Kvistad replied that one of the key things was to call a Metro Councilor that had a vote and could direct them rather than the City of Portland. He asked Mr. Fregonese to make that change.

Mr. Martin, stated there were 15 square blocks between Thurman and Lovejoy and between 12th and 15th that were zoned industrial in the River District Plan. They were contiguous with other industrial zoning that reached into Northwest Portland. He was concerned about that property because the Northwest Industrial Business Association was driven by development oriented people who had little respect for industrial property and his group had been encouraging them to adopt those 15 square blocks and keep it industrial consistent with the zoning that it now had which was general industrial. He thought it was shown as an employment zone on the map. He thought the staff at Metro should be directed to communicate with the City of Portland to see if in fact those 15 blocks as well should keep their character as industrial. He stated he was working very hard to keep an industrial base in the city as well as in the Metro Region.

Councilor McLain asked Mr. Martin to let her know the specific description of the 15 square block property he referred to.

Wendy Kellington, Halton Company, 111 SW 5th Avenue, #3200, Portland, Or., felt that Amendment #6 moved in the right direction, and appreciated the specific exemption for the consumptive but low traffic generating kinds of uses. She thanked the Council for the sensitivity to the industrial areas and industrial sanctuaries where most of their businesses were located.

Robert Lefeber, International Council of Shopping Centers, 50 SW Pine Street, #400, Portland, Or. 97204, agreed with Councilor McLain that there had been a lot of process on this item and appreciated the fact that he had been able to participate. He was concerned that the resulting language was too restrictive and unclear. Their basic presumption was that they would be facing a major shortage of retail in this community as they continue to develop over time. Currently he disagreed with Mr. Fregonese's memo that there was 5,000 acres available for development in corridors and towncenters. The 2040 Means Business did a study, they looked at the land that was zoned, they determined that there was approximately 1,000 acres. They determined it to be about

a 5 to 7 year supply of zoned available and developable retail land within the community. In addition they determined that most of the parcels were too small for any big box type development. Big box development tends to bring a lot of consumer goods to the community, it was a very efficient use of land, the sales per square foot were extremely high, prices were low and the community wanted them. He felt this amendment would get in the way of what the community wanted and felt it would create problems long term. The transportation elements of this item was the biggest concern. Requiring concurrency, establishing that there was sufficient transportation capacity on the road systems in order to allow a larger retail user within an employment area was something that should be done. What if there were a problem in the existing road networks, which was known to be true, there would be no way of meeting that standard. He felt the Council was literally down zoning a large amount of general commercial land in this community that would never be allowed to be developed as retail. He pondered the existing developments that had been built that were bigger than 60,000 in industrial areas and what would happen to those. He pointed out that there were over a million square feet of retail that could be declared a non-conforming use because they could not establish there would be adequate transportation capacity to serve those uses now. Mr. LeFerber further stated that Wink Brooks in Hillsboro had numerous concerns with this. RUGGOs did not require this, the employment area definition allowed for creating exceptions for certain areas. In addition, the employment area definition had literally changed midstream throughout this entire process. When Mr. LeFerber got involved, a lot of local jurisdictions had no idea that the employment areas were prohibited from retail. He thought this would lead to a lot more congestion, sprawl and an increase of trips as people drive to the suburbs to get to those big retailers and felt it was counter productive to what was trying to be achieved.

Presiding Officer Kvistad asked Mr. LeFerber if he had reviewed Kvistad Amendment #5 and if that was something that would be more restrictive or more or less acceptable.

Mr. LeFerber replied that Kvistad Amendment #5 was wonderful for its brevity but yet he had a lot of questions. He thought the mapping was something that was always anticipated in being done. He preferred a thinking process, local jurisdictions needed to be able to make changes over time, not just in their compliance plan.

Mr. McCathy wanted to thank the Council for recognizing the value of industrial property in the Metro area. He supported Title 4 initially by keeping big box retailers out of industrial areas and McLain Amendment #6 was very much to his liking. He hoped that the industrial companies that were here would continue to make capital improvements and continue to have family wage jobs close to the city.

Councilor Morissette asked that in the plans it was not just looking at retail uses potentially in industrial zones but also housing in industrial zones. If they were worried about retail users going into industrial sanctuaries would they also be worried about housing going into industrial sanctuaries.

Mr. Fregonese replied that housing was not permitted in industrial sanctuaries only in employment areas. It was industrial areas that had zero allocations for households.

Councilor Morissette reiterated that was why it was being divided. It was employment areas that would have some allocations. He stated he had not seen the map in detail and asked if the 3,000 acres in Hillsboro was industrial.

Mr. Fregonese showed Councilor Morissette the map in question. He explained the map referring to the industrial and employment areas.

Councilor Morissette reiterated that the retail task force wanted to go into the those industrial areas along with the employment areas.

Mr. Fregonese clarified that the retail task force basically agreed with the industrial sanctuary there, the main concern was going into the employment areas.

Councilor Morissette clarified that by voting on this, he was voting on a process to restrict retail from going into employment areas. The testimony heard at this meeting was in favor of excluding it from industrial areas but this went a little further from the commercial areas over 60,000 square feet size.

Mr. Fregonese clarified that McLain #6 was a clear ban in industrial areas, there were no exceptions.

Councilor Morissette asked if the retailers were in agreement to that.

Mr. LeFerber affirmed that the retailers were generally in favor of staying out of the industrial areas. Those retailers that were in industrial areas could be carved out and be made employment areas if necessary so that those uses could continue and didn't think that could be prohibited by what this amendment was doing.

Councilor Morissette summarized that generally Mr. LeFerber was in favor other than the burden that the commercial areas were placing on the transportation points in the process of this amendment.

Mr. LeFerber affirmed that was correct. He said it was a very difficult burden to meet for larger retailers to go within those employment areas.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, stated that comp plan reviews would be done within the local jurisdictions. Those concerns about the lack of commercial property that she heard from the 2040 Means Business Committee, those people would have the opportunity as they look at the entire comp plans, including the discussion about densifying and housing, they get to talk about commercial needs of the citizens. Hillsboro had an opportunity to talk about its vacant land that it had and to decide whether or not it was currently zoned industrial property might be better served for commercial uses to serve its nearby residents. She said that was part of the process that she hoped Mr. LeFerber and his group would assist in saying this was a market area and when doing rezoning this was what would be needed in a community for those reasons. She approved this amendment, and there was an important role for Metro to have in this process.

Councilor Morissette commented he supported the idea of separating the industrial areas so that it be kept in industrial sanctuaries. He also believed that in this amendment it was inadequate in the amount of retail capacity that there would be and ultimately drive up prices.

Presiding Officer Kvistad stated he had some problems with this Title, but felt there were a great many things in it that made a lot of sense including the industrial comments. He had concern with what this would mean for retail and for consumers. He felt that larger retailers would mean lower prices and it would help low and medium income families and didn't feel it dealt with an analysis of the effect of facility size, product prices and the effect it had on consumers. Without doing that and to have this kind of restriction, he did not think as an agency they were prepared to do that or have the skills or expertise to do that.

Vote:

Councilors McCaig, Washington, McLain, and McFarland voted aye. Councilors Morissette and Kvistad voted nay. Councilor Monroe was absent. the vote was 4/2 in favor and the motion passed.

Councilor McCaig stated to Mr. LeFeber that he had been a creative player in all of this and understood that he did not feel like he had made a lot of head way. Her understanding and appreciation for the issue and employment issues in employment areas was much better at this time than it was five weeks ago. She supported Councilor Kvistad's interest in trying to work with the definitions dealing with employment areas but thought it needed to moved along.

TITLE 4, KVISTAD AMENDMENT NO. 5

Presiding Officer Kvistad stated he would not be moving forward Amendment No 5. at this time.

TITLE 4, WASHINGTON AMENDMENT NO. 2

Councilor Washington asked to add some additional language to this amendment. He was asked to add language regarding the Brooklyn Rail yards. It was asked to add roughly SE Steele Street extend on the south, Powell Boulevard on the north, SE 17th on the west and SE 28th on the east. This would change that from Employment to Industrial and would be a map change.

Motion:

Councilor Washington moved, seconded by Councilor McLain to amend Title 4 of the Functional Plan as set forth in his amendment entitled Washington Amendment No. 2.

Councilor Washington stated this would change the Brooklyn Yard from employment to industrial and the other technical change was the employment area north and west of the St. John Bridge in the vicinity of Linton was also changed from an industrial. It was a mapping mistake and this amendment was to correct it.

Elana Emlen, Portland Bureau of Planning, 1120 SW Fifth Avenue, Room 1002, Portland, Or. 97204, stated the Linton Amendment clarified the map error and make the map more consistent. The only change that the bureau would like to add would be at the end of the sentence would be to add the word "except" between 107th and 112th.

Councilor McFarland asked why there needed to be this suggested change from Ms. Emlen.

Ms. Emlen replied that the area they would like to remain industrial was the part that had a lot of the big tanks and areas that would not be considered employment areas. Between 107th and 112th the Linton area took on different characteristics and was more conducive to be an employment area.

Motion to Amend
Main Motion:

Councilor Washington moved, seconded by Councilor Morissette to amend Washington Amendment No. 2 to add the word "except" between 107th and 112th.

Vote on Motion to
Amend Main Motion:

Councilors Washington, McLain, Morissette, McFarland, McCaig, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

**Vote on Main Motion
as Amended:**

Councilors Washington, McLain, Morissette, McFarland, McCaig, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

TITLE 6, MONROE AMENDMENT NO. 2

Motion:

Councilor McLain moved, seconded by Councilor McFarland to amend Title 6 of the Functional Plan as set forth in the amendment entitled Monroe Amendment No. 2.

Councilor McLain stated this amendment to include no cul-de-sac dwelling units on closed in street systems except where topographical barriers such as railroads, freeways or environmental constraints such as a major stream or river prevent street extensions. The second part, while spacing between connections of no more than 330 feet except topographical barriers such as railroads or freeways or environmental constraints would prevent street extensions.

Councilor Washington asked if she meant instead of saying not including cul-de-sacs it meant to say no.

Mr. Cooper stated it was self explanatory, it was made to make the exception of not leaving any room to deal with reality.

Vote:

Councilors McLain, Morissette, McFarland, McCaig, Washington, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

TITLE 7, WASHINGTON AMENDMENT NO. 1

Motion:

Councilor Washington moved, seconded by Councilor McFarland to amend Title 7 of the Functional Plan as set forth in his amendment entitled Washington Amendment No. 1.

Vote:

Councilors Morissette, McFarland, McCaig, Washington, McLain, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

TITLE 8, MCCAIG AMENDMENT NO. 2

Motion:

Councilor McCaig moved, seconded by Councilor Morissette to amend Title 8 of the Functional Plan as set forth in her amendment entitled McCaig Amendment No. 2.

Councilor McCaig discussed that this had to do with the compliance procedures for local governments as well as the opportunity for citizens to participate in this process in terms of reviewing compliance with local governments. Section 5 was new language and dealt specifically with local jurisdictions. It would allow local jurisdictions to have a relationship with the Council and with the agency prior to putting their plans together to get some specific feedback on their proposals. It was an attempt to provide an additional process that would allow the relatively easy problems to be ironed out before they got to the Council. Section 6 was unfinished and it was assumed in all of this a citizen process. Assumed within this process was at the time the Metro Council reviewed these different plans, a local citizen might come to the hearing and make their

issue known to the full Council. If after the Council arrived at a conclusion the citizen did not support, the citizen then could appeal it to LUBA. That would be implicit in its process, it was the current law. If the Council did nothing further then to simply state that in this section she would be happier. Simply describing this process for them, would be a signal on where and how an individual might participate. The second issue would be whether to provide an opportunity for citizens and the Council to be more proactive, providing citizens the same opportunity as provided to local jurisdictions. Or a second alternative might be that a citizen could in fact petition the Metro Council and with a majority of votes have the Metro Council refer it to this intermediate process. Those were both alternatives for providing citizens a more direct route to the Council. She stated the question she was putting before the Council was did they want to have that profile on those decisions. She was concerned that it might be an appropriate role as a Regional Government to be seen by citizens as the place to come to resolve these kinds of issues. If not she would be satisfied by simply detailing the options the citizen had in resolving those issues if they were uncomfortable with a local government decision.

Councilor McLain stated she thought the work done on section 4 and 5 was good work. The concern she had with section 6 was that it paralleled the Boundary Commission discussion and also the review of how to use a hearings officer with the Urban Growth Boundary amendment process. She stated she could go with section 6 outlining the process but could not do the other two options without having some discussion with the legal staff on how to compare those.

Councilor McCaig stated her understanding was that if a citizen wanted to take something to LUBA, they had to be in on the front end and testify to the issue at the agenda item at the local level. She was suggesting that in Section 6 that a citizen could not have participated at anywhere else and come in at Metro first hand, they had to have built a record of involvement before they came before Metro.

Presiding Officer Kvistad asked in terms of the hearing officer process, who would pay for that, what fees were leveled and how would that process work.

Councilor McCaig replied that in Section 5 the hearing officer fee would be covered by a filing fee.

Mr. Cooper pointed out that the legal staff had been working with Councilor McCaig to get all of those things flushed out and rather than have the Council vote on anything, it would be worth while to allow a few more days to craft some more detailed language before taking a vote. The hearings officer process was very similar to the one that was in the UBG Amendments. If the Council was initiating the interpretation as provided in section 5, the money would have to be found some place in the budget to cover the cost of all those things.

Presiding Officer Kvistad stated he was kind of there on concept and did not see all the ends tied together and wanted Councilor McCaig to affirm that they would be or they could be.

Councilor McCaig thought that the burden would be on an individual citizen who had testified and participated at the local level to find a majority of Councilors to support their partition but for the Council to take it up was a hurdle. That might be an acceptable way to detail a citizen getting involved separate than the hearings officer process that a local government could file a fee and go through a hearings officer.

Presiding Officer Kvistad affirmed there would be restriction on the Council member side. He wanted to make sure that some sort of restriction was built in.

Councilor McCaig stated she did not want to take up any more time but wanted to know if there was interest in trying to pursue a separate kind of process to provide citizen input and if there wasn't interest to do that whether she could get the go ahead to put in the current process for a citizen who wanted to be involved in reviewing this process.

Councilor McFarland responded that she would be interested in seeing something put in the present procedure and would not be adverse to seeing some way the Council could be more accessible than presently.

Councilor McLain stated she hoped the Council could act on something so there would be something to be put forward. She would be willing to vote for Section 6 as putting in the detail process of what was there. She said if Councilor McCaig and Mr. Cooper then wanted to work on this and amend this on the 24th that would be agreeable with her.

Councilor Washington stated that he appreciated the freeze frame stuff. He thought this was one item that the Council should give its best shot.

Mr. Cooper stated after discussing this with Councilor McCaig and recognizing that it could be improved, if it was desired to have something in the document that would be sent out after today that said it was here, he suggested to add the words in Section 6, after ... "initiate a compliance interpretation." That would fit with what he understood Councilor McCaig was trying to get written when this was prepared. Then Councilor McCaig would be free to come back with further amendments to this section to make it clearer, but there would be at least the principal of it in the ordinance.

Councilor McLain stated she would be willing to vote yes on that with the understanding that Mr. Cooper would be having the conversation with Councilor McCaig and other Councilors with how this paralleled the detail of the Boundary Commission work and possible changes there and possible changes with the Urban Growth Boundary Amendment process. She believed they were overlapping.

Mr. Cooper stated all of those things were something that would be taken into account.

Presiding Officer Kvistad stated he was conceptually there on this and would leave it up to Councilor McCaig to decide. This would be a technical amendment that would be dealt with at the 24th meeting or if it was desired could be acted on at this meeting.

Councilor McCaig stated she would be at the very least prepared to bring the detailed version of how the current process worked. She stated they would bring a proposal on an additional process and see whether the Council liked it or not and if they didn't like it then it would not be moved.

Presiding Officer Kvistad stated this was something that could be adopted anytime up until the final adoption of the Functional Plan as an amendment to the Framework Plan or an amendment to the Functional Plan at any time following its completion.

Mr. Cooper stated that was true. Procedurally it would be simpler to do it as part of this Functional Plan, to lay forth the policies so the Functional Plan wouldn't have to be amended to further define what the actual procedures were.

Presiding Officer Kvistad stated that they could put in a place holder stating that there would be a section having to do with citizen involvement.

Mr. Cooper suggested that on the 24th put something in before the final adoption on the 14th, that further refined it. It would be in the safe harbor that it was an amendment but it was not a substantial revision. Making the final version of this appear in the ordinance for the very first time on November 14th would be a problem.

Councilor McCaig thought that having Section 6 dealing with the citizen review process would be something that would be used to help clarify what citizens opportunities would be for lobbying.

Presiding Officer Kvistad asked if Councilor McCaig would like to move this forward now knowing that there would be amendments and adjustments.

Councilor McCaig added with the amended compliance interpretation.

Presiding Officer Kvistad asked Councilor Morissette who seconded the motion if that was acceptable.

Councilor Morissette replied affirmatively.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, asked the Council to move forward with the Functional Plan. She addressed Section 5 and the intent by Councilor McCaig to provide some sort of mediation opportunity. She also read this to say that this would be an opportunity to ask for interpretation of what would be the policy, the Functional Plan. She did not understand how a hearings officer could have the responsibility of interpreting the policy. If it was desired to have a mediation procedure then a mediation procedure should be written. It was desired to have the ability of a jurisdiction to come to the Metro Council and ask for an interpretation of the Council's policy, then they need to be able to come directly to the Council. She did not see that the hearings officer idea was appropriate in this instance and would appreciate legal counsel addressing that. The same thing would apply to the citizen review process.

Councilor McCaig closed that herself and Mr. Cooper would be reviewing the comments Ms. Lynch made to see if there was something different that could be brought forward.

Vote:

Councilors McFarland, McCaig, Washington, McLain, Morissette, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

TITLE 8, MCLAIN AMENDMENT NO. 2

Motion:

Councilor McLain moved, seconded by Councilor McCaig to amend Title 8 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 2.

Councilor McLain stated this Title was straight forward and self explanatory.

Vote:

Councilors McCaig, Washington, McLain, Morissette, McFarland, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

TITLE 9, MCCAIG AMENDMENT NO. 3

Motion:

Councilor McCaig moved, seconded by Councilor Morissette to amend Title 8 of the Functional Plan as set forth in her amendment entitled McCaig Amendment No. 3.

Councilor McCaig stated this was not a work in progress, it was basically done. She stated in lines 840-846 there were no substantive changes, she simply broke out the way it was written in the document so that it was clearer. On line 867, Councilor Morissette had requested four additions to the Performance Measurements that would be used in this process. She was comfortable with accepting two of those, number 7 and 8. Currently 10 and 8 were being worked on. She was comfortable recommending the additions of number 7 and 8 and stopping at that.

Councilor Washington asked if Councilor McCaig meant 9, and 7 instead of 7 and 8.

Councilor McCaig stated that was correct. They took number 7 and 9 from Councilor Morissette and made them 7 and 8. She added lines 875-876, were all dependent upon when it would be asked for the information and the review to be presented back to Council. Originally it would be March 1st of every other year, beginning March 1st of 1998. She suggested this be amended to 1999, primarily because 1998 would be an election year and thought it would be better to be done in an odd number of years and not during an election cycle.

Councilor McLain stated she had no problems with lines 840-846 and was happy to embrace lines 875-876. She did have a problem with the middle line. Her thought was that there was 6 items that Council had asked Mr. Fregonese and the Executive Officer to look at in the way of performance measures. What would be done here was adding 7 and 8. When she asked questions about related issues in Committee on items dealing with 7 and 8, for example cost of land based on lot prices according to jurisdiction, one of the comments that was made at that time was were they just looking at the cost of land in a void, versus in a contextual way with other related variables and issues. She was not comfortable with calling it a performance measure. If the work for the general type ones were reviewed she might become comfortable.

Councilor McCaig stated she remembered those conversations but remembered them as they related to the Urban Growth Report, not as related to performance measurements. She stated she talked to Mr. Fregonese and he responded this was more do-able for the performance measurements.

Mr. Fregonese replied that this could be measured. In review, redevelopment land costs would be difficult to capture and there were a lot of factors that effect land costs. It might be more of an indicator performance, and thought it was an important factor to watch.

Councilor McLain stated her issue was that staff gave her 90% certainty that they could gather information. But as a performance measurement, she thought they had to do more than gather the information, it had to be known what it was meant and how it would be used. She did not feel that those things were known. She was uncomfortable with putting that in the Functional Plan as a measurement. She would not be adverse giving direction to staff to put that on the list of things informally to review and come back with some ideas.

Councilor Morissette commented on land prices and thought this was a very important performance measure because it had some connection to the planning process. Performance measures were good for balancing economic factors.

Councilor McCaig asked if the Council could take a vote on the amendment before the Council and if it did not pass, could she amend it to eliminate it and go forward.

Councilor McFarland stated that if it was voted down, she would like to check with Mr. Cooper on the proper procedure.

Mr. Cooper replied if the motion was passed, it was passed. If the motion was defeated, another motion could be made by leaving out the problem section and voted on again and could go for a quick vote on the second motion and so on.

Presiding Officer Kvistad preferred to have this happen in an election year to politicize it so it would actually become something that would be given attention to.

Councilor Morissette affirmed this discussion referred to the Functional Plan and did not relate to a boundary movement, this was the gathering of data.

Presiding Officer Kvistad replied that was correct.

Peggy Lynch commented on item 7, the 2040 map was a bigger picture than jurisdictional. There were 2040 designations such as towncenters that crossed jurisdictional lines, if in fact the information that was brought forward as a result, she was not sure that the Council would get the information needed to be able to make whatever decision or policy adjustment with the phraseology in this item. She touched on land prices and how they are being driven up.

Vote:

Councilors Washington, Morissette, McFarland, McCaig, and Kvistad voted aye. Councilor McLain voted nay. Councilor Monroe was absent. The vote was 5/1 in favor and the motion passed.

TITLE 10, MCLAIN AMENDMENT NO. 2

Motion:

Councilor McLain moved, seconded by Councilor McCaig to amend Title 10 of the Functional Plan as set forth in her amendment entitled McLain Amendment No. 2A.

Councilor McLain stated the definitions came from Transportation, Growth Management and legal staff. She referred to a letter from Mr. Bollam referring to at lines 45-47. Mr. Bollam had asked that in replacement, addition and alteration and accessory uses for existing structure, that the word "and development" be left in. He believed that by taking out "and development" it did not allow people to do things like re-pave their driveways. She thought this item did not cause a problem because it could not do more damage then anything that was already there.

Doug Bollam, 3072 Lakeview Blvd, Lake Oswego, Or. 97035, stated Metro had to acknowledge existing development. He addressed specifically Title 3, there were some home and structures presently existing within the Water Quality and Flood Management Area and the Fish and Wildlife Habitat Conservation Area. He felt those area had be acknowledged. He felt if a person lived within one of those areas, they should be able to, upkeep and maintain their home. He was asking for the language to be clear and give equity for people presently residing in those areas. He referred to the letter he submitted. He asked for the Council to look forward to the future and acknowledge this area.

Mr. Fregonese stated he agreed with Mr. Bollam that it made sense to leave in "and development" because one of the things development meant was paving. If you replace the word development

with paving in the next section 45-47, it would not make sense leaving out the "and development". He did not believe that the Fish and Wildlife Quality Area needed to be included because it was not effective under the Functional Plan.

Doug Bollam concurred with Mr. Fregonese except for the fact that in the future if this particular language was not included in the Fish and Wildlife Habitat Conservation Area, in turn what was being passed here could negate someone that already had an existing structure.

Councilor Washington stated he could not imagine something being put together that would do what Mr. Bollam said it would do. He stated that was not the objective of this Plan.

Mr. Fregonese replied that was correct and was not the intention. He agreed with Mr. Bollam that it made more sense and the intent was the same, not to prohibit people from re-paving an existing driveway.

Councilor McLain stated that she would put the question raised by Mr. Bollam about the fish and wildlife issue on a list for discussion. She felt there were other issues about that and thought it needed more input before it could be done. She asked Mr. Cooper if that could be done at a later date when the map was done.

Mr. Cooper replied that could be done.

Doug Bollam commented that in talking to Councilor McLain about this amendment, she was very open and he believed that she did intend to acknowledge existing development. He touched on the notion of accessory uses and thought if there were people who wanted to build a home or studio if this would apply and be permitted.

Mr. Cooper replied that it would apply but any additions or accessory uses which could be new construction would still be subject, and did not encroach into the Water Quality and Flood Management Area more than the existing structure.

**Motion to Amend
Main Motion:**

Councilor McLain moved, seconded by Councilor McFarland to amend line 46 of McLain Amendment No. 2, by leaving in the words "and development", and line 48 of McLain Amendment No. 2 by replacing the incorrect acronym "DHB" with the correct acronym "DBH".

**Vote on Motion to
amend Main Motion:**

Councilors McLain, Morissette, McFarland, McCaig, Washington, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.

**Vote on Main Motion
as Amended:**

Councilors Morissette, McFarland, McCaig, Washington, McLain, and Kvistad voted aye. Councilor Monroe was absent. The vote was 6/0 in favor and the motion passed.


Presiding Officer Kvistad gave the procedure from this point forward, there being a public hearing on November 24th which would be open for amendments. Prior to the public hearing would be a review of the new language to be brought forward by Councilor McCaig on the item currently under draft. Following the public hearing a vote would be taken to move the item to legal counsel for legal review at which point information would be back to the Council and final action on the 14th.


7. COUNCILOR COMMUNICATIONS

None.

There being no further business before the Council, Presiding Officer Kvistad adjourned the meeting at 6:51 PM.

Prepared by,


Lindsey Ray
Council Assistant
i/minutes/1996/oct/101796c.doc


Millie Brence
Council Assistant

*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>Document Number</u>	<u>Document Origination/Originator</u>	<u>Doc. Date</u>
101796-1	Robert D. Van Brocklin Stoel Rives LLP Attorneys Standard Insurance Center 900 SW Fifth Avenue, Suite 2300 Portland, Or. 97204-1268	10-17-96
101796-2	Shiela M. Ritz, City Administrator City of Wood Village 2055 NE 238th Drive Wood Village, Or. 97060-1095	10-17-96
101796-3	Douglas W. Bollam 3072 Lakeview Blvd. Lake Oswego, Or. 97035	10-17-96

MINUTES OF THE METRO COUNCIL MEETING

October 24, 1996

Council Chamber

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

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2:10 p.m.

1. INTRODUCTIONS

Councilor McLain asked that Resolution No. 96-2404 be moved back to the Growth Management Committee.

Councilor Monroe seconded the motion.

There was no objection from the Council.

Presiding Officer Kvistad returned Resolution No. 96-2404 to the Growth Management Committee.

2. CITIZEN COMMUNICATIONS

Presiding Officer Kvistad asked Mr. Lewelyn to come forward to testify limiting his testimony to five minutes.

Mr. Art Lewelyn began by indicating he was not in support of the North South Light Rail. He discussed his plans for alternative transportation which included the plans for a low floor electric trolley bus. He presented maps describing his plans for a circulator which ran from the Rose Corridor across the bridge through the length of the downtown mall. There would be no road reconstruction for these vehicles nor a displacement of the bus system, a reduction in the number of diesel buses on the mall creating a transfer vehicle to get from the east side light rail to downtown mall area. He noted a brochure which described his proposal. (This brochure is included in the permanent record of the minutes of this meeting and may be found in the Council Archival Records). He reviewed his main points which included a description of the circular, an East Bank alignment of the Light Rail and a street car across the Hawthorne Bridge to act as a secondary transfer point from OMSI to the Mall. He also included a plan which included the involvement of the Street Car Committee, ARORTA's work, noting the rail lines already in place. His plan included an electrical run vehicle which could run on its own apparatus, its own energy. He did not believe the current South North Light Rail plan was accomplishing what it should. He emphasized that the Street Car option did have advantages over the bus system. He concluded by saying that he was for rail transit because he believed that it had advantages of being fast, smooth, comfortable, clean, quite, easier boarding, low maintenance costs, and an improvement to the pedestrian environment. He asked that he be able to give his presentation in a form that it really deserved.

Presiding Officer Kvistad asked that the Executive Officer provide a staff person to review Mr. Lewelyn's proposal. He thanked Mr. Lewelyn for his presentation.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, updated the Council on the Zoo Bond Measure. The Bond Measure was going out for sale, to be sold by November 1st. Moody's and Standard had reviewed and confirmed the ratings on these bonds. He said, one question which arose about ratings is the status of Ballot Measure 47 should it pass and what its effects would be. He recommended putting together a shadow budget which would reflect what would happen if this measure passed. The loss to the Zoo would be about \$1.7 million, the difficulty being that one can not shut down or carve back simply because these are revenue producing days. The Executive was reviewing what could be done if these kinds of reductions are necessary, if the measure passed.

Secondly, the State of Oregon must review sites for prisons and two of the sites are the Dammasch property in Wilsonville and the Wilsonville Tract. Metro had an interest in both of these possible sites for the purpose of bringing them into the Urban Growth Boundary, opportunity for this site to become a housing development, which was greatly needed in the Wilsonville area. The Wilsonville Tract was actually on the list to purchase as open space. Mr. Burton indicated that he had been working with the Tualatin Valley Water District to help them locate other sites so they would vacate their option on this property so Metro is clear to proceed with the purchase. The DOC citing had temporarily postponed this process. There had been a tremendous effort on Wilsonville's part to resolve these growth issues. He noted a hearing on the 17th of November in Wilsonville at 3 p.m. at the Holiday Inn regarding not supporting this site as a prison site. There was continued negotiation on the purchase of this property but there could be a problem if the Governor used this as a site for a prison.

Councilor Morissette asked what the number of the site was?

Mr. Burton responded that the number was 40 through 42.

Presiding Officer Kvistad indicated he would make sure the Council knew what the site number was as it was of concern to him as well.

4. AUDITOR REPORT

Ms. Alexis Dow, Auditor, gave an update on the results of the Auditor's planning efforts. The plan was the outcome of discussions with Council as well as budget analysts, Council analysts, and department heads. She had planned 10 audits anticipated within the next year. Two already were in progress, an Evaluation of the Rate Reform and comments on the options as well as surveying work with respect to Growth Management. The other areas to be reviewed in the next year included plans to assess overall Zoo performance, a service efforts and accomplishments audit, assessing control surrounding the MERC event settlement accounts, and at the completion of the EXPO expansion, construction activity would be reviewed. There were also plans to assess the effectiveness and efficiency of Metro's management structure, particularly giving emphasis on span of control issues. The Auditor would be looking at Metro's management controls on the Zoo construction, the effectiveness of Metro's Waste Reduction Program as well as the adequacy of control surrounding receipts at remote locations. The actual scope of these audits would be determined after a thorough survey has been performed, occurring prior to the audits. The Auditor anticipated that this plan would be flexible and would accommodate any emerging issues during the year.

5. CONSENT AGENDA

5.1 Consideration of the Minutes for the October 17, 1996 Metro Council Meeting.

The minutes of the October 17, 1996 Council meeting were not available.

6. ORDINANCES - SECOND READING

6.1 **Ordinance No. 96-647B**, For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept.

Presiding Officer Kvistad reviewed the process for this meeting, stating that, first, the Council would take into consideration and act on any amendments that were before Council today presented by members of the Council or by the Advisory Committee, MPAC. The Council would then move into a Public Hearing on this ordinance. He noted that the existing Functional Plan as amended was available in the Council Chamber. He asked that Council add any amendments that were approved today to the most recent Plan, this would be the document from which public testimony would be considered. Following the Public Hearing, the Council would have opportunity to make further amendments if necessary, then there would be a motion to continue Ordinance No.96-947B as amended to the Council Meeting, November 14, 1996. Once the amendments were made at this meeting, the Functional Plan would be completed but due to the fact that it was a land use decision, there was need for a set of findings from the Legal Counsel as well as appending a series of maps to the Ordinance prior to its final adoption. The Ordinance as it stands, amended at this meeting, would be the Ordinance being acted upon unless there are technical amendments that would have to be made due to the legal findings.

He added that what would be done at this meeting was to review amendments and consider amendments by Title, each Title being taken in turn, dealing with the amendments themselves, at the completion of this review process, Councilor McLain would introduce a series of consistency amendments which would be dealt with, then Council would move to a Public Hearing.

Councilor McCaig clarified that some of the amendments before Council today may be accompanied by public testimony which would follow the votes on these amendments?

Presiding Officer Kvistad responded that most of the amendments before Council had already been testified to in prior meetings. There were some amendments which are technical adjustments which wouldn't have public testimony, if anyone wished to speak to these amendments, they would be allowed to do so prior to a vote. There would then be a public hearing and amendments may be introduced following the public hearing.

Michael Morrissey, Council Analyst reviewed each amendment before Council. He noted that the Functional Plan as amended was available in the back of the Chamber as well as copies of the nine amendments being considered at the Council meeting.

The first amendment was McLain Amendment #13, which arose through MPAC, having to do with making the 80% minimum density requirement more flexible.

Motion: Councilor McLain moved Title 1, Section 2A, at lines 98 to 113, McLain amendment #13.

Seconded: Councilor Morissette seconded the amendment.

Discussion: Councilor McLain reviewed this amendment noting that the amendment was a combination of things, first, local jurisdictions had asked the Council to tell them what the product was that was needed and let the local jurisdictions come up with a plan for their particular jurisdiction to accomplish the 80% minimum density requirement. In support of these requests, there were three changes made as well as adding Mayor McRobert of Gresham suggestion which helped with specificity of making sure some averaging was used in some of the density tactics being used while keeping with the minimum density. A) Cities and counties shall apply a minimum density standard to all zones allowing residential use as follows; 1a) provide that no development application including a partial or subdivision may be approved unless the development will result in the building of 80% or more of the maximum number of dwelling units per net acre permitted by zoning the designation for the site. This was from the old language. This gave the minimum. B) Adopt minimum density standards that apply to each development application that varies from the requirements of subsection 1a above, however, for the purpose of compliance, Title 1 would be used. Only those dwelling units that were allowed as the minimum density standards shall be counted for compliance with a calculated capacity of Title 1. So for the purposes of Metro reviewing to ensure that densities had been met, Title 1 numbers would be used. 2) The minimum density standard may be achieved by the use of small lot district where an average lot size of 5000 to 6200 square feet allows flexibility within that range on development application so long as the district remained in compliance with minimum density standard used to calculate the capacity for the compliance with Title 1 capacities. For example, there would be opportunity to have a smaller than lot size then a minimum required which would allow for larger lots in the inventory allowing some flexibility on both ends of the scale. 3) No comprehensive plan provision implementing ordinances or local process such as site or design review could be applied and no condition of approval could be imposed that would have the effect of reducing the minimum density standard. This was in keeping with the spirit of Title 1 ensuring that those particular density requirements and density goals were being worked through. This was reviewed at MPAC, it addressed some of the concerns of the local jurisdictions and also dealt with the spirit of the 2040 Growth Concept on Density and targeting density in particular areas that were better suited for that density. She requested the Council's support.

Councilor Morissette added that he liked the idea of being more flexible with the 80% minimum densities but as he votes this forward he was voting for the fact that this amendment made densities more flexible. He did not support the 80% minimum densities across the board. It was his belief that the local jurisdiction wouldn't have the flexibility when it gets down to making this density work.

Mr. Larry Shaw commented that he noted an inconsistency from a recommendation at the MTAC meeting which is included in McLain Amendment #14, two words, in 1a..including a partition or subdivision, 'partition' should be crossed out to be consistent with the definition that MTAC recommended.

There were no objections to Mr. Shaw's change. Presiding Officer Kvistad indicated that this change would be considered as the motion, which was accepted by Councilor McLain, so the motion would include this change in language.

Councilor Monroe asked Councilor McLain for clarification when she referred to Title 1, should that be instead Table 1.

Councilor McLain indicated she should have said Table 1, not Title 1.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The McLain #13 amendment was approved unanimously.

Mr. Morrissey reviewed McCaig Amendment #8, Title 2 spoke to zone B being required rather than recommended. He noted that in the last McLain #14, an errata sheet, there was an item that was inadvertently removed, language which spoke to zone B being recommended and currently in the very last page of the Functional Plan there was a regional parking ratios map or chart and this identified zone B parking as recommended. He suggested that these items may need to be addressed.

Motion: Councilor McCaig moved McCaig Amendment #8.

Seconded: Councilor Monroe seconded the amendment.

Discussion: Councilor McCaig addressed this amendment indicating that through her contacts over that past week she found that the change in language moving it from required to recommended did have a serious impact. She proposed that the wordage be changed back to required rather than the current amended language, recommended. The current language established in zone A, those areas which had access to transit, allowed for about five parking spaces per thousand. This was possible because there were other modes of transportation. By moving the requirement to a recommendation in zone B, all of the other areas which didn't have accessibility to other transit modes would be determined independently whether they wished to adhere to the parking ratio. The recommended parking ratio for zone B is 6.2 parking spaces per thousand which was not very restrictive. She believed this language changed to recommended undermined the efforts of the entire region. Councilor McCaig recommended that the Functional Plan return to the original language which was language which would require that the parking ratios be adhered to in zone B.

Councilor McLain spoke against this amendment noting her reasons, first, there were many areas in the region that could not meet the responsibilities of a zone A commitment. Most of the zone B would be either industrial, residential or rural, therefore they wouldn't be getting much out of zone B. She did not believe people will be flocking to these areas for the kind of commercial advantages Councilor McCaig referred to. This wouldn't apply if these individuals didn't go there. Secondly, the minimum standard was very high and strong and with the help of Councilor McCaig's amendment last week, this process for variances was strengthened for zone A. This would need to be readdressed as the Regional Framework Plan and the Regional Transportation Plan update were reviewed. She noted that this was unfinished work yet through the approved amendments, zone A had been strengthened. One could not have a zone A requirement unless alternative transportation was available. When transportation was available to a zone B area, it would be transferred to a zone A status.

Councilor McFarland asked Councilor McCaig if there was any more clarification that could be given to change back to required.

Councilor McCaig indicated that there were individuals in the audience who might testify on this amendment but primarily by allowing it to be recommended, there was no proactive direction for those jurisdictions which were outside of zone A on what they must do with their parking. By allowing a moderate parking ratio to be required (25% higher for those jurisdictions in zone B than in zone A, taking into consideration the flexibility and the difference of these jurisdictions) Metro encouraged

these jurisdictions to meet the overall standards which was being implemented in Title 1, 2, 3, 4, 5, 6 and 7 and that by allowing it to be simply recommended, it would not occur in some places, possibly in those jurisdictions which were not interested in proceeding with the goals being established in the 2040 Growth Concept. She believed it is unreasonable and unfair to allow those jurisdictions to be required to do anything at all.

Councilor Monroe said he would support Councilor McCaig's amendment. He expressed the need to attempt to develop regionalism, there was need for consistent policies. There was still the belief that the zone B recommendations were appropriate, 25% greater than zone A in terms of what the maximums allow. If these were appropriate, then there needed to be consistency around the region because if there was no consistency, some local jurisdictions would adopt zone B maximums and some would not. He would be concerned to see economic decisions by developers, by business people based upon which local jurisdiction decided to go with the zone B recommendations and which did not. He preferred to see consistency across the region so they would not be making economic decisions on this basis.

Councilor McLain responded to Councilor Monroe agreeing that Metro did need comparable standards, however, there were not comparable conditions. In the region there were places where the bus service was different or there was no type of transit supportive transportation system. Zone B moved to Zone A as soon as this supportive transportation system was available.

Presiding Officer Kvistad opened a public hearing on this amendment.

G. B. Arrington of TriMet spoke in support of Councilor McCaig's amendment. TriMet was interested in supporting, in extending the requirements to zone B. TriMet was concerned about the possibility of creating disincentive in the market place to develop near transit, to send a signal to the market place that one should go where the parking was. The areas near transit were the very areas where Metro was trying to encourage development to occur where the higher densities were anticipated, TriMet's concern was by making these zoning requirements recommended and voluntary, it would create movement in the wrong direction. The City of Portland adopted tax abatement for residential near transit because they believed it is important to have those incentives in place. He pointed out that areas like Tanasbourne or Kruse Way were hot suburban markets that would be in the voluntary zone B area. They did not have good transit service today, they should have different parking ratios, voluntary ratios sent the wrong message. TriMet believed there should be a consistent approach that Metro send a signal to the market place that parking was an issue of regional concern and Metro shouldn't be creating disincentives to develop near transit and incentive to develop away from transit.

Keith Bartholomew, representing 1000 Friends of Oregon, 534 SW 3rd #1300, Portland, OR 97204, supported Councilor McCaig's amendment for the same reasons which had already been stated. He added that one such place, as examples of places that were in zone B under the current standard, would become voluntary for maximum parking ratios, would include the entire area in Tualatin around Boones Ferry Road along I-5 Southbound, was now sprouting all sorts of big box retail. These areas were not just industrial wastelands. These were places that are hot markets for those uses that attract very large parking lots. Secondly, he noted in his written testimony (included in the permanent archive records of this meeting found in the Council Office), there was a report from the Department of Environmental Quality done in 1994 on parking usage in the Kruse Way area. DEQ analyzed the amount of parking being used in the area in preparation for the development of maximum parking ratios, very similar to that which was being considered at the Council meeting, found that in the Kruse Way in the three office buildings that were studied, parking was being built at market conditions with no parking maximums at about 3.9 to 3.4 spaces per thousand square feet. This was with no

maximum standard in place. DEQ found that these parking lots were substantially empty or significantly underfilled. The actual parking rates were between 2.7 and 2.95 spaces per thousand square feet. Compare that to maximum allowed under zone B? If Metro was to make zone B maximum, that provision would require 4.1 spaces per thousand square feet. In other words, what the Council was contemplating making mandatory was substantially higher than what was actually built and significantly higher than what was actually used. He did not believe this amendment crimped the market but what it did do was send a message to the market that we want development to happen in places that were well served by transit.

Clayton Hering, represented the Association for Portland Progress, 520 SW Yamhill Suite 1000, Portland, OR 97204. APP was a non-profit downtown business association, its mission being the beneficial growth and development of the central city. APP had supported the visions of a higher density region articulated in the 2040 plan as the best hope for preserving the quality of life. However, APP was concerned that the aspects of the Functional Plan that were being considered at today's meeting would not contribute to the growth of increasing the density of development throughout the region without the McCaig amendment. APP was specifically concerned about the structure of the regional parking ratio under consideration. The current draft of the Functional Plan specified restrictive parking ratios for development in zone A, the area within which higher density were encouraged. The Plan only recommended but did not require slightly less restrictive zoning ratios in zone B. APP was concerned, as had been articulated by previous testimony, that the effect of placing mandatory ratios on one zone, particularly those APP hoped to see higher density, would only work against Metro. In fact, the market place was efficient and experiences had proven that APP's concerns were valid. This was not to say that all types of development within both zones should be subject to mandatory ratios. APP's experience in the central city with ratios had taught them that it was not feasible to create workable parking ratios for retail development nor did it serve traffic management or air quality goals. Office uses and commuter traffic could be impacted by ratios thus APP would encourage the creation of mandatory ratios for all office uses throughout the region and on areas where commuters were likely to park. Ratios could vary dependent upon the availability of transit but they should be required. APP had had first hand experience in the central city with the disincentive unequal regulation places on development. The central city was the highest density area in the region. It had the most stringent parking ratios and regulations in the region. Developers had chosen to build outside the city partially because of the strict parking regulations. A system that regulated some land and not other would only continue an unequal system.

Zack Semke, testified on behalf of the Coalition for the Livable Future (CLF), Coordinator. The Coalition, an affiliation of over 30 non-profit organizations, was based in the Portland Metro region working together to promote a compact equitable and attainable future for the area. CLF supported the McCaig amendment on the Regional Parking Policy. The original maximum ratios of five parking spaces per one thousand square feet for zone A and 6 spaces per thousand for zone B seemed very reasonable, certainly worthy of Council support. It was Mr. Semke's understanding that based on Retail Expert Bob Gibb's testimony concerning the industry standard for shopping centers was 5 spaces per thousand. These maximum ratios would hardly be radical step. The ratios should be mandatory for both zones, A and B. By making parking ratios optional in zone B, would undermine Metro's original objective providing regional equity in parking. If maximum parking ratios were required for core areas well served by transit and not zone B areas important development and investment would be drawn away from transit corridors and regional town centers. Without equity in the parking policy core areas would suffer economically as fringe areas accommodate larger and larger parking lots. He asked the Council to please apply an equitable region wide parking policy.

Mark Whitlow, Bogle and Gates, Retail Task Force, 222 SW Columbia #1400, Portland, OR 97201, did not support the concept of maximum parking ratios. Relative to this specific amendment, it was his understanding that positions needed to be rethought. It was his understanding that the original move away from mandatory requirements in zone B was part of the rationale for another amendment, shifting an adjustment process to a variance process. It was his hope that if there was a return to mandatory requirements in both zones A and B, that there would be a return to the adjustment procedure as well. He believed this was appropriate based on his comments last week. Two things came into play here, a need for uniform regulations and also a recognition that there were different circumstances, different types of development in different areas throughout the region. The adjustment procedure gave local governments, cities and counties the ability to take those different conditions into account. They urged that if Council returned to mandatory regulations in A and B, there was also a return to the adjustment procedures.

Jim Mark, Melvin Mark Companies, 111 SW Columbia #1380, Portland OR 97201, member of the Retail Task Force, supported what Mr. Whitlow said previously. He also wished to correct testimony he had made before regarding office building complexes. His company had been in business for over 50 years, he himself had been in realty for over 15 years. In a typical suburban office complex without adequate bus service or transit service, 3.5 parking spaces, with a 95% fully occupied office complex equaled a completely full parking lot. It was a joke to say that those parking lots were empty, they might be empty at 6:00 am in the morning or at 7:00 pm at night but during the time they had operated complexes around the city they had been fully used. It was important, unless TriMet was going to increase some of the corridors, to remember that parking ratios didn't change peoples use of cars until the price of operating an automobile went up. He encouraged the least restrictive as possible until there was transit corridors that would serve those areas.

Councilor Morissette asked Mr. Mark is he concurred with the amendment or he would like to keep it where it currently was with the adjustment from variance?

Mr. Mark responded that he would like to keep it where it currently was, prior to the amendment?

Presiding Officer Kvistad clarified that if this amendment were to pass, Mr. Mark would want to go back to the original language. Thus, he did not want the amendment to pass.

The Honorable Gussie McRobert, Mayor of Gresham, reminded the Council that the zone B maximum ratio is 25% higher than zone A, this made up for the lack of transit. It was her understanding that taking zone B out of the mandatory area was done to avoid a lawsuit. She suggested to the Council that it was not good to craft policy to avoid a lawsuit, craft the best possible policy based on the record and this would then hold up under an appeal. The record would not support zone B being optional. There was much testimony on the record at the MPAC meetings from DEQ that they needed the whole thing to comply with the Ozone Abatement Plan. There was Langdon B. Marsh's letter which said if the amendment did in fact provide an incentive for development in zone B then it would be detrimental to the maintenance plan. She thought to change it back meant it would hold up on appeal. There had been note that this would be made up for in the RTP. Unfinished work didn't cut it at LUBBA. That was not a finding that could be justified. She suggested that we would be better off going back to the mandatory. It could be political feasible but it wouldn't hold up. Metro would be wasting the city's money.

Councilor McLain indicated that Mayor McRobert and she had spoken of both the McLain and the other amendments and asked if it were not true that the testimony just given was based on the Functional Plan and not individual titles?

Mayor McRobert responded that this testimony was based just on this Title, Title 2.

Councilor McLain said the DEQ letter written by Mayor McRobert she acknowledged but as far as Mayor McRobert comments on what we got or what we were trying to achieve, wasn't that based on all of the titles?

Mayor McRobert responded that, it was not.

Councilor McLain asked if Title 2 was going to carry the whole 2040 Growth Concept?

Mayor McRobert responded that during the MPAC meetings the DEQ group was there to testify only about the Ozone Abatement Plan. Yes, the entire Plan applied but as Councilor McLain said it was unfinished. Most of the Regional Framework Plan was to come.

Councilor McLain added that they would talk more about it in Title 4.

Katherina Woodward, 6234 SW 30th Ave, Portland, OR 97201, supported Councilor McCaig's amendment to return to the original maximum ratios in both zones, A and B.

Presiding Officer Kvistad closed the public hearing concerning McCaig amendment #8.

Discussion: **Councilor Morissette** asked Councilor McCaig if her amendment was designed to eliminated the variance process or her amendment would keep the variance process?

Councilor McCaig answered that her amendment was specifically to only deal with zone B and to move zone B from a recommended to a required parking ratio.

Councilor Morissette concluded that this amendment kept the variance process.

Councilor McLain indicated that the first amendment in the packet was not an amendment that supported dirty air. It was an amendment that supported air cleaner than current standards. Second, this was unfinished work because this was sequential work, the rest of the work would be finished with the Regional Transportation Plan. She believed Councilor McCaig and she would be much closer at that point but right now there were no buses in Forest Grove that she could ride to get into Metro every day. There was only one on a trunkline that she must walk two to three miles one way. She noted that the language said that when there was transit available, it would move to zone A.

Presiding Officer Kvistad spoke against Councilor McCaig's amendment for two reasons, first, parking maximums in areas that had no transit service whatsoever were detrimental to his community as well as being detrimental to the region as a whole. When there was a transit agency which functions and gave equal level and number of service to all the communities that were paying transit taxes then maybe he would consider treating his community and the outlying communities differently than he would treat others. Second and most important, the Council made a commitment last week to put in a variance to strengthen the zone A. The Council gave a commitment that we would have recommended zone B to give the maximum degree of flexibility possible. The Council had this discussion and the vote was to strengthen zone A requirements because there was allowance for a bit more flexibility in the outlying regions. He believed to go back on that now represented a real focus on making a decision and then turning around and going back on the word that was given to others when the amendment was strengthened. He urged the Council vote no.

Councillor McCaig closed by saying that within zone A different jurisdictions were not all the same even within zone A there were some jurisdictions who had better transit, more bike ways, better pedestrian access. She understood that there was a difference in jurisdictions. Her point being that between zone A and zone B, it was grossly unfair and detrimental to all of the overall goals of the 2040 process if we allowed those areas which were in zone B to not break a sweat. As the result of allowing zone B to be recommended and not required, we would see those areas which were willing to allow auto dependent uses draw from zone A which would be detrimental to the areas we represent as well. She urged the Council's support of her amendment.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. Councillors McLain, Morissette and Presiding Officer Kvistad voted nay, the amendment passed.

Presiding Officer Kvistad noted the time certain testimony requested from Commissioner Hale and the Honorable Rob Drake, Mayor of Beaverton who which to speak on the MPACs discussions.

Commissioner Charlie Hale, MPAC chair, briefed the Council noting that the Council was about to put in place the first foundation stone in a big planning effort and he encouraged the Council to continue. Secondly, it was very important the relationship between the Council's advisory committee, MPAC and the Council not be an endless loop so MPAC had refrained from rehashing issues that the Council had already been advised on. Individual local governments, citizens and constituents were going to continue to have the right to have their input. Commissioner Hale reviewed two amendments that MPAC had worked on at the previous MPAC meeting. First, McLain amendment #12 clarified a reality which was that eight intersections per mile was not going to work in situations where there was a river or lake or some other major geographic feature that required the interruption of the street pattern. MPAC reviewed this amendment and urged the Council's support. McCaig amendment #4, the compliance regiment. MPAC believed that the Council, not a hearings officer should act on those interpretation issues also noting both in the MPAC meeting and at MTAC that there was considerable concern about the technical effect of this amendment. MPAC urged that between now and the conclusion of the Council's findings, both the Council as a policy making body and the legal counsel have a clear understanding of what this provision would do and what it wouldn't do, where it would apply to local governments actions and where it wouldn't. MPAC believed they were in agreement with the Council's policy direction but the details needed to be correct. Sometimes problems emerged after the fact if the details weren't correct. Finally, as a representative of a local government, Commissioner Hale spoke for the City of Portland, commending the accessory unit amendment, it was a fair way to do this on a regional level. He expressed support for that provision. In summary, they were happy that the Council was at this point, this was a great experiment. The Council had gotten to this stage in this experiment with the active support and involvement of the local governments who had to put this Plan into action. The Council also had the citizens of this region engaged in these issues. Two success stories, an active collaboration between local governments and the regional government on how to do this difficult work and there were citizens all over the region who were now aware and involved in growth management issues. Both of these were important changes. He urged the Council to finish the work, put this Plan into action and then ready themselves for even more difficult decisions ahead.

The Honorable Rob Drake, Mayor of Beaverton and Vice Chair of MPAC, supported Metro's efforts to finalize the Urban Growth Management Functional Plan and produce a document which would serve as a blue print to properly management and balance growth in the Portland region in the next 20 years. He applauded the Council's efforts to continue to respond to citizen input and make changes which reflect the many views of our communities. The City Council and he were in support of

the Functional Plan, there had been many recommended changes to the Council, which had been considered and included in the revised documents. They understood that the Council was trying to balance competing interests and keep the region livable, vital and the economy sound for the next generations. They also supported the Council's efforts to keep a tight urban form and preserve valuable forests and farmlands. The City believed that the final Functional Plan document should contain general guidelines which allowed local jurisdictions to retain its governance autonomy and the ability to maintain its local identity. In recent revisions of the Functional Plan, the Council had added provisions for a hearing officer. He said Commissioner Hale recommended that this addition be deleted and it was his understanding that Councilor McCaig had recommended substituting a hearings officer for a decision of the Executive Officer. Mayor Drake supported those changes. He noted that it had been a tough arduous process and he could see from the amendments before Council that not everything was turning out as Washington County would like, referring specifically to the parking provisions, but he understood the difficulty in trying to come to a document that tried to meet the needs of the region for the next 20 to 40 years.

Councilor McLain asked if Mayor Drake was talking about McCaig amendment #7?

Mayor Drake indicated he thought it was amendment #4, the compliance procedures amendment which had been renumbered to amendment #7.

Michael Morrissey said that there were no amendments in Titles 3, the next amendment was Title 4.

Councilor McLain commented about Title 3 given the input from testimony, staff and the Executive Officer. She said that there were no amendments brought forward at this point because this Title 3 did not go into effect until the model ordinance and map were finished. Even if it was agreed upon that there should be some more specificity or definition to some of these items, they could not make those legitimately until the model ordinance is seen. The general type of language was general language with general goals, the map and the model ordinance would bring to the Plan specificity. At the time these items would be brought forward there could be some technical amendments that would be made at that time.

Presiding Officer Kvistad proceeded to Title 4.

Michael Morrissey reviewed Title 4 McCaig amendment #5, having to do with section 2 the comprehensive plan in implementing changes required, related to those areas that allowed retail uses larger than 60,000 square feet in employment areas.

Motion: **Councilor McCaig** moved the adoption of McCaig amendment #5.

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

Discussion: **Councilor McCaig** indicated that Presiding Officer Kvistad and she had an interest with Title 4 to see if some of the concerns remaining could be addressed. She asked John Fregonese to come forward to explain more specifically what was done in the last amendment. She had several questions. Her concern with Title 4 section B amendment, approved at the previous Council meeting, was that she believed that Council may be negatively effecting some existing conditions which were already in place and that we were being unnecessarily restrictive in the zoning requirements retroactively rather than proactively. The McCaig amendment #5 addressed that. She asked Mr. Fregonese to explain the current language in zone B that were adopted at the last Council meeting. She clarified Title 4, section B, line 599.

John Fregonese, Director of Growth Management Services for Metro, responded by saying that the two versions of zone B major differences in their effect were the way it was currently written, if an area was in an employment area as designated on the map, if it was currently in commercial use and they wanted to expand by more than 60,000 square feet or if it was vacant and they wished to build a structure of more than 60,000 square feet, they would have to provide transportation adequacy. In other words, they would have to show before they built or expanded, the local government would have to require that they have relatively uncongested roads before the local government could permit building or expansion.

Councilor McCaig asked if there was an owner of commercial property who owned property in an employment section and wanted to build an 80,000 square foot building they would have to meet these criteria in order to build today by the amendment which was passed at the last Council meeting?

Mr. Fregonese answered affirmatively, qualifying that the only difference was if it was currently zoned for commercial use, if it was zoned for industrial use or non-commercial use, non retail use, they would have to meet the test in either case. This did not effect areas that were currently zoned industrial, business park or commercial office of any of these types of areas, it effected only areas that were currently zoned for retail use. The only difference was for areas that were currently in commercial use.

Councilor McCaig asked Presiding Officer Kvistad if the Tualatin example was applicable to this?

Mr. Fregonese answered yes, the Tualatin GI Joes area was brought up at MPAC as a typical example, it was an employment area, it was also zoned industrial, it was a kind of zone that permitted retail use, many retail entities occur in the Durham interchange.

Councilor McCaig synopsisized that in order for that district and those developments to continue, they would now have to meet the criteria adopted in the Council meeting of last week.

John Fregonese said that if they wished to expand by more than 60,000 square feet, they would have to meet the criteria adopted at last week's Council meeting.

Councilor McLain commented that first she made a list of everyone who voted on Title 2, Parking. These groups included TriMet, 1000 Friends, the Progress Board, Mayor Gussie McRobert, Councilor McLain indicated that this Title should be called Retail, Employment Areas and Parking Issues. What this particular amendment #5 did was grandfather everything that was on the board right now. So if there was something that was currently 60,000 square feet and there was no adequate transportation, another 60,000 square feet could be built without proving adequate transportation. What the McLain amendment did, that Councilor McLain presented at last week's Council meeting, was to note exceptions, yet, these entities that needed to expand or wished to rebuild must demonstrate adequate transportation, there would be the kind of traffic patterns and parking patterns that made sense for the rest of the people who were in those employment areas and also for the general public who were trying to get to the store. What this amendment did was to totally gut the retail section of the 2040 Growth Concept. She believed the McCaig amendment was a bad amendment and she encouraged the Council not to pass the amendment.

Councilor McCaig responded that she had struggled with Title 4, she felt that it might be easier to be more restrictive in Title 4 than in some other areas. There was no place else in the document which

spoke to being retroactive. She believed that we must respect the relationships we have with our local governments and other partners, which continued to be the business community and commercial development. For those individuals who had invested under certain rules in these areas, it was appropriate that they be allowed to follow the same rules until the time of this Functional Plan. The Plan was intended to be a proactive document, leading the region into the future and directing future actions. To apply this particular amendment seemed unduly harsh on one specific industry. As a result of this, she submitted this amendment for consideration.

Councilor Morissette directed his comment to Councilor McLain saying that he did not see the same result in this amendment that she did. He believed that Councilor McCaig's arguments were reasonable. It was his hope as we move through this Plan at the Council meeting that we kept the passion but we worked through the process.

Councilor McLain asked that the Council, referring to section 3 exceptions, made sure they remembered what was in place in the original language. She added that it was important to be responsive to the retail industry. The retail industry wanted Title 4 to disappear. It was explained to them that Title 4 was not going to disappear, it was a main component of the 2040 Growth Concept. She said to the retail industry, what was it that could be done to assist the industry when there were exceptions and there were truly some situations that called for exceptions. She noted section 3 exceptions, exceptions to the standard for employment areas may be included in local compliance plans. This was already allowed through local governments, a) low traffic generating land consumptive commercial uses with low parking demand which had community or region wide markets or b) which had specific employment areas which had substantially developed retail areas or which were proposed to be or had been locally designated but not acknowledged by the effective date of this Functional Plan as retail areas could allowed new or redeveloped retail uses where adequate transportation facilities was demonstrated in the local compliance plan as provided in Title 8, and c) retail uses that are really different that primarily drew from business from market area not more than 2.5 miles from the site where adequate transportation facility capacity were demonstrated in the local compliance plan as provided in Title 8. She also had an amendment that she would be bringing forward if the McCaig amendment went down which would make clearly what was meant by adequate transportation. It would help go along with the Regional Transportation Plan and the Functional Plan and would be easier to define.

Presiding Officer Kvistad felt it would be unmanageable to go through each amendment and have public testimony for each amendment, he asked if the Council would like to change the format. If not the general discussion would be moved forward amongst the Council, the item voted upon and then public testimony would be allowed following the votes.

Councilor McLain responded that she felt either format would do. She had heard testimony and gotten written comments from most individuals in the audience. She thought that the idea was to have something for the public to react to in its entirety. If the Council went ahead and voted the amendments first, the public could react to those that were passed.

Councilor McCaig said that it was odd to vote and then hear public testimony.

Councilor McFarland indicated that her question was similar to Councilor McCaig's. She questioned whether the Council would have an opportunity to respond to the individuals who testified after the Council took action at the Council meeting but before the Functional Plan was passed in its entirety. She suggested that after this amendment was acted upon, a public hearing be opened to allow testimony on whatever amendment the public wished to testify and then the Council could respond.

Councilor Monroe thought the right way to proceed would be to have each one of the amendments presented with the questions from the Council, but not voted on, then take public testimony and then have a series of votes on the amendments. This would allow the public when they testify to comment on whatever amendments they wished to testify and to testify only once, thusly, testimony wouldn't be as arduous.

Councilor Washington said he wished to hear from the public, they did not need to be here until late. He concurred with Councilor Monroe.

Councilor Morissette indicated he had some prepared remarks that take on the whole Plan. He was prepared to talk to his concerns throughout the Plan, title by title. It was appropriate that the Council wait until testimony was given before the amendments were voted upon.

Presiding Officer Kvistad concluded that they would proceed through each of these items, moved and seconded each amendment, have technical discussions on each of these items, as soon as the amendments and the errata sheet had been moved through, there would be general public testimony and then the amendments would be voted upon following the public testimony.

Michael Morrissey reviewed McLain amendment #11 on Title 4. This amendment was a clarification of the word 'adequate' as it related to transportation facilities and added the word "new" to retail uses larger than 60,000 square feet.

Motion: Councilor McLain moved McLain amendment #11 for adoption.

Seconded: Councilor Monroe seconded the motion.

Discussion: Councilor McLain noted that the word 'new' on line 605 had been added to make a consistency change because there was 'new' in the industrial and this would then also add 'new' in the employment area. In line 607 to 611, one of the comments Councilor McLain received after amendment #4 was passed at last week's Council meeting was a request to define the word adequate. With the assistance of the Transportation and Legal staff, the Title was amended to say, adequate to serve the retail use consistent with Metro's Functional Plan for transportation. She believed this tightened up the amendment and made the goal more specific. She believed this clarified and went along with making sure there was adequate transportation any where there was a retail store.

Analyst Morrissey spoke of McCaig amendment #6 on Title 4 which deleted subsection C of section which was the exceptions section.

Motion: Councilor McCaig moved the adoption of McCaig amendment #6.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McCaig spoke to her amendment, this change was included in the amendment at last week's Council meeting where there was an exception in Employment areas which allowed a 2.5 mile market area. This was originally proposed as helping a particular need, however, it did not do this, therefore, instead of cluttering up the statute with it, it was not necessary to have included.

Mr. Morrissey reviewed McLain amendment #12 in Title 6 which originated with MPAC and had to do with street connectivity clarifications.

Motion: Councilor McLain moved the adoption of McLain amendment #12.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McLain said that at the MPAC meeting language was borrowed from another section of Title 6 there were comments made that included lakes, freeways and other items that got in the way of connectivity of every single road. So this amendment gave allowances for areas which had barriers preventing it, making it typographically impossible to connect every road.

Mr. Morrissey said Kvistad amendment #6 in Title 8 Compliance Extension Process.

Motion: Presiding Officer Kvistad moved the adoption of Kvistad amendment #6.

Seconded: Councilor McLain seconded the motion.

Discussion: Presiding Officer Kvistad said this motion was to respond to local government concerns presented by Mr. Larry Shaw. This amendment allowed for a very limited extension of the timelines under the Functional Plan only if the city or county had demonstrated substantial progress or proof of good cause for failing to complete the requirements on time. This item was to respond to differences in jurisdictions who dealt with their comprehensive plans as well as their state periodic review. Some of the jurisdictions review period came up following the 24 month requirement so this exception was there for those jurisdictions only if they needed it to deal with the state periodic review.

Mr. Morrissey reviewed McCaig amendment #7 in Title 8, further work on interpretation process, clarification in sections 5 and 6.

Motion: Councilor McCaig moved McCaig amendment #7.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McCaig spoke of last week's Council meeting where she raised an issue about the role of citizens and the process that a citizen could follow being involved in interpretation of the Functional Plan. At the direction of the committee, several things were left in place including establishing a compliance interpretation process in the packet (part of the permanent record of this Council meeting, found in the Council office) which was sent out that allowed for local jurisdictions to request of Metro interpretation advise on the Functional Plan. Additionally, what the Council agreed to send out last week was simply reordering the sections, calling the compliance interpretation as section 4, section 6 a citizen review process agreeing to establish the current law in the document so people would know how to proceed if they were interested in being involved. Lastly, number 7 was reordered to be enforcement. The Council directed Councilor McCaig to see if the Council would like to proactively go out and involve citizens in this process beyond what the law current required or allowed which was for a citizen to appeal to the Council and then to LUBBA, to see if the same language could be designed which would proactively involve citizens in the process. A draft was developed and taken to MPAC. MPAC had comments which she agreed with. The McCaig amendment #7 included the Functional Plan interpretation process which had the specific amendment from MPAC, rather than having a hearings officer involved it would be replaced with the Executive Officer and the Metro Council. She was comfortable with this change, it was simply a different

process. The outcome was still the same. Section 5 was renamed from Compliance Interpretation Process to being a Functional Plan Interpretation Process. Section 6 was the new citizen review process, allowing a citizen who had presented written or oral testimony to a city or county on one of these issues who had developed standing (someone who had been involved at the local level) petition the Metro Council to initiate a Functional Plan interpretation or conflict resolution action. The Council could hear the citizen's petition. There was a list of four items which the Council could then proceed with, 1) to interpret the Functional Plan for the citizen, 2) to initiate a Functional Plan interpretation using the process in section 5 to give it to the Executive to go through a process and make a findings, 3) to allow for the conflict resolution process in RUGGOS, 4) or the issue was postponed because it was understood that something in the future was going to be resolving the problem and as a result did not deal with it directly at that time. Councilor McCaig thought the general feeling among Council members was that they were interested in making this document citizen friendly as much as possible and that Council would allow citizens to petition the Council, take action, if necessary with local jurisdictions. There were still concerns as expressed by Commissioner Hale and the home builders. She was more than comfortable with appointing a work group during the interim before this Plan took effect to see if there was some additional amendment that should be made to the process.

Mr. Morrissey spoke to McLain amendment #14, a series of consistency amendments or errata. There were seven amendments included in this amendment.

Motion: Councilor McLain moved McLain amendment #14.

Seconded: Councilor McCaig seconded the motion.

Discussion: Councilor McLain said line 144, cities and counties inside the Urban Growth Boundary was something brought up at MPAC. It went along with the fact that they were dealing within the Metro jurisdiction. This was more substantive than some other pieces of the amendment. On line 166 through 168 the word "an" was in the wrong place. It had been replaced up in D instead of down after E. In line 379, the word "no" should have been included to say cities and counties shall require no more parking than. Line 392 through 394 dealt with Title 2 and since Title 2 was passed the way the McCaig amendment was actually phrased this would have to be completely out. Line 396 the word "employment" would remain in the sentence so it should say, area with good pedestrian access to commercial or employment areas. Line 989 should say the employment and industrial areas map include lands. The last one was different, this was a term, this term was suggested by MTAC so this would be included in Title 10.

Presiding Officer Kvistad opened a public hearing.

The Honorable Gordon Faber, Mayor of Hillsboro, 123 West Main Street, Hillsboro, Or. 97123, said the proposed Metro Functional Plan had undergone several interactions over the past few weeks. These comments addressed provisions of the October 24th Plan draft that were significant to Hillsboro. He thanked the Council for considering these comments. As he had said before, Hillsboro supported the 2040 Growth Concepts and have been aggressive in Hillsboro in implementing them. They have also consistently asked that detail prescriptive Functional Plan provisions be eliminated to give the cities sufficient planning and regulatory flexibility to implement the plan in ways that was also acceptable within and to our community. The October 24th Plan draft contained some adjustments that would do just that, he thanked the Council for those changes. There were other Plan provisions which were still of concern. The comments had a common theme, simply stated the Functional Plan should tell cities what to do but not how to do it. It should identify the housing and employment

targets, capacities and the regional planning and regulatory objectives Hillsboro was expected to achieve. The performance of their plans and ordinance should be regularly monitored to assure their achievement. Hillsboro should be held accountable if they failed to substantially achieve them, if this approach was followed, detailed and prescriptive Functional Plan provisions were unnecessary. He believed that most local jurisdictions in the region shared this view.

Wink Brooks City of Hillsboro Planning Director, 123 West Main Street, Hillsboro, Or. 97123 overviewed several titles. Title 1, Housing and Employment Accommodation, Hillsboro applauded the direction of Councilor McLain's amendment #13 with regard to more flexibility but Hillsboro did not believe it went far enough. Hillsboro would like to have the flexibility to implement 2040 with regard to the regional design types but would like to have the flexibility that if there was additional density in one area that this density may be transferred to another area. This was something they felt very strongly about. Hillsboro have had occurrences where the planned unit development actually implemented more density than might otherwise have occurred and Hillsboro felt they should be rewarded for this if there were some other needs in the community, such as larger lots in some areas of the city. With regard to Title 1, section 7A, he thanked the Council for redefining the 2040 target average densities, It gave more flexibility that they desired. One of the things recently added, Title 1 section 7C which Hillsboro had very serious concerns about and did not support. Hillsboro felt the accessory units amendment was something that was not debated widely throughout the region and was something that may be appropriate for specific areas of any community, but should not be applied uniformly in all areas. With regard to the Regional Parking Policy which there had already been considerable discussion about, Hillsboro was an area that would have very good light rail service, they supported parking maximums in those areas, felt very strongly about this, but the rest of the city did not have very good transit. Hillsboro supported a system under Title 2 where if there was excellent bus service, that those areas were within a quarter mile of bus or a half mile of light rail, these should be in zone A. Until this occurred in Hillsboro, they believed that they should be able to provide the parking that the city felt was necessary under the current codes. Hillsboro also asked that that section of the map under the system proposed by Hillsboro would be illustrative rather than regulatory and the distance from the busline or the light rail line would be the appropriate way to handle it and if it was done this way, no map would be needed. In regard to Retail and Industrial Employment areas, this was an area that Hillsboro understood that there was going to be some minor amendments to the employment, industrial area map with regard to their particular community they supported those adjustments. With regard to regional accessibility, Hillsboro supported the new language in the McLain amendment #12. In the previous language of Title 6 section 301, with respect to conditions with regard to typography, stream, etc., Hillsboro believed this was appropriate. Hillsboro continued to believe also that the recently adopted transportation planning rule ordinances achieved pedestrian connectivity and bicycle and multimodal connectivity and that section 3A design options and performance options should be optional rather than mandatory. With regard to Title 8, Compliance Procedures, Hillsboro supported Presiding Officer Kvisitad's amendment #6 with regard to the compliance extension. They felt this was very appropriate and very much in line with their concerns since they were in periodic review right now. They would rather do this only once, not twice. Hillsboro also supported McCaig amendment #7 with respect to cities and their ability to make explicit interpretations of the Functional Plan.

Councilor McLain asked Mr. Brooks, if he knew that the only two choices in front of him were: Title 2 recommended parking in zone B or Title 2 required zoning in Title B, which would he support?

Wink Brooks responded that their original comment, their original decision was that Hillsboro preferred no map, they preferred a direct relationship to the transit service provided or assured and that that service be 20 minutes or better service preferably.

Councilor McLain said that this was the recommended choice.

The Honorable Alice Schlenker, Mayor of Lake Oswego, referred to various titles and lines as follows. The growth allocations for each local government recommended by MPAC remained the same which Lake Oswego supported at this time. This was the premise for most of her discussion points. However, Lake Oswego believed they could meet these density objectives if several pieces were revised per some recommendations. On Title 1, lines 98 to 113, McLain amendment #13, the issue in changing the 80% minimum density from a development specific test to a community wide average was preferable to Lake Oswego. Each parcel of land yet to be developed or redeveloped, in the case of Lake Oswego, needed the maximum flexibility to meet the objective the Council was looking at. Developers who worked with the city consistently complained that land use requirements hampered effective new development opportunities particularly as it pertained to redevelopment. She said, there must be some latitude to make the 80% density idea work. Title 1, second item lines 292 to 293, the accessory unit, Lake Oswego has had accessory unit in its city for the past five years and they have been proving to be handsomely used, an effective way to meet density requirements. Lake Oswego asked that the Council think this through very carefully, most of the accessory units were over garages, attached to homes or they were detached units. Again more density could be added if this was the intent by Metro not being overly restrictive about the size, the shape, the location, and the amenities of an accessory unit. Title 2, Parking Standards, the Mayor responded to Councilor McLain's question, Lake Oswego welcomed that zone B would have voluntary parking. Kruse Way was noted as having plenty of parking opportunities, she was not sure when the last analysis was done but there was no transit out there and parking was a big problem on Kruse Way. There were many new buildings going in. On the other hand, in downtown Lake Oswego, in redevelopment areas, Lake Oswego had reduced the number of parking space because of the lack of land. Lake Oswego was working at both sides hopefully effectively. On McCaig amendment #7, the Compliance Interpretation, she believed that the language was complicated. Lake Oswego was faced with requirements by the State that required the 120 rule and more recently Lake Oswego expected more developers to use the expedited process that came out of this last legislature for the smaller but important infill parcels. She indicated that the Council process must take into account these state requirements or at least get clarification from LUBBA. Lake Oswego was very concerned that if Metro got too restrictive in this area, it would be costly, time consuming and not meet the overall objectives that the Council was seeking. McLain amendment #12, the street connectivity, she thanked Councilor McLain, she felt this was great. Kvistad amendment #6, on the Compliance issue, this was fine with Lake Oswego primarily allowing some opportunity to have a reasonable amount of time to meet the objectives of the Functional Plan. Again, Lake Oswego needed to have citizen input and they could need more than the 24 month period to get that citizen input. Lastly, as a member of MPAC and being the largest city in Clackamas County, she concluded by mentioning one item in closing, while the city had worked very hard on the Functional Plan and worked hard on the amendments together, at the Council meeting a set of standards would be passed out that the city would probably be ready to roll on and they had stated that they were willing to take the 3,000 plus units into the City of Lake Oswego that their staff had worked out with Metro. What was concerning to her, politically as well as personally, was that there were 23,000 acres of Urban Reserves added. She did not know how to justify to the citizens working through the Functional Plan requirements, taking in the density and then trying to explain to them how Lake Oswego was going to work through the Urban Reserve issue. She asked the Council to take both of those very sensitive issues into consideration as the Council moved forward.

Commissioner Judy Hammerstad, Clackamas County, touched on the various amendments. First she supported Mayor Schlenker's request for a community wide average. Where they were trying to do infill and work with difficult lots it made it a bit easier to get to the density goals by having an

average rather than having the required 80%. It could mean that if Metro had required 80% those lots would not be developed because of the difficulty of those smaller lots. She also supported the interpretation process clarification, taking out the compliance. It was confusing. This was a much better amendment. She supported Councilor McLain's concern about Title 4, the Retail and Employment areas and gave an example to help clarify this for the Council. The County had, within the last six months, a request for a zone change and a comp plan change in virgin industrial area, it was a 16 acre request but just south of Clackamas Town Center which was an employment area. The request was for 135,000 square foot box, nine acres of parking, employment of 250 people in a retail employment. Her commission passed the request. Commissioner Hammerstad said she did not vote for it because it seemed to her inconsistent with making the best use of the land. Their argument for passing this was Councilor McCaig's argument. It was 2040 hadn't passed and it was not fair to exact certain restrictions on a company that was coming in when we didn't have this particular amendment passed and 2040 was not yet accomplished. So, the Commission made, in her view, a decision that was also in a very heavily traffic impact area but would have the Sunnybrook Spit Diamond coming in eventually to use what was industrial land for a retail use because the Plan was not in place. She implored the Council to put the Plan into place so this could not be done again. She said, she was left with no doubt that the goal was better use of the land. She would also like to see the Council consider using land in a different way. The Commission spoke with school districts about the amount of acres that they were going to be wanting to use. The Commission no longer look at 60,000 square feet of leasable space or a 135,000 all on one level with a nine acre parking lot. If this was done, we could just give up the ship. What was really needed to look at was the amount of acreage that these buildings were going to need in order to build a building that could serve the population with retail needs and parking structure. She asked why the downtown Meier and Franks looked as it does. As long as land is cheap and available, there would be requests one story buildings that use fifteen acres of land. She asked the Council to change their thinking about this and help the cities and counties accomplish the best use of the land. The adequate transportation, if Metro was going to lower the standards on congestion, that was going to be virtually meaningless. So if Metro was looking at adequate transportation corridors around retail uses, please know that in another part of the Plan, Council had lowered the transportation and congestion standards and that there would only be movement at a snail pace unless this was rethought. She requested that the Council consider her remarks.

Bill Monahan, City Administrator for the City of Tigard, 13125 SW Hall Blvd, Tigard, Or. 97223, presented to the Council a letter written by Mayor Nicoli on behalf of the City Council. As the Council was aware, Tigard had been forwarding its comments on the process. He dealt with two issues, Title 1 section C, Accessory Units, Tigard was very concerned about the addition of this section, it was difficult to understand at this point the inclusion of this amendment at this late date in the process with very little opportunity for local jurisdictions to give input and no opportunity for discussion with local jurisdiction's citizens. Tigard presently did allow accessory units but only for relatives. Rental units would not be allowed as was required under the proposed regulations. This amendment was a dramatic change from what Tigard currently had. This was an issue of critical concern to Tigard and its citizens and the city had no wish to impose this amendment on their citizens at this time. The City of Tigard recommended that this amendment be deleted. Second, Title 4 section 2, Tigard continued to object to the standards in the proposed Title 4 Retail and Employment and Industrial areas. Tigard felt it was not acceptable that the location and size of commercial units be dictated by regional agency to a local jurisdiction. The provisions and restrictions that were proposed were arbitrary and would be very difficult for Tigard to implement. The 60,000 square foot limitation would prevent a full service super market or retail center from locating in an area such as the Tigard triangle. So the requirements for demonstration of adequate transportation facilities were very subjective and open to interpretations. With these difficulties, they recommended that this title be deleted from the Functional

Plan and was clearly an issue best left to local governments and local decision makers. They requested that those items discussed previously by the City of Tigard be taken into consideration.

Stephen Lashbrook, Planning Director City of Wilsonville, P.O. Box 1282, Wilsonville, Or. 97070, thanked the Council for their diligence and more specifically noted that the comments submitted by Wilsonville throughout the process and the consideration given to those comments. He said that the Mayor of Wilsonville submitted a letter addressing the points he spoke to at this Council meeting. Title 6, section 4 applied to Regional Level of Service Standards, Wilsonville continued to be opposed to the idea of having Metro establish regional level of service standards for streets in Wilsonville. He believed if Metro endured the controversy that the city gets to on a regular basis concerning traffic problems in Wilsonville, Metro would understand why. The second issue went back to Title 1 section 2, applying to the McLain amendment #13, he joined Lake Oswego, Hillsboro and Clackamas County in their comments about requesting that Metro take a community wide view of these things and Wilsonville had tended to characterize this as a performance standard view. Tell the cities what it was that Metro wanted them to achieve and let the cities tell Metro how it would be done. He did not understand the amendment even with the efforts of MPAC. He understood what the Council was trying to accomplish, he did not see the amendment accomplishing the goal. Wilsonville had offered some specific language to accomplish this.

Jim Jacks, Planning Director City of Tualatin, P.O. Box 369, Tualatin, Or. 97062 touched on Title 1. The City of Tualatin would support a community wide average approach to the 80%. In the letter of September 10th both the Mayor of Tualatin and he spoke of two situations. In Tualatin there was Legacy Meridian Park Hospital on a 35 acre site, they specifically developed a planning district called medical center for their use on their campus. One of the things allowed there was residential uses, there was a 110 unit congregate care facility. Under the proposed language, the minimum density standard applied to all zones allowing residential use, so the 80% would have to apply to this medical center district where residential uses were allowed. The facility, the Heritage, was at about 16 dwelling units per acre and a range of 16 to 25 was allowed. So, this facility was not built at 80% of the maximum 25 units an acre. Tualatin asked, why should it be, who cares, any residential units that went into that medical district were a bonus, they were extra. Tualatin did not expect them although they were planning for the units but it was primarily a medical facility type district. So this would make any other nursing home, congregate care facility, active retirement home have to be built at 80% of 25 dwelling units per acre. The so called one size fits all approach, the 80% approach, wouldn't work. Second, the McLain amendment #13 would need to be reworded or there needed to be detailed instruction on fully understanding it. Title 2, the City of Tualatin supported zone B being optional. Tualatin did not have very good bus service but had been allowing less parking than required for many years. Tualatin felt it would work better if zone B were optional. Finally, in Title 4, he said that he thought John Fregonese misspoke when he identified the GI Joes as being in an industrial area, it was in fact in a general commercial district and designated employment area. It was not in an industrial zone nor in an industrial sanctuary.

Councillor McLain said she would be happy to give the cities information that she was given to make some understanding of McLain amendment 13 but she did say it was not an easy amendment to understand. All of the things that Mr. Jacks asked for are in the amendment but she would be happy to explain them to him.

Anne Nickel, Columbia Corridor Association, P.O. Box 55651, Portland, Or. 97238. Columbia Corridor Association was an advocacy group for business and property owners in the Columbia Corridor. Many of the concerns and changes they had recommended had been made but there were still two areas which they were extremely concerned about, in Title 10, Definitions and Title 3. The

Columbia Slough travels 18 miles through the Columbia Corridor so what the Council decided to do in Title 3 would have a major impact on that area. She noted the definitions on line 1272 which were the water quality flood management definitions. The Association's concern was the 200 foot set back from slopes that were greater than 25%. They were told by staff and Metro Councilors that this would not impact the Slough because they did not have many slopes that were 25% or greater. Tim Haffer who runs the Multnomah County Drainage District said indeed the majority of theirs were 25% or more. 200 foot set back would take a huge chunk out of the properties that were there. It also did not recognize that the Multnomah County Drainage District was mechanically controlling flooding in that area, running from 13th all the way east to 223rd. Witness the fact that the flood of 1996 did not produce any flooding in the corridor because it was mechanically controlled, they were able to draw down and therefore preserve it. So for the Council to ask for 200 feet back from the top of the slope of the majority of those properties seemed very unrealistic and unreasonable to the Association. The Association would like some clarification or justification for why 200 feet back from the slopes was chosen. The other was Definition 11, line 1169, which was the fish and wildlife habitat conservation areas, it would correspond with the same map as the water quality and flood management. It also called for 200 feet set back for slopes less than 25% which meant a gentle slope from the river all the way back. This seemed unreasonable as well because years in the courts were spent with the city, environmental groups, property owners to come to an understanding that resulted in a natural resource protection plan that called for 50 feet and a trail. The Association's concern was that the Council would undo this hard thought out agreement and there were several natural resource management plans with this 200 foot set back and there was no recognition of that in the Plan. She understood from Councilor McLain's comments about Title 3, the Association would like to be reassured that what was being adopted at this Council meeting in Title 3 was subject to change. 100% of this could be discussed because, in Title 3 only, when the Council adopted it, they were creating standards that would impact the Columbia Corridor. The biggest thing was prohibiting development in the flood area, which was 200 feet back, when they could show that there was no flooding and it was controlled, the amendment had a major impact for this corridor, so there needed to be some recognition in there. The Plan did cut and fill 100%, it was mechanically controlled so if it was behind levies, the corridor felt that they should not have to do cut and fill.

The Honorable Gussie McRobert, Mayor of the City of Gresham said it was her understanding that once the amendments were voted upon, the document would then be sent to legal for findings. There was a letter from Gresham that requested that they receive copies of the findings to have a chance to look at and evaluate them. The Retail and Employment, the 2.5 miles needed to be taken out of that Title 4, Gresham was five miles by five miles. If there was a center at either end, it would take up the entire city. The McCaig amendment #5 violated the RUGGO, employment areas would be expected to include some limited retail commercial uses primarily to serve the needs of people living or working in the immediate employment area not the larger market areas outside the employment area. She echoed Commissioner Judie Hammerstad's comments. Mayor McRobert fully supported Councilor Morissette's accessory units. Gresham had accessory units city wide and they were a wonderful way for people to have a room for their parents as well as allowing people to rent them out to supplement their income, it worked well, it was not a problem. Mayor McRobert had no other problems with any of the amendments except for Title 5. She was also having difficulty with the what was said about density in the Title. The community wide averaging, if it didn't end up out on the fringes away from transit and the facilities, she would not have any problem with it. She also had the same concern the Mayor Schlenker had about the 120 day rule. The question before all of us, would the proposal before the Council change to help create a more urban compact environment and retain and enhance the regional quality of life. If the answer was not a resounding yes, she suggested the Council vote no.

Jim Mark, Melvin Mark Companies, 111 SW Columbia #1380, Portland, Or. 97201 addressed Title 2. He indicated that his company had developed in downtown Portland for a number of years and really felt some of the parking restrictions in a number of the projects seen downtown Portland fell over in the last few years. In the previous months they had announced a lot of projects but still the downtown parking restriction had done a lot to be detrimental toward downtown's success. If some of the restrictions were done in the suburbs and some of the regional areas of Tigard, Beaverton, Tualatin and Hillsboro, it would have the same effects unless transit was guaranteed in those areas. He pointed out that the market had dictated over the years, building owners and developers didn't buy more land and develop more parking than they needed. He had seen studies to support this. Land was too expensive to go out and build 10 parking spaces per thousand or more parking than was really needed. The land cost and the market would drive a lot of the uses. On flat parking lots, he had heard over and over again what a wasted resource it was. He pointed out a project like Lincoln Center started out as flat parking as the market was created the flat parking was converted to structure parking. If one had an Urban Growth Boundary and the Urban Growth Boundary dictated that you build within the Urban Growth Boundary as the densities and as the requirements and as people start to build within it, those flat parking lots would be filled. There had been extremely creative uses in the last six months to a year. A lot of the developers tried to push hard to get the best use out of the land as well as figuring a project that was market driven. He also pointed out that he was involved in the 2040 means business process and he fully supported the 2040 Plan but many of these parking issues were pointed out in the government and regulatory process. These would be things that would make developing in this region extremely difficult. Metro governed the region but still developers could leap frog areas.

Jon Chandler, Director of Government Affairs for the Oregon Building Industry Association, 375 Taylor Street NE, Salem, Or. 97303 also a representative of MTAC expressed appreciation to the Council for the hard work they had done. He then spoke to Title 2, the Association had submitted amendments to this title most of which had been incorporated into this document as a result. They were looking forward to working with their local government partners in moving towards a more compact urban form. The Association also submitted amendments to Title 9, Performance Measures. He reiterated the importance of having performance measures in the document and would be extremely important as we moved forward in the next three months working on the specific to make sure that there was a way of measuring performance as far as land consumption, prices of land, affordable housing, etc. so that there was a way to verify if the 2040 Plan was working. He added that at the MTAC meeting there were discussions about the amendments prepared at that time and spent a good deal of time talking about Title 8 both the McCaig amendment #7 as well as the title itself. He was here today to recommend that during the three month period of between adoption and effectiveness that a special working group subcommittee be appointed of land use practitioners and planners to look at Title 8, both the McCaig concept and the base section in order to come up with a process that worked as smoothly as possible. The concerns expressed at MTAC, all of the committee appreciate what was being attempted with the McCaig amendment #7 and some of the other amendments of Title 8, it was ripe for abuses and appeals. The procedure itself needed work and he recommended a subcommittee to work on it.

Bob Roth, Johnson Creek Watershed Council, 525 Logus, Oregon City, Or. 97045, talked about Title 3, section 3 which dealt with Water Quality. The Johnson Creek Watershed covered 54 square miles and stretched from Milwaukie to east of Gresham. The watershed included commercial, industrial, residential and agricultural activities. Johnson Creek had been negatively impacted by a variety factors including pesticide, herbicide run off from agricultural operations, mixed with urban run off which included oil, grease, and heavy metals. In addition, Johnson Creek had been effected by increased development in the watershed which increased the impervious surface coverage in the

area. These activities had seriously degraded the Johnson Creek water quality and nearly destroyed fisheries. DEQ had designated Johnson Creek water quality impaired. Development activities which had degraded water quality in the basin also contributed to increase flooding in the watershed. Despite these trends, watershed residents, organizations and businesses had joined together to carry out restoration projects which improved water quality, lowered water temperatures and improved wildlife habitat. On October 12th 70 volunteers planted over 300 native trees and shrubs along 700 feet of Johnson Creek stream bank in Milwaukie. Residents, students and seniors worked together to reestablish a buffer along Johnson Creek which had been stripped away during development of that site. The Johnson Creek Watershed Council was working with residents, schools and local governments to secure additional restoration projects in this watershed. These projects were necessary because previous development in the watershed did not adequately take into account water quality and habitat needs. Metro had an opportunity to develop leadership by approving a Functional Plan with 50 foot buffers so future generations wouldn't be burdened with restoration projects to correct the shortcomings.

Fred Holz, Tualatin Valley Economic Development Corporation, urged the Council to incorporate more flexibility into the Functional Plan. The primary purpose of the Plan was to provide for the implementation of regional policies expressed in the Metro's 2040 Growth Concept. Although the goal of Metro's 2040 was to reduce urban sprawl, it also emphasized maintaining our quality of life and livability of the region. The Functional Plan seemed to have lost sight of the latter concept and focused almost exclusively on higher density development. It was imperative that the Functional Plan had the flexibility to meet these objectives since the Functional Plan needed to be a dynamic planning document which could adjust to changing circumstances in the region. Title 1, Requirements for Housing and Employment Accommodation, it was completely inconsistent to have as much as a possible 50,000 household units difference between the Functional Plan capacity in Table 1 and the UGB capacities as determined by Metro, since amended by the Growth Management Committee. If nothing else, TVEDC recommended that Table 1 in Title 1 referred to the 240,000 dwelling units as a target and the distribution of these units as a target to the various jurisdiction as a recommended distribution allocation. The Functional Plan could then encourage the cities and counties to meet these objectives while proving greater flexibility in dealing with shortfalls that would result. A much more realistic approach, however, would be to establish allocations in Table 1 consistent with what Council believed to be the actual capacity in the UGB. It would also be consistent with the 2040 Growth Concept and clearly would result in higher density development. In reference to Title 2 Regional Parking Policy he asked if there was a zone A development and TriMet withdrew serve, reverting back to zone B, how would Council intend to gain the additional parking spaces which were not compensated for under the initial zone A regulations. It was a motor versus ridership issue, once the ridership stopped where did the people have to park. In reference to Title 4, Retail and Employment. In Title 6, Regional Accessibility, TVEDC supported McLain amendment #12 and in Title 9, Performance Measures, TVEDC supported the additional performance measures as per the Morissette amendment but they recommended an additional performance measures be considered which at least attempted to gauge the reaction of the public to dramatic changes which would be occurring around them. In summary, TVEDC had supported the Metro 2040 Growth Concept, they believed Metro's role and the purpose of the Functional Plan was to provide the framework to guide cities and counties in achieving this objective, however, setting arbitrary target capacities that simply allocated 100% of the projected growth for the next 20 years resulted in unrealistic objectives far in excess of the goals of 2040. Furthermore, Metro must balance the need to have sufficient regulatory control to direct cities and counties in their implementation of the 2040 without stifling the creativity and flexibility of how this might be accomplished.

Mary Tobias, Tualatin Valley Economic Development Corporation President, spoke on Title 2 as well as reiterated TVEDC's question, as a property developed in zone A and then over time ridership in the transit agency removed service to that area, reverting to zone B, how would additional parking develop. TVEDC's concern was that there was then incredible negative impacts on surrounding neighborhoods. Another issue had to do with commerce traffic, the traffic which occurred between the time the employees got to the work site and the time that they left. It was clear from the transportation forum held earlier in the week that this problem had not been addressed, that was the way that business was conducted in today's world where people came and went innumerable times from their place of business. TVEDC had no answers but encouraged the region to think about the impacts. Title 9, was the title they most appreciate. The Performance Measures seemed to be the most critical part of the entire plan because this was the reality check, we take the theory, apply it, revisit it and see what happens. TVEDC continued to urge that this title be considered the heart of the Plan where we didn't get so far down a planning road where something had gone awry that was unexpected that we create unintended consequences. There were a number of amendments before Council that she believed were particularly important to be carried forward into the performance measures that were looked at every two years to see if they were working. If not what had we done wrong, where had we misanticipated people's reactions to what was being done. There were many of the amendments that the Council needed to look seriously at as a mechanism in the next two years to survey the business community, both small and big companies, to find out how it was working. The Corporation applauded the staff and their work on this Plan.

David Bell, GSL Properties, 2164 SW Park Place, Portland, Or. 97205 and a member of 2040 Means Business Committee, spoke about a potentially serious flaw in an otherwise excellent regional growth plan which was the parking maximums in Title 2. There were two benefits posited for these maximums, one was that it would save land under the assumption that developers build more parking than they had to which he disagreed with but even if it were true, the study just completed last Spring commissioned by Metro showed that 59 acres would be saved in the entire UGB area by this measure which was a very small benefit for a fairly draconian measure. The other benefit posited was that less parking would result in less driving. This was a speculative benefit, no one knew if this was going to occur or not even in areas which were served by quarter mile walks in the rain with bags of groceries for a 20 minute wait for a bus. So we had speculative or very small benefits up against what the industry was telling the Council was a potential barrier to development of new projects within 2040. He had spent much time on committees where he found government individuals asking how exactly was it that we could reduce barriers to implementation of these growth management measures. The industry was telling the Council that this was one such barrier. The Council was not listening. He felt this was a flag burning Ordinance being considered here. This would not regulate growth it would actually have the theory of unintended consequences in that there would be barriers created to exactly the kind of development that were being encouraged. He believed this was the wrong thing to do, it may have felt good now but it was the wrong thing to do.

Councilor Morissette indicated that there were some who were listening to Mr. Bell.

Leora Berry, Community Action In Washington County, works in a housing stabilization program called HAG, 1001 SW Baseline, Hillsboro, Or. 97123, worked with a number of community organizations to prevent homelessness from occurring and to try to get people who were homeless into homes and keep them there. The main barriers to this was a lack of affordable rental housing available. She thanked Councilor Morissette for the accessory unit amendment. It would be incredible helpful to families not only to families who wished to take care of other family members and keep them in housing but also people would keep their housing by renting out portions of their own house. This would allow a huge amount of new units to be available. She thanked all of the Council

for adopting that measure on affordable housing. She also thanked Councilor Washington for his amendment related to recommendations to improve the availability of affordable housing in our community. He took the suggestions very seriously. Affordable housing was a very complex issue. It didn't just help those who lived in affordable housing it effected all of the community because it would protect and improve all of the quality of life if one looked at all of different people in our community. She was hopeful that the Council would consider two other suggestions; she believed setting target and goals. She would like to see individual local jurisdictions evaluate and look at their current stock of affordable housing and also look at who lived in their area and gauge the projected need. From those targets let the local jurisdictions use strategies they thought would best allow them to do that.

Councilor Morissette commented to Ms. Berry that he believed that this Plan would dramatically increase the problems of affordable housing.

Susan Wilson, Washington County Department of HSG Service, Hillsboro, Or. 97123, commended the Council for their efforts on affordable housing and noted the specific goals identified as part of the Plan. She offered two small amendments under section 2, line 876 and 881, in those lines the word 'non-profit' occurred. She suggested that government and/or non-profit be added in so far as that many times they were in partnerships in providing affordable housing, these groups worked together very closely.

Jim Crumley, City of Happy Valley Planning Director, 12915 SE King Road, Happy Valley, Or. 97236, noted McLain amendment 13 and asked to be included in Councilor McLain's class on what this amendment meant because he also did not understand how it would be implemented. From Happy Valley's standpoint, they felt the original amendment with the 80%, was fine. This amendment as it was worded now seemed to assume that there was a uniform zone across the city. If you wished to have more density in one area than another, adjustments could be made. Their response was if they wanted more density in one part of the city than in another, they would change the zone. Lastly, he went on record once again to state that the City of Happy Valley had a problem with Table 1, many cities went to a lot of effort to make adjustments in those allocations and they thought this was worked out with the Metro staff. When the Metro staff presented their alternative targets, the City was very disappointed that MPAC did not make that recommendation to the Council to go with the recommended changes. He believed that the Council would be seeing many of the cities coming back to Council in the upcoming months to try an justify changes in these tables.

Barry Cain, Gramor Development, 9895 SE Sunnyside Road, Clackamas, Or., talked about the development projects they had done, 21 projects totaling 1.8 square feet. In those projects they had housed over 300 businesses with about 5000 employees which did not include the construction and design jobs in completing the projects. He felt that the view of retail jobs was inappropriate, these jobs were family wage jobs, the centers were primarily neighborhood grocery centers and in these centers they attempted to locate all of the different services that were necessary for a particular neighborhood including grocery and drug stores, medical professionals, service companies, and a lot of individuals who risked everything to start their own business. There were entry level jobs in these retail centers, that was good for the teens but primarily the jobs were good well paying jobs, for example the grocery clerks. These were important jobs and should be considered important to us all. He noted that he was on the 2040 Means Business Committee. When the committee was first introduced to parking maximums, they asked what the benefit to them would be and were told that they would both save land and encourage people to use mass transit instead of cars. The committee asked for studies that showed that the result would be these items if there were parking maximums and there were none. The committee had their own consultant study the issue and found that even if development continued undeterred, that only a minuscule amount of land would be saved, 59 acres over ten years.

As for the other half of the benefit, when one went to the grocery store center and couldn't find a parking space, what did you do? People didn't normally use buses to go to the grocery store. So the members of the committee, knowing that there were slim to none benefits and knowing the significant problems the downtown area has had with parking caps, suggested that this be dropped completely. Why was there still discussion? If it did not save land and it didn't make people take the bus, either there was a desire to stop all types of growth and the Council didn't care or there was a desire for only a particular kind of growth no matter what the market wanted and they want this particular type of development, or they were willing to penalize the suburbs on behalf of downtown. He hoped that none of these were true but he asked Council to send a positive message to business, we were all in this together to make it work and if there was no rational proven benefit to passing a regulation, he asked Council not to pass it. Therefore, the parking maximums should be deleted. In the end it was economy stupid if one didn't keep ones eye on how regulations effected the business climate it did not matter what else was done.

Councilor McLain asked if he was speaking in favor of the recommended Zone B.

Mr. Cain indicated he was in favor of dropping the parking maximums completely.

Councilor McLain said that this was what her amendment did.

Mark Whitlow, Retail Task Force, 222 SW Columbia #1400, Portland, Or. , (noted the letter he had submitted for the record, a copy of which was in the permanent record of this Council meeting). urged the Council to take out the parking maximums. The very reason for doing parking maximums was that the TPR had it in its rules, LCDC was looking at to remove that. They may not but it was being studied right now. It did not make sense to adopt a rule for the region based on a state law that may in fact be removed by the end of the year. He suggested that the Council could do what they wanted with the minimums which the Task Force recommended as a good idea and put lids on the amount of minimums that could be required this was a good first step. The Task Force suggested the Council defer until next year the idea of parking maximums. The Council needed to listen to the retail community, to the development community across the board. The Council was trying too much to quickly to save a small amount of land.

The Task Force opposed Title 2, McCaig amendment #8, unless Metro could get back to the adjustment process. They felt that the adjustment process was a good idea even in Zone A, it should be a real transit zone. That was sold with the idea that one would have real transit service even though 20 minutes transit service was not very good service. He cited Toronto as a good example of transit service. Public and private sectors needed to work together on this but the Council was not ready. On Title 4, the task force supported McCaig amendment #5 section 2b of Title 4. As written and amended it was better than a prohibition but it still created none conformity as to existing uses throughout the entire employment areas and even if those areas were relaxed, that was still a significant amount of land, most of the land that still remained to be developed was either non-conforming or downzoned. On a go forward basis this was fine, it did implement the RUGGO policy for the employment areas but it should not be done retroactively. This was economic havoc and this put people in a hardship position.

David Nadal, 2014 SE 12th #304, Portland, Or. 97214. His goal was to step in and present an alternative view which he believed may solve the growth management problems and give a happy future. Change would happen with or without growth in numbers, nothing in the universe stayed the same. Property values could continue to rise but there were many directions in which we could channel that change. We could protect the home ownership we love, if there was a stable population,

property taxes should be kept from rising except for inflation because there was no significant need for new services. Even so those services should be paid for by new development, something which was not happening right now. The legal precedences are actually good for limiting growth if the purpose was to protect quality of life factors. So far, as Metro's Echo Report showed, courts had ruled that it was not an abridgment of other citizens right to travel if the purpose was to protect quality of life and not to directly restrict people from coming in. All we had to do was to protect what we needed to protect. We could protect our forest and farms lands and our urban environment. The Metro charter required the Council to change state law when the charter could not be fulfilled. The charter said Metro's purpose was to preserve and enhance the quality of life in the region. Metro was currently only trying to mitigate or band-aid multiple problems from over development which would get worse if either rapid densification or destruction of farm and forest lands proceeded. Metro admitted it wanted to let traffic jam up and force people into inadequate public transportation. In fact, Portland's relatively narrow streets and corridors were going to make it much worse than San Francisco or Los Angeles. Metro had a charter mandate and the opportunity to go to the upcoming session of the Legislature and get the laws changed. We were not doing growth differently, we were just proposing backwards and way to fast. Usually cities filled in the outlying lands first and then backfilled with urban density. Metro had just found it politically necessary to do it the other way around. However, there would be a tremendous back wave created from the influx infill and urban density as the young couples and families initially attracted to the smaller city dwellings clamored for larger digs. Politicians who have attempted to retain or have an urban growth boundary will be overwhelmed. Had this been planned for? He had seen dense urban villages in many cities even ones with calm traffic and pedestrian friendly environments. They could be nightmares as easily as they could be nice places. He suggested looking at what the downtown transit mall has become. It could go either way. It depended on all those factors that Metro had not analyzed. People were here because they liked the way it was and they wanted it to get better. They supported calmed growth. From the radical right to the radical left and in between this was a common tread. According to Mr. Fregonese and Mr. Turpel, Metro had done some social impacts analysis for various scenarios of rapid growth for models including the Functional Plan.

Zack Semke, Coalition for a Livable Future, 534 SW 3rd Ste. 300, Portland, Or. 97209 urged the Council to hold firm on the principles behind the 2040 Growth Concept and RUGGOs by adopting a strong Functional Plan. We all wanted to see 2040 make a difference on the ground and that required a clear and meaningful document from Metro. He applauded an amendment that the Coalition wholly supports which was Councilor Washington's amendment to Title 7 on affordable housing. The amended title was a critical step in ensuring an equitable distribution of affordable housing across the region. By referring the RUGGOs objective 17 in clarifying that the fair share strategy was for affordable housing, this amendment would strengthen the Plan. He referred to Metro Regional Housing forum December 5, 1991, this title represented the fruition of some good ideas that had been on the table for many years. It was a really great step, among the highest priorities were siting authority, determination and enforcement of equitable distribution of affordable housing, fair share and removal of barriers to affordable housing. In 1996 we have made this happen. Regarding, Title 3 the water quality and flood management conservation title, they understood that the Columbia Corridor Association had some concerns with this section of the Functional Plan, however, CFLF saw no reason to change Title 3 at this time. The language was carefully developed by professional water resource specialists on WRPAC and MPAC. The Coalition asked that the Council adopt Title 3 in its current form. He concluded by thanking the Council and asked them to build on the progress that they had already made by passing a strong Urban Growth Management Functional Plan that promoted the essence of 2040.

Mary Kyle McCurdy, One Thousand Friends of Oregon, 534 SW 3rd Avenue Room 300, Portland, Or. 97204. Title 4, the Retail and Employment and Industrial areas, the Friends group preferred the original MPAC recommendation which had title restrictions on retail uses in employment areas, this was not before the Council at this meeting. The group did prefer retaining the existing language before Council as opposed to McCaig amendment #5. The existing language required a process that would assure that retail uses over 60,000 square feet would be allowed in employment areas only if the transportation system was adequate to meet both the retail and the employment uses. Title 7, concerning affordable housing, the group strongly supported this title. It was critical for our regional approach to affordable housing. She noted, however, that this was only the first step toward what would be required in the regional framework plan which was a fair share assignment affordable housing to each city and county. Concerning Title 8, Compliance, the group supported a clear and effective compliance procedure including a citizen review mechanism. They understood that there may be a subgroup which would look at further clarification of language in the next 90 days. They had one small clarification item in the current language, at line 939 to 940, it provided that a local jurisdiction could request an exception to the population capacity if "substantial areas have prior commitments to development at densities inconsistent with the Metro target." Prior commitments was a vague term which they had understood was going to be defined in the definition section, however, it was not there. Prior commitment could mean that the existing zoning was inconsistent with the Metro targets. Clearly this was not what was desired, so the group asked that the Council to direct the staff to develop a definition of "prior commitment". One Thousand Friends supported Councilor Morissette's amendment on accessory units.

Doug Bollam, P.O. Box 1944, Lake Oswego, Or. 97035 commented on citizen involvement and citizen input regarding the Ordinance before Council. The public process in this ordinance had been very open and receptive to citizen input although there were a few matters that were still under discussion. He overviewed the ordinance and how it was initially conceived. He was personally responsible for providing the catalyst that resulted with the first step of the long journey of the implementation of this ordinance that was culminating here today. It started over a year ago at the bi-monthly Metro Policy Technical Advisory Committee, MTAC. Mr. Fregonese asked Mr. Shaw to give an overview of House Bill 2709. The essence of HB 2709 called for a 20 year supply of land that needed to be available for building of residential structures. Section 2, #1 of 2709 defined buildable land as, lands and urban and urbanizable areas that were suitable, available and necessary for residential uses. Buildable land included both vacant and developed land likely to be redeveloped. In HB 2709 there was a section addressing the fact that if certain measures were adopted that demonstratively increased the likelihood of higher density, residential development, certain matters could take place. These measures were labeled A through H under section 3, #7, of the bill. A) increase permitted densities on existing residential land, E) minimum density ranges, F) redevelopment of infill strategies, H) adoption of an average residential density standard. Upon reading these potential measure, he spoke with Mr. Burton's office and suggested that Metro should embark on implementing these measures as soon as possible. He underscored that this implementation should be expedited. Mr. Burton immediately acted upon the suggestions and expedited the implementation there of. He wished the Council to be aware of this.

Councilor McLain commented to the the audience that Mr. Bollam was truly a citizen who cared about this region and someone who truly had been involved in the process and offered recommendations when appropriate. She thanked Mr. Bollam for his commitment.

Michael Roshe, Multnomah Neighborhood Assn., 8920 SW 40th, Portland, Or. supported Title 8 amendment #6. He also noted the Southwest Beaverton Neighborhood Association passed an amendment to take to the city council in Portland requesting six months extension time for the

southwest community plan process. He assured the Council that it could be longer than that given the feeling in the neighborhood. He also supported Title 8 section 6 and commended Councilor McCaig for her proposal. To him this was the jewel of the process. In the last month over 700 people had attended two meetings, over 2000 people had attended meetings in southwest Portland. Over 90% of those meeting opposed the strip row house development that the Planning Bureau of Portland had proposed. Therefore, an ongoing process was required. He requested Metro intervention in the neighborhood, petitioning for some assistance in resolving the problem that were faced. Mr. Roshe agreed with David Knowles in that this Plan should not be considered a holy grail. The decision would enormously impact livability throughout the City of Portland and the region. The Neighborhood Association had been told that Metro targeted Portland for 50,000 units and Portland later requested 70,000. David Knowles had told the same community leaders that Metro mandated 70,000 units to 80,000 units. He asked which number was it, who mandated it, who requested what? He believed the community had a right to know that answer in his community, given the impact that they faced. He also said that he had been told that Metro's target densities were going to be the 70,000 to 80,000 units, which was it and who is mandating what? When they asked for the formulas for this, they were told by a person in the planning bureau that they would not understand it. This made a lot of people even more angry. The Association felt that they had a steam roller going through their neighborhood for their 25 zones. He had never seen this type of development before, he was not surprised that developers would oppose the citizen's review process, he was disheartened that Commissioner Hales would even consider opposition given what was going on in the neighborhood. Lastly, he asked if Metro supported tax abatements region wide as passed by the city council. If so, had any analysis been done on the impact on the existing taxpayers and the cost to the cities in the region.

Councilor Monroe said that the Council had taken no position on the tax abatements. It had not been discussed.

Councilor McLain said that Metro would be happy to answer his questions after the Council meeting. She said that Mr. Hale did not deny the citizen process, he was in favor of the citizen review process.

Councilor McCaig indicated that she attended two of the meetings in the community that Mr. Roche had mentioned. She was aware of how consumed people were with the changes that had been proposed by the City of Portland. She urged Mr. Roche to consider that the specific number of units was not the important piece. The issue was that Metro must deal with this density and growth and finding a villain in Metro, the City of Portland or Hillsboro or any other entity was not the right way to direct the discussion. The real issue for the region was how are we going to make this work.

Presiding Officer Kvistad noted his concern about this issue as well.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, acknowledged one comment and concern that was brought forward by a number of jurisdictions about the community wide target versus the 80% density discussion. She was very concerned about that concept and not quite understanding that concept because in Washington County there was a large unincorporated area, their community wasn't specifically defined, so it would be of concern to her. Happy Valley got it, they would be adjusting their code and land use plans to determine where in their communities their densities belonged within the framework of the 2040 Growth Concept. That was what the Plan allowed the cities to do. She committed to working on this plan at the local level. Metro had set the regional goals, the regional direction, she committed to being there at the community meetings to help make this happen.

Louise Weidlich, Neighborhoods Protective Assn Director, P. O. Box 19224, Portland, Or. 97219 submitted written testimony. She read the letter into the record. (A copy of this letter may be found in the permanent record of the Council found in the Council office). She touched on opposition to row houses. She included, for the record, the bill of rights, she read article 4, the Right against unreasonable search and seizure. If the Council raised the row housing and took one house that had an elderly person who was retired, was paying taxes on the property and put five row housing next to it, they would be forced to sell because it was raising the taxes to the point that they would have to go into subsidized government housing. There would be no private ownership for that property. She closed by saying that Metro needed to take a second look, when urban renewal strikes and law oppresses blame Metro, light rail was not what we should be depending upon. We should allow the farm people to keep their land. She then quoted Abraham Lincoln.

Councilor McLain said that she wanted Ms. Weidlich to know that this Plan did spring up amongst the people. There had been in the last two and a half years, 40,000 people who had touched this Plan through hotlines, faxes, open houses, letters, listening posts, public hearings, advisory committees, 2040 management committees, etc.

John Breiling, 4690 NW Columbia, Portland, OR 97229, Chairman of CPO 7, submitted a two page handout (as found in the permanent record of the Council located in the Council Office). He recommended a savings clause that would allow local governments with the advise of their legal counsel to work out any legal issues. There was no way that Mr. Breiling could begin to touch the problems that were in the document. He submitted a listing of issues that came with many of the provisions but the fact was constitution law was a complex issue, it seesawed back and forth due to Supreme Court changes and rather than having this decided in Federal Court, Mr. Breiling would like to see enough flexibility, which he put into the savings clause he drafted throwing back to the local governments issues that must be worked out on individual cases with individual facts, and gave them the discretion to deal with all the problems that the Plan created when applied to the real world. Second, from the Council level, the most useful thing that could be done was to give the communities, cities, and counties specific goals and recommended strategies and then let the local communities work out which strategies worked where. The accessory amendment that was added would work some places but in Washington County it wiped out a good chunk of the Washington County Development Code and gave a major 4th and 5th amendment problem because it wiped out the zoning code for residential housing, the accessory uses were allowed but very much more restricted than what was in the Functional Plan. Every jurisdiction was different, he asked that the Council let the local jurisdictions work out the problems.

Richard Lishner 2545 SE 37th Avenue, Portland, Or. 97202 commended the Council for all the work on the 2040 plan, this was urban design in the United States. He had campaigned and supported the zero growth option. He asked the Council to hold fast to their goals, these details were important. He believed that the urban reserves should be understood as reserves that would only be used when everything else was used up inside the urban boundary. Inside the boundary was what was important, the center should be developed and the reserves would be dealt with later. Metro needed to tell the truth, we couldn't have it all ways, we couldn't have more lanes for cars and more transit. In order to make transit work we must have density. He felt we already had urban sprawl.

Presiding Officer Kvistad closed the Public Hearing at 5:20 p.m. He called for a 5 minutes recess.

Presiding Officer Kvistad called the meeting back into session at 5:33 p.m. He reviewed procedures for the rest of the meeting, voting on those amendments that have already been moved

and seconded and then entertaining any new amendments that Council wished to bring forward. He noted that the Council had already voted on McCaig Amendment No. 8 and McLain Amendment No. 13. He asked Mr. Morrissey to state the amendment to be voted upon and synopsize what it dealt with. Mr. Morrissey followed with:

McCaig Amendment No. 5 - Title 4 having to do with Retail in Employment Areas having to do with subsection B, 60,000 square feet issues.

Motion: Councilor McCaig moved McCaig amendment #5 for adoption.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McCaig said that the only additional comment she would make was responding to Mayor McRobert comment that this amendment would be in violation of RUGGOs. John Fregonese said that his interpretation of this amendment was that it was not in violation of RUGGOs.

Vote: The vote was 4 aye / 2 nay / 0 abstain. Councilor McLain and Monroe voted no. This amendment was adopted and added to the Urban Growth Functional Plan.

McLain Amendment No. 11 - Title 4 Clarification, the definition of adequate as it relates to transportation uses in retail siting.

Motion: Councilor McLain moved the McLain amendment #11.

Seconded: Councilor Monroe seconded the motion.

Discussion: Councilor McLain felt this amendment was made obsolete with the passing of the McCaig amendment #5. There was now a loop hole in Title 4. She said she would be back at the next meeting with Title 4 in its better form.

Presiding Officer Kvistad asked the Council make sure they had four votes prior to bringing them forward so that it was not necessary to deal with amendments that did not have a majority.

Councilor McLain indicated that she planned on bringing that amendment up at the November 7, 1996 Council meeting.

Councilor McCaig said that it was her understanding that all amendments were to be in. Was this correct?

Presiding Officer Kvistad clarified that the Council process was that at any time until final adoption of any ordinance or resolution, a Councilor may bring forward an amendment. He did ask that after the draft plan was completed and it was moved forward to findings, he would prefer that the Councilor have the four votes in order to pass the amendment rather than to bring it forward simply for discussion.

Councilor McLain indicated that she would have four votes.

Presiding Officer Kvistad announced that this amendment was set aside.

McCaig Amendment No. 6. - Title 4, Retail in Employment Areas, Exceptions under section 3 deleting subsection C having to do with market area.

- Motion:** Councilor McCaig moved the adoption of McCaig amendment #6.
- Seconded:** Councilor Washington seconded the motion.
- Discussion:** No future discussion occurred.
- Vote:** The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

McLain Amendment No. 12 - Title 6, Street Connectivity.

- Motion:** Councilor McLain moved the adoption of McLain amendment #12
- Seconded:** Councilor Morissette seconded the motion.
- Discussion:** Councilor McLain reiterated that this amendment was to make sure that typographics features were dealt with in the Plan.
- Vote:** The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Kvistad Amendment No. 6 - Title 8, Compliance Extension Process.

- Motion:** Presiding Officer Kvistad moved the adoption of Kvistad amendment #6.
- Seconded:** Councilor McLain seconded the motion.
- Discussion:** Presiding Officer Kvistad briefed that the Council indicating that this amendment was in response to local governments who had upcoming state periodic review granting an extension to those community who had demonstrated substantial progress or proof of good cause for failing to complete the requirements on time.
- Vote:** The vote was 6 aye / 0 nay / 0 abstain. The votes passed unanimously of those present.

McCaig Amendment No. 7 - Title 8, modifying Section 5 and 6 which is the Functional Plan Interpretation Process and Citizen Review Process.

- Motion:** Councilor McCaig moved the adoption of McCaig amendment #7.
- Seconded:** Councilor McFarland seconded the motion.
- Discussion:** Councilor McCaig raised two issues, several comments which dealt with Title 8 but were not included in her amendment. She did not intend to bring those forward but she wished to make it clear that these amendments dealt specifically with the Functional Plan

interpretation which was newly created by the Council and the citizen review process which was newly created and then sent to MPAC and MTAC for review. The other items, section 1 through 4 were already existing. She was not prepared to do anything about those issues. Second, she raised the issue of appointing a work group to come back to Committee before the effective date dealing with any issues that they see which might streamline the process or improve it.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

McLain Amendment No. 14 - Covers several titles, Consistency Amendments

Motion: Councilor McLain moved the adoption of McLain amendment #14.

Seconded: Councilor McCaig seconded the motion.

Discussion: Councilor McLain asked that each of the amendments within this amendment be voted upon separately.

Motion: Councilor McLain moved McLain amendment #14, Item 1, line 144, which made the Council legal and spoke to cities and counties inside the Urban Growth Boundary.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: Councilor McLain moved McLain amendment #14, Item 2 lines 166 and 168 that 'and' be put at the end of "d" after the comma, then there would be a period after regulation.

Discussion: Michael Morrissey clarified the amendment.

Councilor Washington asked for further clarification.

Vote: The vote was 6 aye / 0 aye / 0 abstain. The motion passed unanimously of those present.

Motion: Councilor McLain moved McLain amendment #14, Item 3 lines 379 to have "no" remain in the sentence.

Councilor Morissette asked what this amendment did?

Councilor McLain responded that this made the sentence say, 'cities and counties shall require no more parking than'....

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: Councilor McLain moved McLain amendment #14, Item 4, line 396 the word "employment" should remain in the sentence.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 5, line 989 that subsection letter "a" should remain.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Motion: **Councilor McLain** moved McLain amendment #14, Item 6, line 1165 which added, in the terminology section, a definition of development application.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The motion passed unanimously of those present.

Councilor McLain asked that Mr. Cooper and Mr. Shaw define 'prior commitment' in Title 10 as a necessary definition and would like to have that drafted. She would bring that definition forward in November.

Presiding Officer Kvistad announced that this completed those written amendments that were before Council at this meeting and opened up for any additional amendments based on the Public Testimony.

Councilor Morissette asked that the Council create a working group of interested parties for the Performance Measures so that the Council could get some ideas on what might work well. He was not sure if this had to be in the Functional Plan but he felt a working group would be helpful to advise the Council on Performance Measures.

Councilor McCaig responded that current language required the Executive to convene a group of people to bring back suggestions on Performance Measures before implementation of the Functional Plan.

Councilor Morissette withdrew his request since this was already in place.

Presiding Officer Kvistad asked the Executive to keep the Council apprised of the action of any subgroup that derived from the discussion.

Councilor Washington asked Councilor McCaig if the piece that she wrote should be in the form of an amendment under the housing area.

Councilor McCaig responded that there had been public testimony on lines 876 and 880-1 where every time the word non-profit appears to include 'and government'. She believed that it appeared in two of the four sections.

Presiding Officer Kvistad said that we would need an amendment to make this change.

Motion: **Councilor McCaig** moved to amend lines 876 and 880-1 to include the word 'and government' where the word non-profit appeared.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor Morissette said that out of the 9,000 units built here annually, very few were built by governments or non-profits. He asked what was wrong with adding some language about the private sector also if there was going to be language added. The private sector provided the mass majority of housing, he believed that we would want them to help us with affordable housing as well.

Councilor Washington responded to Councilor Morissette by saying that all we were going to do was add another player. He didn't have any problem with adding the Morissette language and asked legal and staff if there was a problem to add this.

Dan Cooper said the context for this amendment was under recommendations for tools for local governments. The first place was a recommendation that governments donate tax foreclosed properties to non-profit organizations. There was a statute that specifically allowed that to occur, a government could also transfer tax foreclosed properties to another government as well, it would not be allowed under current law for a governmental unit to donate tax foreclosed property to a private developer. It may be in the future that this could happen, but right now this would be inconsistent with the tools that were available. He thought that to provide fee waivers and property tax exemptions was also something that local governments couldn't do now for the for-profit developers. This was not the current status of the law. Councilor Morissette could still make that recommendation as a policy matter, it was just that it could not be carried out until other laws changed.

Councilor McLain said that the testimony asked for "and/or" we did not want government and non-profit, we wanted either government or non-profit or both.

Councilors McCaig and Washington accepted Councilor McLain amendment as a friendly amendment.

Councilor McCaig said yes, in section A and C.

Presiding Officer Kvistad declared the friendly amendment on the table as accepted.

Vote: The vote was 6 aye / 0 nay / 0 abstain. The amended motion passed unanimously of those present.

Presiding Officer Kvistad asked Mr. Cooper about an amendment that was adopted on a 4 to 3 vote. What would be his opportunities to revisit that amendment being on the losing side of that amendment?

Dan Cooper answered that if someone who was on the prevailing side of the amendment wanted to move reconsideration of the vote on the amendment, that would be proper during this meeting. As announced previously, any Councilor had the opportunity to introduce further amendments at any time until this ordinance was finally adopted and no longer on the Council agenda. Presiding Officer Kvistad could not move reconsideration.

Presiding Officer Kvistad said that he could however move and make a motion to change the language to recommend an individual motion.

Dan Cooper said that Presiding Officer Kvistad could make a motion for another amendment.

Presiding Officer Kvistad said that if he received a second, then under the system and process, that did not constitute reconsideration so it was appropriate and proper.

Dan Cooper answered affirmatively.

Councilor McCaig said that the fourth vote, Councilor McFarland was now missing, as a result of her absence, Councilor McCaig asked that any action on the amendment be considered when Councilor McFarland was present.

Presiding Officer Kvistad asked Mr. Cooper that if he moved his amendment, received a second and then waited until a later date to vote, would this be appropriate?

Dan Cooper said that the first rule of Roberts Rules of Order was that the chair's rulings were always right unless the body appealed them. He also noted that Presiding Officer Kvistad's motion would need 4 yes votes to pass.

Motion: **Presiding Officer Kvistad** moved to change the word 'required' to 'recommended' in Title 4.

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

Discussion: **Councilor Morissette** said that he would really prefer that all seven Councilors be available to have the discussion and asked that the discussion occur at another meeting when all were present.

Presiding Officer Kvistad said that his request was correct and that his motion at this time was to get it on the table so that there could be further comment. He felt very strongly about this item.

Councilor McLain asked to make two comments. First, the Title 4 issue that was defeated by a 4 to 3 vote was one of those issues that she had worked two and a half years gathering information from policy advisors, local governments, retail, 2040 means business and a number of other individuals including citizens. There was a difference of opinion on this retail issue and most of the opinion lay with whether one believed that retail was the only part of the community that counted. The retail folks asked for exceptions and these were given. We asked them what it was they wanted, they responded that they wanted Title 4 deleted. Title 4 was going to continue to be in the Functional Plan but they asked the retailers what exceptions were specifically needed? They described them. At this point what had been done was to cause Title 6 not to work, causing the design type of the 2040 Growth Concept to have no meaning because if what was suggested was done the traffic patterns and the parking would not be able to bring the kinds of results that were desired. If one believed in the 2040 Growth Concept, Council must understand that retail must do their part as well. She supported the original Title 4 with the amendment that was passed in the October 17th Council meeting. She suggested that the Council relook at RUGGOs, look at the future vision and look at Title 6. If Council believed in parking and serviceability, it was important that the Council look at these items before Title 4 was voted upon.

Councilor Morissette said he would be voting no on the Urban Growth Functional Plan. He believed Gussie McRobert, the Mayor of Gresham, made the comment, if it did not feel right or if you didn't feel

that you were going to make it a better region, then, you had better vote no. He firmly believed that. He whole heartedly supported the 2040 Concept, he believed we could have a more compact urban form, that people would live in higher density housing through this boundary, but with Table 1 as an attachment to this Functional Plan as well as some other issues, Councilor Morissette believed we were heading in a direction that was pushing way too hard. He quantified that we were moving forward an additional 244,000 housing units in this Urban Growth Boundary. We had about 450,000 housing units in the Urban Growth Boundary. This was basically one new home for every two that currently existed. It was not quite as easy as one new home in your neighborhood. He had been accused, being a home builder, of economic benefits. This was very important to him. The land he owned was inside of this Urban Growth Boundary. Freezing the boundary, which was something he had not been advocating, economically benefitted him. He did not financially benefit by moving the boundary but moving the boundary in conjunction with higher density housing meant people had options, not just high density housing other than for the very wealthy. This Urban Growth Boundary represented about one third of one percent of the land in the state of Oregon. It housed somewhere around 43% of the state's population. We were not sprawling like many other communities. It did not mean we couldn't use the land more wisely but we must be careful that we didn't push too hard, he believed that this Plan did just that. Density was a good thing in certain areas not in others, there had been some moves made on the 80% minimum that he believed were good but he still thought that we were pushing too hard. He believed that we were going to get more congestion because the 80% to 90% of those new people coming here even with optimistic increases in the amount of transit ridership, which he supported, would continue to operate motor vehicles. So there would be a lot more congestion. Housing would continue to be more costly as land became less available as we go through this Plan. He did believe there was a link between the Urban Growth Boundary and the cost of housing, it was not the only link. We had heard Councilor McLain talk about consumer goods, he shops at Costco, that did not mean he wanted to exclude people from shopping at other environments, he believed there was an affordability factor that we were missing by pushing these Plan. He wanted the Costcos and the boutiques to win. He believed that this Plan called for more sprawl not less. People were buying homes outside the urban boundary and commuting back to the Metro area. They were commuting because they couldn't find within the boundary what they were looking for in terms of housing type at a price they could afford. More people would need housing subsidies. He asked, are we going to have enough places to put schools? He suggested that we would not. The next big subsidy pie, not just to be arguing over whether we had enough land for corrections, schools, highway and light rail improvements, would be housing subsidy. He believed there would be a whole lot more people asking the government to help them live here than currently existed. The market, with a balanced approach to the Functional Plan, could provide the majority of that housing. We would have less choice for the average citizen in housing type. The rich would be able to afford it, the average citizen would have a real hard time affording housing inside of this boundary. He rephrased, that this did not mean we couldn't use the land better, but it did not add up to 244,000 more housing units. We would lose a lot of the very valuable open spaces. He supported the Greenspace Plan. He believed that it was important that we had open spaces, but he believed that the Greenspace people could not afford very many places to purchase Greenspaces inside the boundary because the land was so expensive. He believed it was inappropriate to build on places like Alpenrose just to meet an overly restrictive Urban Growth Boundary, there again supporting the Urban Growth Boundary but with more balance. There was a loss of choice in the local governments ability to plan. Councilor Morissette said that when the gentleman from Happy Valley testified that they would be changing their zoning to accommodate the growth the Councilor did not think that he realized that this was a density somewhere between 10 and 15 units per acre. Happy Valley was building a lot of half acre lots. So as the local governments went through this process and tried to allocate the densities that would be required for this Plan he hoped the jurisdictions had analyzed this because the 80% minimum densities in appropriate locations he whole heartedly supported. But he

did not support taking away the ability of local planner to plan for their community as they see fit and having as much flexibility as possible. We could use the land better, appropriate density in all locations. We were kidding ourselves if we thought this boundary was going to hold 244,000 more housing units and we would also do ourselves a real disfavor by pushing too hard. He reemphasized that schools were already crowded, there would be a lot of children involved in this plan. An overly restrictive plan like this one that we would be putting forward was going to have a whole lot more people not just living together but a lot more students in school buildings because there was not a whole lot of places to put them. The Functional Plan with Table 1, in his opinion, was the zero option group which said that we could put all of these housing units inside of this boundary. This meant the City of Portland would take 70,000 more housing units. Each and every one of those communities would be happy to do their fair share to manage the growth in this region but this did not add up to 244,000 housing units. He had also had a bit of problem with whenever the Metro Council produced documents. He would like to have had his no vote have a brief explanation. He believed that there would be a lot of people who might like this Functional Plan. He also believed that when it really hit their neighborhood they wouldn't be so happy. He had been worried about this and wanted them to know that he was concerned about their feelings and that when they were upset with their neighborhood densities that they realized that there was at least one person that was concerned about enough to say no.

Presiding Officer Kvistad said that earlier someone said that we must get this done because there were more urgent matters. He believed this is of utmost importance. This document, if crafted properly, could be one of the premiere planning documents any where in the United States. He did have some severe concerns about the document but had tried to be a good partner in crafting it. It was a very difficult process, we had some very divergent views and one did the best one could to try and move forward the agenda and try to do what was right. He thought that as we move forward with 2040 we had tried to develop a concept, do we grow up or do we grow out? As John Fregonese said, "it was how do we grow smart." Presiding Officer Kvistad believed we are working on that. This early Functional Plan and elements gave Metro some tools to do this. It was very forward thinking as well as very dangerous if not done correctly. If not done well, we had a potential for doing severe damage to the region. It was his hope that what was finalized and how the plan was moved forward would show the nation what we as a region could do. He is proud to be a part of this process. He acknowledged the staff and community groups and thanked them for their wonderful efforts.

Motion: **Councilor McLain** moved to continue Ordinance 96-647B as amended to the Council Meeting on November 14, 1996 for final approval and adoption and to direct the Office of General Counsel to prepare findings and maps for inclusion of the Ordinance and present the complete record to the Council.

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

Discussion: **Councilor Morissette** did have some written comments to follow up with what he said. He would be submitting those for the record (which may be found in the permanent record of this Council meeting in the Council Office).

Presiding Officer Kvistad noted that his vote on this item did not necessarily represent his vote on the final adoption of the Functional Plan.

Councilor McCaig clarified what the Council was voting on? Are we voting on the document that was amended today. She noted that some Councilors may have some outstanding

issues, she did not.

Presiding Officer Kvistad responded that the Council was voting to forward the Plan to staff for findings and for the final adoption of the map, the actual ordinance would be voted on the 14th of November. We were voting on the document we amended at this Council meeting. There were some outstanding issues but the Council was voting on that document to forward it to staff for findings.

Vote: The vote was 5 aye / 1 nay / 0 abstain. Councilor Morissette voted nay, the motion passed.

7. RESOLUTIONS

7.1 Resolution No. 96-2404, For the Purpose of Encouraging the Columbia County Board of Commissioners to Approve Extending Lone Star North-West's Aggregate Operation.

This resolution was returned to the Growth management Committee.

7.2 Resolution No. 96-2405, For the Purpose of Opposing Ballot Measure 46.

Motion: Councilor Monroe moved for the adoption of Resolution No. 96-2405.

Seconded: Councilor McCaig seconded the motion.

Discussion: Councilor Monroe briefed the Council noting that the Finance Committee reviewed three ballot measures and was recommending that the Council go on record as opposing two of these and supporting the other one, 46 was the ballot measure that allowed dead people to vote and people who had moved their residence or had moved to retirement homes but were still on the roles, they hadn't been purged yet. All count as no votes, if one stayed at home their vote counted as a no vote. This was a bad government policy and would be very destructive to the future of this region and particularly to the future activities of the Metro Council. Therefore, he recommended as a Council that we oppose ballot measure 46.

Presiding Officer Kvistad commented that he rarely endorsed ballot measures or opposed ballot measures, on this item he would however take a vote.

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

7.3 Resolution No. 96-2406, For the Purpose of Opposing Ballot Measure 47.

Motion: Councilor Monroe moved for the adoption of Resolution No. 96-2406.

Seconded: Councilor McCaig seconded the motion.

Discussion: Councilor Monroe indicated that this measure was the so called cut and cap. There was evidence that showed this measure would damage the Zoo and would also reduce revenue to cities, counties and school districts making it much more difficult for cities to implement 2040 and to provide necessary fire, police, parks, lighting and the other things that

cities, counties and recreation districts were involved in. This put the Council on record as opposing ballot measure 47.

Vote: The vote was 4 aye / 0 nay / 1 abstain. Presiding Officer Kvistad abstained, the motion passed.

7.4 Resolution No. 96-2410, For the Purpose of Supporting Ballot Measure 32.

Motion: Councilor Monroe moved for approval of Resolution No. 96-2410.

Seconded: Councilor McLain seconded the motion.

Discussion: Councilor Monroe said that this is the ballot measure that called for support of the legislatively approved package which would provide the statewide match for light rail and would also provide for a statewide network of highway projects to be funded predominantly by lottery money and by some regional transportation money from this area. This was approved by the legislature, the voters of this region had already voted by more than 60% in each of the three counties to approve the local funding and the federal government had assured Metro that the federal funding, about 50% of the cost of south/north light rail, would be forth coming thanks to the congressional delegation particularly Senator Mark Hatfield. He urged the Council's support.

Vote: The vote was 4 aye / 0 nay / 1 abstain. Presiding Officer Kvistad abstained, the motion passed.

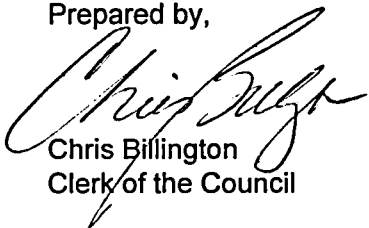
8. COUNCILOR COMMUNICATIONS

None.

9. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 6:20 pm.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Name and Address	Document Date
102496-01	Mayor Gussie McRobert City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030-3813	10/24/96

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102496-02	Mayor Gussie McRobert City of Gresham 1333 NW Eastman Parkway Gresham, OR 97030-3813	10/23/96
102496-03	Fred Holz Westlake Consultants TVEDC Housing and Land Use Committee Tualatin Valley Economic Development Corp 10200 SW Nimbus Suite G-3 Tigard, OR 97223	10/18/96
102496-04	Mayor Gordon Faber City of Hillsboro 123 West Main St Hillsboro, OR 97123-3999	10/24/96
102496-05	Mayor Rob Drake City of Beaverton 4755 SW Griffith Drive PO Boc 4755 Beaverton, OR 97076	10/24/96
102496-06	Mayor Jim Nicoli City of Tigard 13125 SW Hall Blvd Tigard, OR 97223	10/23/96
102496-07	Louise Weidlich, Director Neighborhoods Protective Assoc. PO Box 19224 Portland, OR 97219	10/24/96
102496-08	Keith Bartholomew 1000 Friends of Oregon 534 SW Third Ave Suite 300 Portland, OR 97204-2597	10/24/96
102496-09	Tryon Creek Management Partnership 6039 SW Knightsbridge Drive Portland, OR 97219	9/24/96
102496-10	Tryon Creek Management Partnership 6039 SW Knightsbridge Drive Portland, OR 97219	10/24/96
102496-11	Mark Whitlow Bogles & Gate PLLC 222 SW Columbia Portland, OR 97201	10/24/96

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102496-12	Peg Mallory, Executive Director Portland Housing Center 1605 NE 45th Avenue Portland OR 97213	10/24/96
102496-13	Mike Burton Executive Officer Metro 600 NE Grand Portland, OR 97232	10/24/96
102496-14	Councilor Don Morissette Metro Council 600 NE Grand Portland, OR 97232	10/24/96
102496-15	Betty Atteberry Executive Director Sunset Corridor Association 15455 NW Greenbrier Pkwy Suite 210 Beaverton, OR 97006	11/05/96

Agenda Item Number 5.1

Ordinance No. 96-658, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Transferring \$35,275 from the Regional Parks and Expo Fund contingency to provide funding for flood related expenses at Oxbow Regional Park, title reports for transferred Multnomah County Properties and to purchase a laser printer for the Regional Parks and Greenspaces Department; and Declaring an Emergency. .

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)	ORDINANCE NO. 96-658
BUDGET AND APPROPRIATIONS)	
SCHEDULE FOR THE PURPOSE OF)	Introduced by Mike Burton
TRANSFERRING \$35,275 FROM THE)	Executive Officer
REGIONAL PARKS AND EXPO FUND)	
CONTINGENCY TO PROVIDE FUNDING FOR)	
FLOOD RELATED EXPENSES AT OXBOW)	
PARK, TITLE REPORTS FOR TRANSFERRED)	
MULTNOMAH COUNTY PROPERTIES AND)	
TO PURCHASE A LASER PRINTER FOR THE)	
REGIONAL PARKS AND GREENSPACES)	
DEPARTMENT; AND DECLARING AN)	
EMERGENCY)	

WHEREAS, The flood of 1996 caused damage to the streams which flow through Oxbow Regional Park; and

WHEREAS, It is necessary to complete stream restoration of the area known as "Dismal Creek" in Oxbow Regional Park; and

WHEREAS, Effective July 1, 1996, Multnomah County transferred title to Metro for the former County Park properties now managed under the Regional Parks and Greenspaces Department; and

WHEREAS, A due diligence requirement in the transfer to Metro was to complete title reports on each of the properties; and

WHEREAS, The Regional Parks and Greenspaces Department has identified the need to replace the department's laser printer; and

WHEREAS, The Regional Parks and Greenspaces Department has determined the need to transfer appropriation authority from Contingency to complete the stream restoration, fund the cost of the title reports and purchase a laser printer; and

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1996-97 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purposes of transferring \$35,275 from the Regional Parks and Expo Fund contingency to materials & services and capital outlay in the Regional Parks Department to provide funding for flood related expenses at Oxbow Park, title reports for transferred Multnomah County properties, and to purchase a laser printer for the department.

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

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

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 96-658 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF TRANSFERRING \$35,275 FROM THE REGIONAL PARKS AND EXPO FUND CONTINGENCY TO PROVIDE FUNDING FOR FLOOD RELATED EXPENSES AT OXBOW PARK, TITLE REPORTS FOR TRANSFERRED MULTNOMAH COUNTY PROPERTIES AND TO PURCHASE A LASER PRINTER FOR THE REGIONAL PARKS AND GREENSPACES DEPARTMENT; AND DECLARING AN EMERGENCY.

Date: November 7, 1996

Presented by: Charles Ciecko
Dan Kromer
Karen Feher

FACTUAL BACKGROUND AND ANALYSIS

This action requests an amendment to the Regional Parks and Greenspaces Department budget for three items. Each item will be discussed separately below:

Stream Restoration at Oxbow Park

As a result of the flood in February, 1996, it is necessary to complete stream restoration at Oxbow Regional Park. The restoration of the area known as "Dismal Creek" entails: a) the excavation of silt and sediment deposits within the stream; b) the creation of sediment settling ponds; c) installation of rip rap material along the bank; and d) revegetation of the stream bank. The total project cost is \$17,250. The Natural Resources Conservation Service (NRCS) will reimburse Metro for 75 percent of the project costs. However, the NRCS receives its funding from the Federal Emergency Management Agency and it is unknown how soon Metro will receive reimbursement. As a result, this action requests the transfer of the full project cost of \$17,250 from contingency to materials and services to fund the stream restoration project. If reimbursement from the Natural Resources Conservation Service is received this fiscal year it will become part of the Regional Parks Department ending fund balance.

Property Transfer from Multnomah County

When the FY 1996-97 Regional Parks Department budget was prepared, the final intergovernmental agreement transferring title of the properties from Multnomah County to Metro was not complete. A due diligence requirement in the transfer to Metro was to complete title reports on each of the properties. This expenditure was not anticipated in the FY 1996-97 adopted budget. This action requests the transfer of \$13,875 from contingency to materials and services to fund the cost of the title reports.

Laser Printer

The laser printer connected to the personal computers in the Regional Parks Department is experiencing continued failures. With the present workload, the printer is not expected to last through the remainder of the fiscal year. This action requests

the transfer of \$4,150 from contingency to capital outlay to purchase a HP 5 SI laser printer as replacement this fiscal year.

In summary, this action requests the transfer of a total of \$35,275 from the Regional Parks and Greenspaces contingency to materials and services (\$31,125) and capital outlay (\$4,150) for the purposes described above.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends the adoption of Ordinance No. 96-658

**Exhibit A
Ordinance No. 96-658**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund							
Regional Parks and Greenspaces Department							
Total Personal Services		49.73	2,004,744	0.00	0	49.73	2,004,744
<u>Materials & Services</u>							
521100	Office Supplies		7,605		0		7,605
521110	Computer Software		3,000		0		3,000
521111	Computer Supplies		699		0		699
521210	Landscape Supplies		16,526		0		16,526
521220	Custodial Supplies		7,415		0		7,415
521240	Graphics/Reprographic Supplies		1,375		0		1,375
521250	Tableware Supplies		1,200		0		1,200
521260	Printing Supplies		500		0		500
521270	Animal Food		110		0		110
521290	Other Operating Supplies		19,790		0		19,790
521292	Small Tools		5,180		0		5,180
521293	Promotional Supplies		1,700		0		1,700
521310	Subscriptions		1,050		0		1,050
521320	Dues		1,014		0		1,014
521510	Maintenance & Repairs Supplies-Building		14,282		0		14,282
521520	Maintenance & Repairs Supplies-Grounds		39,380		0		39,380
521540	Maintenance & Repairs Supplies-Equipment		8,217		0		8,217
523100	Merchandise for Resale-Food		10,000		0		10,000
523200	Merchandise for Resale-Retail		2,000		0		2,000
524110	Accounting & Auditing Services		3,800		0		3,800
524190	Miscellaneous Professional Services		758,815		13,875		772,690
525110	Utilities-Electricity		29,542		0		29,542
525120	Utilities-Water & Sewer Charges		7,725		0		7,725
525140	Utilities-Heating Fuel		4,124		0		4,124
525150	Utilities-Sanitation Service		21,360		0		21,360
525190	UtilitiesOther		3,000		0		3,000
525610	Maintenance & Repair Services-Building		700		0		700
525620	Maintenance & Repairs Services-Grounds		0		17,250		17,250
525640	Maintenance & Repairs Services-Equipment		7,870		0		7,870
525710	Equipment Rental		30,140		0		30,140
526200	Ads & Legal Notices		2,325		0		2,325
526310	Printing Services		35,675		0		35,675
526320	Typesetting & Reprographics Services		6,000		0		6,000
526410	Telephone		9,954		0		9,954
526420	Postage		13,981		0		13,981
526440	Delivery Services		1,850		0		1,850
526500	Travel		2,975		0		2,975
526510	Mileage Reimbursement		1,700		0		1,700
526700	Temporary Help Services		1,000		0		1,000
526800	Training, Tuition, Conferences		8,251		0		8,251
526900	Misc. Other Purchased Services		230		0		230
529910	Uniform Supply		8,600		0		8,600
528100	License, Permits, Payment to Agencies		278,763		0		278,763
528310	Real Property Taxes		91,500		0		91,500
528500	Government Assessments		13,000		0		13,000

**Exhibit A
Ordinance No. 96-658**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund							
Regional Parks and Greenspaces Department							
529500	Meetings		1,500		0		1,500
529800	Miscellaneous Expenditures		500		0		500
529835	External Promotion		12,700		0		12,700
Total Materials & Services			1,498,623		31,125		1,529,748
Capital Outlay							
571100	Land		890,000		0		890,000
571200	Purchases-Improvements		18,400		0		18,400
571300	Purchases-Building & Related		4,500		0		4,500
571400	Equipment and Vehicles		25,500		0		25,500
571500	Purchases-Office Furniture & Equipment		14,700		4,150		18,850
574110	Construction Management		46,500		0		46,500
574130	Engineering Services		139,500		0		139,500
574510	Construction Work/Materials-Improvements		744,000		0		744,000
574520	Construction Work/Materials-Buildings		15,000		0		15,000
Total Capital Outlay			1,898,100		4,150		1,902,250
TOTAL EXPENDITURES		49.73	5,401,467	0.00	35,275	49.73	5,436,742

**Exhibit A
Ordinance No. 96-658**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund For Information Only							
Regional Parks and Greenspaces Department (Administration)							
Total Personal Services		4.75	231,188	0.00	0	4.75	231,188
Total Materials & Services			19,203		0		19,203
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		3,230		4,150		7,380
Total Capital Outlay			3,230		4,150		7,380
TOTAL EXPENDITURES		4.75	253,621	0.00	4,150	4.75	257,771

**Exhibit A
Ordinance No. 96-658**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund For Information Only							
Regional Parks and Greenspaces Department (Operations and Maintenance)							
Total Personal Services		34.73	1,239,517	0.00	0	34.73	1,239,517
Materials & Services							
521100	Office Supplies		1,435		0		1,435
521110	Computer Software		750		0		750
521111	Computer Supplies		195		0		195
521210	Landscape Supplies		6,526		0		6,526
521220	Custodial Supplies		7,415		0		7,415
521240	Graphics/Reprographic Supplies		525		0		525
521270	Animal Food		110		0		110
521290	Other Operating Supplies		18,098		0		18,098
521292	Small Tools		4,430		0		4,430
521510	Maintenance & Repairs Supplies-Building		14,282		0		14,282
521520	Maintenance & Repairs Supplies-Grounds		39,380		0		39,380
521540	Maintenance & Repairs Supplies-Equipment		8,217		0		8,217
523100	Merchandise for Resale-Food		5,000		0		5,000
524110	Accounting & Auditing Services		3,800		0		3,800
524190	Miscellaneous Professional Services		163,050		13,875		176,925
525110	Utilities-Electricity		29,542		0		29,542
525120	Utilities-Water & Sewer Charges		7,725		0		7,725
525140	Utilities-Heating Fuel		4,124		0		4,124
525150	Utilities-Sanitation Service		18,160		0		18,160
525190	Utilities-Other		3,000		0		3,000
525610	Maintenance & Repair Services-Building		700		0		700
525620	Maintenance & Repairs Services-Grounds		0		17,250		17,250
525640	Maintenance & Repairs Services-Equipment		2,634		0		2,634
525710	Equipment Rental		22,890		0		22,890
526200	Ads & Legal Notices		1,225		0		1,225
526310	Printing Services		6,425		0		6,425
526410	Telephone		7,392		0		7,392
526420	Postage		1,000		0		1,000
526510	Mileage Reimbursement		1,275		0		1,275
526800	Training, Tuition, Conferences		4,933		0		4,933
526900	Misc. Other Purchased Services		230		0		230
526910	Uniform Supply		7,700		0		7,700
528100	License, Permits, Payment to Agencies		228,463		0		228,463
528310	Real Property Taxes		91,500		0		91,500
528500	Government Assessments		13,000		0		13,000
Total Materials & Services			725,131		31,125		756,256
Total Capital Outlay			53,400		0		53,400
TOTAL EXPENDITURES		34.73	2,018,048	0.00	31,125	34.73	2,049,173

**Exhibit A
Ordinance No. 96-658**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund							
General Expenses							
Total Interfund Transfers			763,415		0		763,415
Contingency and Unappropriated Balance							
599999	Contingency						
	* Undesignated		568,997		(35,275)		533,722
	* Open Spaces Bonds		0		0		0
599990	Unappropriated Balance		0		0		0
	* Undesignated		835,822		0		835,822
	* Restricted (Natural Areas Fund)		1,032,660		0		1,032,660
	* Renewal & Replacement		0		0		0
Total Contingency and Unappropriated Balance			2,437,479		(35,275)		2,402,204
TOTAL FUND REQUIREMENTS		70.46	23,990,939	0.00	0	70.46	23,990,939

Exhibit B
Ordinance No. 96-658
FY. 1996-97 Schedule of Appropriation

	Current Appropriation	Revision	Proposed Appropriation
REGIONAL PARKS AND EXPO FUND			
<i>Regional Parks and Greenspaces</i>			
Personal Services	2,004,744	0	2,004,744
Materials & Services	1,498,623	31,125	1,529,748
Capital Outlay	1,898,100	4,150	1,902,250
Subtotal	5,401,467	35,275	5,436,742
<i>Expo Center</i>			
Personal Services	830,977	0	830,977
Materials & Services	2,197,101	0	2,197,101
Debt Service	150,000	0	150,000
Capital Outlay	12,210,500	0	12,210,500
Subtotal	15,388,578	0	15,388,578
<i>General Expenses</i>			
Interfund Transfers	763,415	0	763,415
Contingency	568,997	(35,275)	533,722
Subtotal	1,332,412	(35,275)	1,297,137
Unappropriated Balance	1,868,482	0	1,868,482
Total Fund Requirements	23,990,939	0	23,990,939

All other appropriations remain as previously adopted.

Agenda Item Number 5.2

Ordinance No. 96-660, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Spectator Facilities Fund by Reducing Contingency by \$300,000 and increasing the Materials and Services and Capital Outlay portions of the budget to provide for capital renewal and replacement at the Portland Center for the Performing Arts; and Declaring an Emergency.

**Metro Council Meeting
Thursday November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)
BUDGET AND APPROPRIATIONS)
SCHEDULE IN THE SPECTATOR FACILITIES)
FUND BY TRANSFERING \$300,000 FROM)
CONTINGENCY TO THE MATERIALS AND)
SERVICES AND CAPITAL OUTLAY)
PORTIONS OF THE PORTLAND CENTER)
FOR THE PERFORMING ARTS BUDGET TO)
PROVIDE FOR CAPITAL RENEWAL AND)
REPLACEMENT; AND DECLARING AN)
EMERGENCY.)

ORDINANCE NO. 96-660

Introduced by Councilor
Ruth McFarland

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1996-97 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 1995-96 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$25,000 from the Spectator Facilities Fund Contingency to the Performing Arts Center materials and services and , transferring \$275,000 from the Spectator Facilities Fund Contingency to the Performing Arts Center capital outlay for the purpose of providing funds for capital renewal and replacement.

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

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

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF AN ORDINANCE AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE IN THE SPECTATOR FACILITIES FUND BY TRANSFERRING \$300,000 FROM CONTINGENCY TO THE MATERIALS AND SERVICES AND CAPITAL OUTLAY PORTIONS OF THE PORTLAND CENTER FOR THE PERFORMING ARTS BUDGET TO PROVIDE FOR CAPITAL RENEWAL AND REPLACEMENT; AND DECLARING AN EMERGENCY.

Date: October 25, 1996

Presented by: Heather Teed

FACTUAL BACKGROUND AND ANALYSIS

On October 9, 1996, the Metropolitan Exposition-Recreation Commission (MERC) passed Resolution No. 96-54 authorizing adjustments to the budget appropriations for the Spectator Facilities Fund, Portland Center for the Performing Arts (PCPA). The adjustments are necessary to fund capital renewal and replacement projects.

In presenting this item to the Commission, MERC staff noted that for a number of years the PCPA has had unmet capital renewal and replacement needs within the four theaters and three buildings that comprise the Center. In recognition of the improved financial results of the past two fiscal years the MERC staff and Commission are compelled to address some of the capital needs of these buildings. The proposed budget adjustment will provide funds for projects that are critical to the viability of these facilities. The projects include improvements in theatre equipment, audience facilities, and building systems. Because these projects are less than \$50,000 they fall outside the proposed Capital Improvement Program that will be submitted to the Council on November 1, 1996. A complete listing of projects is contained in the MERC staff report that is attached for reference.

FISCAL IMPACT

It is anticipated that these projects would be completed prior to the end of fiscal year 1996-97. The transfer of \$300,000 from contingency would leave a remainder for other uses if needed and would not impact the overall successful operation of the PCPA. The transfers are summarized below.

	<u>Adopted Budget</u>	<u>Adjustment</u>	<u>Revised Budget</u>
Spectator Facilities Fund:			
PCPA - Contingency	\$ 373,000	(300,000)	\$ 73,000
PCPA - Materials & Services	\$ 1,700,623	25,000	\$ 1,725,623
PCPA - Capital Outlay	\$ 224,700	275,000	\$ 499,700

Exhibit A
Ordinance No. 96-660
Spectator Facilities Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Civic Stadium									
	TOTAL EXPENDITURES	20.06	2,264,860	0.00	0	20.06	2,264,860		
Portland Center for the Performing Arts									
	Total Personal Services	131.01	4,754,609	0.00	0	131.01	4,754,609		
	<u>Materials & Services</u>								
521100	Office Supplies		17,000		0		17,000		
521110	Computer Software		14,600		0		14,600		
521220	Custodial Supplies		41,146		0		41,146		
521290	Other Supplies		56,631		0		56,631		
521292	Small Tools		6,403		0		6,403		
521293	Promotion Supplies		2,725		0		2,725		
521310	Subscriptions		670		0		670		
521320	Dues		1,750		0		1,750		
521510	Maint & Repair Supplies - Buildings		31,355		10,000		41,355		
521520	Maint & Repair Supplies - Grounds		544		0		544		
521540	Maint & Repair Supplies - Equipment		11,423		0		11,423		
523200	Merchandise for Resale - Retail Goods		10,700		0		10,700		
524130	Promotion/Public Relation Services		6,375		0		6,375		
524190	Misc. Professional Services		8,540		0		8,540		
525110	Utilities-Electricity		210,000		0		210,000		
525120	Utilities-Water and Sewer		40,000		0		40,000		
525130	Utilities-Natural Gas		58,000		0		58,000		
525150	Utilities-Sanitation Service		12,000		0		12,000		
525610	Maintenance & Repair Services-Building		68,590		15,000		83,590		
525620	Maintenance & Repair Services-Grounds		9,490		0		9,490		
525640	Maintenance & Repair Services-Equipment		46,893		0		46,893		
525710	Equipment Rental		4,675		0		4,675		
525720	Building Rental		100,608		0		100,608		
525740	Capital Leases (FY 92)		80,257		0		80,257		
526200	Advertising and Legal Notices		7,437		0		7,437		
526310	Printing Services		17,180		0		17,180		
526320	Typesetting & Reprographic		2,625		0		2,625		
526410	Telephone		46,413		0		46,413		
526420	Postage		15,750		0		15,750		
526430	Catalogues & Brochures		2,300		0		2,300		
526440	Communications-Delivery Services		1,373		0		1,373		
526500	Travel		2,800		0		2,800		
526690	Concessions/Catering Expense		600,975		0		600,975		
526700	Temporary Help Services		72,423		0		72,423		
526800	Training, Tuition, Conferences		11,470		0		11,470		
526910	Uniforms and Cleaning		23,095		0		23,095		
528100	License, Permits, Payments to Other Agencies		42,657		0		42,657		
529500	Meeting Expenditures		2,800		0		2,800		
529800	Miscellaneous		9,850		0		9,850		
529835	External Promotion Expenses		1,100		0		1,100		
	Total Materials & Services		1,700,623		25,000		1,725,623		

Exhibit A
Ordinance No. 96-660
Spectator Facilities Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Capital Outlay</u>									
571300	Purchased Buildings, Exhibits & Related		150,000		275,000				425,000
571500	Purchases - Office Furniture and Equipment		74,700		0				74,700
Total Capital Outlay			224,700		275,000				499,700
General Expenses									
581610	Trans. Indirect Costs to Support Svcs. Fund		459,077		0				459,077
581615	Trans. Indirect Cost to Risk Mgmt. Fund-Gen'l		57,239		0				57,239
581615	Trans. Indirect Cost to Risk Mgmt. Fund-Workers' Comp		19,316		0				19,316
583751	Transfer Direct Costs to Metro ERC Admin. Fund		277,525		0				277,525
Total Interfund Transfers			813,157		0				813,157
<u>Contingency and Unappropriated Balance</u>									
599999	Contingency		486,910		(300,000)				186,910
599990	Unappropriated Balance		2,333,722		0				2,333,722
Total Contingency and Unappropriated Balance			2,820,632		(300,000)				2,520,632
TOTAL EXPENDITURES		151.07	12,578,581		0	151.07			12,578,581

Exhibit B
Ordinance No. 96-660
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	Current Budget	Revision	Proposed Budget
Spectator Facilities Fund			
Personal Services	\$5,492,170	\$0	\$5,492,170
Materials & Services	3,016,005	25,000	3,041,005
Capital Outlay	436,617	275,000	711,617
Subtotal	8,944,792	300,000	9,244,792
General Expenses			
Interfund Transfers	813,157		813,157
Contingency	486,910	(300,000)	186,910
Subtotal	1,300,067	(300,000)	1,000,067
Unappropriated Balance	2,333,722	0	2,333,722
Total Fund Requirements	\$12,578,581	\$0	\$12,578,581

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 96-54

Authorizing the approval of an amendment to the FY 1996-97 Adopted Budget for the Portland Center for the Performing Arts (Spectator Facilities Fund).

The Metropolitan Exposition-Recreation Commission finds that it is necessary to do the following at the PCPA:

- * Address the serious need for maintenance services and equipment for buildings
- * Address the urgent needs for renewal and replacement of building elements, systems and equipment

Further, The Metropolitan Exposition-Recreation Commission finds that the following budget amendment is necessary:

	Adopted Budget	Amendment	Revised Budget
Maintenance & Repair Supplies - Building	\$31,355	\$ 10,000	\$ 41,355
Maintenance & Repair Services - Building	\$ 68,590	\$ 15,000	\$ 83,590
Buildings & Related	\$150,000	\$275,000	\$499,700
Contingency	\$373,000	(\$300,000)	\$ 73,000

BE IT THEREFORE RESOLVED that the Metro E-R Commission approves the above budget amendment and submits it to the Metro Council.

Passed by the Commission on October 9, 1996.

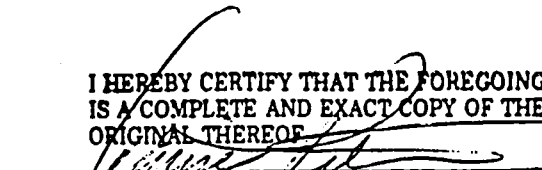

Chairman


Secretary/Treasurer

Approved As to Form:
Daniel B. Cooper, General Counsel

By: 

Mark E. Williams
Senior Assistant Counsel

I HEREBY CERTIFY THAT THE FOREGOING
IS A COMPLETE AND EXACT COPY OF THE
ORIGINAL THEREOF.

EXECUTIVE SECRETARY,
METROPOLITAN E-R COMMISSION

MERC STAFF REPORT

Agenda Item/Issue: Approval of amendment to the FY 96-97 budget for Portland Center for the Performing Arts

Resolution No. 96-54

Data: October 9, 1996 Presented By: Heather Teed & Harriet Sherburne

Background and Analysis: The PCPA has been functioning with a "bare bones" budget for capital renewal and replacement in the 4 theaters and 3 buildings which comprise the Center. For several years, the annual budgets have included minimal sums for maintenance of buildings and equipment, and for property investments classified as Capital Expenditures. In light of improved financial results in the past 2 fiscal years, the Commission has approved major expenditures for restroom expansion, carpet replacement and seat reupholstery at Civic Auditorium. In consideration of the heavy wear and tear from increased events in the halls, these renewal investments have become critical. Research on comparable performing arts complexes indicates that \$400-600,000 per year is a minimal budget for upkeep of stages and theatre equipment, audience facilities, building systems, and the properties. The discussion paper on this issue has had broad review.

The PCPA FY96-97 budget included \$150,000 for general Capital Expenditures, and \$74,700 for computer system upgrade to Windows 95. The costs for completing the Civic seating project, and other urgent repairs already total approximately \$150,000; the computer project and training are currently underway, and are within budget. In order to address the long list of additional critical repairs and replacements, it is necessary to shift funds from Contingency to Materials and Services and Capital Expenditure lines in the PCPA Budget.

Fiscal Impact: The adopted FY96-97 budget contains \$373,000 in the Contingency line, to be used for unforeseen requirements. Because of the strong positive performance in FY95-96, the Fund Balance was increased from \$1,803,258 million to approximately \$2,389,000, providing additional resources for operation and maintenance of the facility. The transfer of \$300,000 from Contingency for the attached list of critical repairs and replacements would not deplete that line item, and would have no impact on the net fiscal results budgeted for the fiscal year.

Recommendation: Staff recommends that the Commission approve the budget amendment to shift funds from Contingency to Materials & Services, and Capital Expenditures. The PCPA Advisory Committee recommends this action, as shown in their Resolution adopted August 28, 1996.

**PCPA Advisory Committee Resolution:
Repair, Replacement and Capital Projects
August 28, 1996**

The PCPA Advisory Committee has reviewed and discussed the materials prepared by staff in the Discussion Notes: Repair, Maintenance, Capital Improvements, August 2, 1996, along with Projects Lists for the next several years. The Advisory Committee believe that staff have done an excellent job of assessing the condition of PCPA buildings, facilities and equipment. There is now a substantial record of the critical needs as well as the key replacements necessary to keep the buildings in good working order, with assurance of safe operating conditions. We also acknowledge that PCPA facilities are being used at greater than 100% capacity with ever increasing audiences, thus increasing the wear and tear on already deteriorated finishes, furnishings and equipment.

The PCPA Advisory Committee has reviewed the preliminary PCPA financial results of the past fiscal year which show a positive net cash flow of \$585,000 instead of the budgeted shortfall of (\$151,000). As a consequence, the PCPA fund balance has grown from \$1,803,000 at the beginning of the year, to approximately \$2,389,000 at this time. It is both reasonable and important that a portion of this financial benefit be invested as soon as possible in the properties and systems which have had maintenance deferred in the past due to lack of financial resources.

The PCPA Advisory Committee urges that the MERC Commission support full expenditure of funds budgeted (\$150,000) for PCPA facility Capital Expenditures in FY96-97. In addition, the Advisory Committee urges amendment of the FY 96-97 budget to transfer up to \$300,000 from Contingency to Capital Expenditures and maintenance in order to address the critically important renewal and replacement projects identified in the staff reports. This action would bring renewal and replacement expenditures up to a level comparable to other performing arts facilities and maintenance comparable to the local industry standard for complex commercial buildings. The projects should be pursued in an orderly manner for each of the 3 properties, with balanced attention to building exterior, interior public spaces, as well as stage and support spaces. We believe that without the appropriate level of replacement and renewal investment on an annual basis, PCPA facilities will fall rapidly into a state of serious disrepair. Unless investments are made at the level recommended by the Advisory Committee in FY96-97 and continued at a similar rate for the foreseeable future, it will take enormous sums of scarce dollars to catch up at a time farther down the road.

**PROPOSED ADDITIONAL
CAPITAL EXPENDITURE PROJECTS FY96-97
Estimated Costs**

CIVIC	Carpet Project: Complete stairs + replace backstage	\$ 12,000
ASCH	Emergency evacuation equipment - Stairporter	7,000
ALL	Carpet cleaning equipment	4,000
CIVIC	Plumbing project - replace basement and orchestra level hot water lines	25,000
NTB	Exterior repair drivit walls	16,000
CIVIC	HVAC chiller rebuild	20,000
CIVIC	HVAC controls update	21,000
ASCH	Park Street Entry modifications/security	30,000
ASCH	Park Street Marquee repairs	10,000
NTB	ADA Restroom Project - Design Services	10,000
ASCH	Balcony Safety Railing - Design Services	3,000
ASCH	ADA Wheelchair Locations - Design Services	3,000
ASCH/NTB	Carpet replacement - Design Services	3,000
All	Genie Lift equipment for maintenance	4,000
ASCH	Lighting control system replaced	25,000
ADMIN.	Computer system additional equipment	26,000
CIVIC	Security Cameras & Monitor - Exterior	10,000
NTB	Security Cameras & Monitor - Interior	10,000
CIVIC	Follow Spots - Replace 2 outdated units	20,000
CIVIC	Follow Spots - 2 Additional units	<u>20,000</u>
	SUBTOTAL	\$ 279,000
	REQUESTED TOTAL	\$275,000

**MATERIALS & SERVICES
Unplanned and Necessary Projects**

CIVIC	HVAC urgent repairs - September, 1996	\$ 5,000	Done
ALL	Additional 12-channel radio & accessories	2,000	Done
NTB	Exterior balcony repairs, painting	1,000	In progress
ALL	Event Services small equipment replaced	3,000	Done
CIVIC	Seat Project upholster Dress Circle fixed units	2,500	Complete
CIVIC	Carpet replacement - Box Office	3,000	Est.
ASCH	ADA Restroom stalls revised	2,000	Est.
ASCH	Roof Coating and repair	2,000	Est.
ASCH	Roof coating and repair	2,000	Est.
ALL	Weatherstripping, caulking, repairs	3,000	Est.
ASCH/ NTB	Main Street Enhancements	<u>5,000</u>	In progress
	SUBTOTAL	\$ 30,500	
	REQUESTED TOTAL	25,000	

1996-97 EXPENDITURE BUDGET

ACCT #	DESCRIPTION	FY 96-97 ADOPTED	BUDGET ADJUSTMENT	FY 96-97 REVISED
EXPENDITURES:				
511121	SALARIES - FULL-TIME	670,501	0	670,501
511221	WAGES - FULL-TIME	457,022	0	457,022
511225	WAGES - PART-TIME	416,578	0	416,578
511255	WAGES - P.T. REIMBURSEABLE	2,234,644	0	2,234,644
511400	OVERTIME	69,119	0	69,119
512000	FRINGES	904,723	0	904,723
TOTAL PERSONAL SERVICES		4,754,609	0	4,754,609
521100	OFFICE SUPPLIES	17,000	0	17,000
521110	OFFICE SUPPLIES-COMPUTER SOFTWARE	14,600	0	14,600
521200	OPERATING SUPPLIES	0	0	0
521210	LANDSCAPE SUPPLIES	0	0	0
521220	CUSTODIAL SUPPLIES	41,144	0	41,144
521290	OTHER SUPPLIES	54,631	0	54,631
521292	SMALL TOOLS	6,403	0	6,403
521293	PROMOTION SUPPLIES	2,725	0	2,725
521310	SUBSCRIPTIONS	670	0	670
521320	DUES	1,750	0	1,750
521400	FUELS	0	0	0
521510	MAINT & REPAIR SUPPLIES - BLDG	31,355	10,000	41,355
521520	MAINT & REPAIR SUPPLIES-GROUNDS	544	0	544
521530	MAINT & REPAIR SUPPLIES-VEHICLE	0	0	0
521540	MAINT & REPAIR -SUPPLIES EQUIP	11,423	0	11,423
521541	MAINT & REPAIR-SUPPLIES - SNOWS	0	0	0
525200	MERCHANDISE FOR RESALE	10,700	0	10,700
526130	PROMOTION/PUBLIC RELATIONS	6,375	0	6,375
526190	MISC PROFESSIONAL SERVICES	8,548	0	8,548
525110	UTILITIES - ELECTRICITY	210,000	0	210,000
525120	UTILITIES - WATER & SEWER	40,000	0	40,000
525130	UTILITIES - NATURAL GAS	58,000	0	58,000
525150	UTILITIES - SANITATION	12,000	0	12,000
525190	UTILITIES - OTHER	0	0	0
525200	PURCHASED PROPERTY SERVICES	0	0	0
525410	MAINT & REPAIR SERVICES - BLDG	48,598	15,000	63,598
525420	MAINT & REPAIR SERVICES-GROUNDS	9,498	0	9,498
525440	MAINT & REPAIR SERVICES -EQUIP	46,893	0	46,893
525441	MAINT & REPAIR-SERVICES-SNOWS	0	0	0
525490	MAINT & REPAIR-SERVICES-OTHER	0	0	0
525710	RENTAL - EQUIPMENT	4,675	0	4,675
525720	RENTAL - LAND & BUILDING	100,608	0	100,608
525740	CAPITAL LEASES	2,232	0	2,232
526100	INSURANCE	0	0	0
526200	ADVERTISING	7,437	0	7,437
526310	PRINTING SERVICES	17,188	0	17,188
526320	TYPESETTING & REPROGRAPHIC	2,425	0	2,425
526410	TELEPHONE	44,413	0	44,413
526420	POSTAGE	15,758	0	15,758
526430	CATALOGUES & BROCHURES	2,308	0	2,308
526440	DELIVERY SERVICES	1,373	0	1,373
526500	TRAVEL	2,808	0	2,808
526690	CONCESSIONS	608,973	0	608,973
526691	CONTRACT - PARKING	0	0	0
526700	TEMP/PURCHASED LABOR	72,423	0	72,423
526800	TRAINING/TUITION/CONFERENCE	11,478	0	11,478
526900	MISC. PURCHASED SERVICES	0	0	0
526910	UNIFORMS	23,095	0	23,095
528100	PRYTS TO OTHER AGENCIES	42,457	- 0	42,457
528110	LICENSES & PERMITS	0	0	0
529500	MEETING EXPENDITURES	2,808	0	2,808
529800	MISCELLANEOUS	9,858	0	9,858
529833	EXTERNAL PROMOTIONS	1,108	0	1,108
529938	BAD DEBT EXPENSE	0	0	0
TOTAL MATERIALS & SERVICES		1,422,598	25,000	1,447,598
532108	LOAN PAYMENT	78,025	0	78,025
571208	IMPROVEMENTS OTHER THAN BLDG	0	0	0
571308	BUILDINGS AND RELATED	150,000	275,000	425,000
571400	EQUIPMENT & VEHICLES	0	0	0
571500	OFFICE FURNITURES & EQUIPMENT	74,708	0	74,708
574520	CONSTRUCTION WORK/MATERIALS	0	0	0
TOTAL CAPITAL OUTLAY		224,708	275,000	499,708
581610	METRO - SUPPORT SERVICE	333,136	0	333,136
581615	METRO - INSURANCE	58,889	0	58,889
582751	MERC - SUPPORT SERVICE	213,481	0	213,481
583000	TRANSFER - RENEWALS/REPLACEMENT	0	0	0
583513	TRANSFER-BUILDING RENT	0	0	0
		625,506	0	625,506
599999	CONTINGENCY	375,000	(300,000)	75,000
TOTAL EXPENDITURES		7,678,438	0	7,678,438

Ordinance No. 96-661, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in various funds to hire a Capital Projects Assistant for MERC, and Declaring an Emergency.

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)	ORDINANCE NO. 96-661
BUDGET AND APPROPRIATIONS)	
SCHEDULE IN VARIOUS FUNDS TO HIRE A)	Introduced by Councilor
CAPITAL PROJECTS ASSISTANT FOR)	Ruth McFarland
MERC, AND DECLARING AN EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1996-97 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 1995-96 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$1,964 from the Spectator Facilities Fund Contingency to the Performing Arts Center personal services, transferring \$1,964 from the Spectator Facilities Fund Contingency to the Civic Stadium personal services, transferring \$9,817 from the Oregon Convention Center Operating Fund Contingency to personal services, and transferring \$5,810 from the Regional Parks and Expo Fund Contingency to Expo Center personal services for the purpose of providing funds to hire a Capital Projects Assistant.

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

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

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF AN ORDINANCE AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE IN VARIOUS FUNDS TO HIRE A CAPITAL PROJECTS ASSISTANT FOR MERC; AND DECLARING AN EMERGENCY.

Date: October 24, 1996

Presented by: Heather Teed

FACTUAL BACKGROUND AND ANALYSIS

On October 9, 1996, the Metropolitan Exposition-Recreation Commission (MERC) passed Resolution No. 96-55 authorizing adjustments to the budget appropriations for various funds within the MERC system. The adjustments are necessary to fund a new Capital Projects Assistant position.

In presenting this item to the Commission, MERC staff noted that for a number of years the Construction/Capital Projects Manager has completed his duties without permanent support staff. Administrative and project support has been provided by temporary personnel. At the same time, the number and complexity of capital projects undertaken by MERC has increased. Based upon the projects currently in process as well as those planned in the forthcoming Capital Improvements Plan, the workload supports the need for this position.

The Capital Projects Assistant will perform administrative duties and coordinate the bid process and documents for smaller capital projects. The new position has not been fully reviewed by Human Resources but it is expected that the position will begin at \$30,442 annually.

FISCAL IMPACT

It is anticipated that this position would be approved and the new employee begin work in January, 1997. The estimated salary plus fringe benefits for FY 1996-97 would be \$19,635 for the remainder of fiscal year 1996-97. Because this position, like that of the Capital Projects Manager, would be funded proportionally by all of the facilities the adjustments are requested in each fund. The breakdown of that funding would be 50% Oregon Convention Center, 30% Expo, 10% Stadium, and 10% Portland Center for the Performing Arts. The numerical impact is shown in summary in the table on the following page and in detail in Exhibits A and B.

	Current Budget	Adjustment	Revised Budget
Spectator Facilities Fund:			
PCPA - Contingency *	\$ 73,000	(1,964)	\$ 71,036
PCPA - Personal Services	\$ 4,754,609	1,964	\$ 4,756,573
Stadium - Contingency	\$ 113,910	(1,964)	\$ 111,946
Stadium - Personal Services	\$ 737,561	1,964	\$ 739,525
Oregon Convention Center Operating Fund			
Contingency	\$ 667,467	(9,817)	\$ 657,650
Personal Services	\$ 4,122,154	9,817	\$ 4,131,971
Regional Parks and Expo Fund			
Expo - Contingency	\$ 380,217	(5,810)	\$ 374,407
Expo - Personal Services	\$ 830,977	5,810	\$ 836,787

* Assumes adoption of Ordinance No. 96-660

Exhibit A
Ordinance No. 96-661
Oregon Convention Center Operating Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Sales/Marketing Manager	1.00	55,271	0.00	0	1.00	55,271
	Sales Representative	2.00	81,144	0.00	0	2.00	81,144
	OCC Director	1.00	87,983	0.00	0	1.00	87,983
	Event Coordinator II	3.00	103,145	0.00	0	3.00	103,145
	Senior Event Coordinator	1.00	37,593	0.00	0	1.00	37,593
	Event Services Manager	1.00	45,443	0.00	0	1.00	45,443
	Operations Manager	1.00	56,691	0.00	0	1.00	56,691
	Audio Visual Coordinator	1.00	42,153	0.00	0	1.00	42,153
	Audio Visual Technician	1.00	34,625	0.00	0	1.00	34,625
	Set-up Supervisor	4.00	142,309	0.00	0	4.00	142,309
	Telephone System Coordinator	1.00	44,282	0.00	0	1.00	44,282
	Security Services Supervisor	0.75	24,743	0.00	0	0.75	24,743
	Development Project Manager	0.90	54,848	0.00	0	0.90	54,848
	Assistant Security Services Supervisor	0.75	21,340	0.00	0	0.75	21,340
	Multi-Media Manager (Graphics Coordinator)	1.00	45,443	0.00	0	1.00	45,443
	Box Office Manager	0.45	16,914	0.00	0	0.45	16,914
	Ticket Service Supervisor II	0.45	15,588	0.00	0	0.45	15,588
	Admissions Scheduling Coordinator	0.20	6,425	0.00	0	0.20	6,425
	Construction/Capital Projects Manager	0.50	30,765	0.00	0	0.50	30,765
	Senior Set-Up Supervisor	1.00	43,228	0.00	0	1.00	43,228
	Asst. Manager Operation Tech. Services	1.00	42,239	0.00	0	1.00	42,239
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	33,162	0.00	0	1.00	33,162
	Capital Projects Assistant	0.00	0	0.50	9,817	0.50	9,817
	Secretary (Administration)	2.00	55,530	0.00	0	2.00	55,530
	Secretary (Operations)	2.00	52,863	0.00	0	2.00	52,863
	Secretary (Sales)	1.00	31,593	0.00	0	1.00	31,593
	Secretary (Event Services)	2.00	57,465	0.00	0	2.00	57,465
	Receptionist	1.00	24,539	0.00	0	1.00	24,539
	Bookkeeper	0.60	15,872	0.00	0	0.60	15,872
	Utility Worker I	8.00	186,331	0.00	0	8.00	186,331
	Utility Worker II	12.00	307,888	0.00	0	12.00	307,888
	Utility Lead	7.00	197,515	0.00	0	7.00	197,515
	Facility Security Agent Supervisor	3.00	89,616	0.00	0	3.00	89,616
	Facility Security Agent	5.00	132,200	0.00	0	5.00	132,200
	Utility Maintenance Lead	1.00	30,647	0.00	0	1.00	30,647
	Utility Maintenance	2.00	58,154	0.00	0	2.00	58,154
	Utility-Grounds	2.00	53,723	0.00	0	2.00	53,723
	Electrician	1.00	46,312	0.00	0	1.00	46,312
	Operating Engineer	4.00	167,792	0.00	0	4.00	167,792
	Utility Technician	3.00	115,446	0.00	0	3.00	115,446
	Lead Engineer	1.00	43,994	0.00	0	1.00	43,994
	Event Services Clerk	0.20	4,441	0.00	0	0.20	4,441
	Multi-Media Assistant	1.00	25,786	0.00	0	1.00	25,786
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Volunteer Coordinator	0.50	13,495	0.00	0	0.50	13,495
	Event Coordinator I	0.50	13,893	0.00	0	0.50	13,893
	Event Custodians	2.30	45,089	0.00	0	2.30	45,089
	Event Receptionist	0.94	17,962	0.00	0	0.94	17,962
511255	WAGES-REGULAR EMP REIMBURSED (part-time)						
	Security/Medical	4.57	120,844	0.00	0	4.57	120,844
	Ushers/Sellers/Gate Attendants/Supervisors	5.29	99,233	0.00	0	5.29	99,233
	Audio/Visual Assistance	1.64	31,619	0.00	0	1.64	31,619
511400	OVERTIME		65,318	0.00	0		65,318
512000	FRINGE		951,660	0.00	0		951,660
Total Personal Services		99.54	4,122,154	0.50	9,817	100.04	4,131,971
Total Materials & Services			6,992,746		0		6,992,746

Exhibit A
Ordinance No. 96-661
Oregon Convention Center Operating Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
	Total Capital Outlay		785,736		0				785,736
	Total Interfund Transfers		10,605,059		0				10,605,059
	<u>Contingency and Unappropriated Balance</u>								
599999	Contingency								
	* Unrestricted		667,467		(9,817)				657,650
	* Facilities Planning Account		0		0				0
599990	Unappropriated Balance				0				
	* Unrestricted		723,540		0				723,540
	Total Contingency and Unappropriated Balance		1,391,007		(9,817)				1,381,190
	TOTAL EXPENDITURES	99.54	\$ 23,896,702	0.50	\$0	100.04	\$	23,896,702	

Exhibit A
Ordinance No. 96-661
Regional Parks and Expo Fund

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Greenspaces							
TOTAL EXPENDITURES		49.73	5,376,467.	0.00	0	49.73	5,376,467
Expo Center							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Expo Manager	1.00	58,046	0.00	0	1.00	58,046
	Operations Manager	1.00	53,981	0.00	0	1.00	53,981
	Admissions Staffing Manager	0.05	1,618	0.00	0	0.05	1,618
	Asst. Security Services Supervisor	0.10	2,848	0.00	0	0.10	2,848
	Box Office Manager	0.10	3,761	0.00	0	0.10	3,761
	Event Coordinator II	1.00	35,486	0.00	0	1.00	35,486
	Construction Projects Manager	0.30	18,447	0.00	0	0.30	18,447
	Security Services Supervisor	0.10	3,302	0.00	0	0.10	3,302
	Ticketing Services Supervisor	0.10	3,466	0.00	0	0.10	3,466
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	28,474	0.00	0	1.00	28,474
	Capital Projects Assistant	0.00	0	0.30	5,810	0.30	5,810
	Admissions Office Clerk	0.05	1,118	0.00	0	0.05	1,118
	Utility Maintenance Specialist	4.00	119,563	0.00	0	4.00	119,563
	Utility Worker II	2.00	51,315	0.00	0	2.00	51,315
	Electrician	0.50	23,156	0.00	0	0.50	23,156
	Operating Engineer	0.50	20,974	0.00	0	0.50	20,974
	Bookkeeper	0.20	5,296	0.00	0	0.20	5,296
	Facility Security Agent	1.00	23,937	0.00	0	1.00	23,937
511225	WAGES-REGULAR EMPLOYEES (part-time)						
	Receptionist	0.50	9,775	0.00	0	0.50	9,775
	Event Coordinator I	0.50	13,173	0.00	0	0.50	13,173
511235	WAGES-TEMPORARY EMPLOYEES (part-time)						
	Expo Custodian	0.50	8,065	0.00	0	0.50	8,065
511255	WAGES-REGULAR EMP. REIMBURSED (part-time)						
	Admission Lead	0.38	8,789	0.00	0	0.38	8,789
	Box Office Supervisor	0.06	1,918	0.00	0	0.06	1,918
	Event Security Agent	2.98	70,499	0.00	0	2.98	70,499
	Gate Attendant	1.85	33,521	0.00	0	1.85	33,521
	Intergovernmental Revenue	0.20	5,771	0.00	0	0.20	5,771
	Medical Technician	0.48	15,337	0.00	0	0.48	15,337
	Show Seller	0.11	2,350	0.00	0	0.11	2,350
	Usher	0.17	2,370	0.00	0	0.17	2,370
511231	WAGES-TEMPORARY EMPLOYEES (full time)						
	Temporary Support		0	0.00	0		0
511400	OVERTIME		7,978	0.00	0		7,978
512000	FRINGE		196,643	0.00	0		196,643
Total Personal Services		20.73	830,977	0.30	5,810	21.03	836,787
Total Materials & Services			2,197,101		0		2,197,101
Total Debt Service			150,000		0		150,000

Exhibit A
Ordinance No. 96-661
Regional Parks and Expo Fund

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Capital Outlay</u>							
571100	Land		0	0.00	0		0
571200	Purchases-Improvements		45,000	0.00	0		45,000
571300	Buildings, Exhibits & Related		95,000	0.00	0		95,000
571400	Equipment and Vehicles		49,500	0.00	0		49,500
571500	Purchases-Office Furniture & Equipment		21,000	0.00	0		21,000
574110	Construction Management		393,000	0.00	0		393,000
574120	Construction - Architectural Services		214,650	0.00	0		214,650
574130	Construction - Engineering Services		22,995	0.00	0		22,995
574190	Construction - Other Constr. Services		89,500	0.00	0		89,500
574510	Construction - Improve. other than Bldgs		0	0.00	0		0
574520	Construction Work/Materials-Buildings		11,279,855	0.00	0		11,279,855
	Total Capital Outlay		12,210,500	0.00	0		12,210,500
TOTAL EXPENDITURES		20.73	15,388,578	0.30	5,810	21.03	15,394,388
 General Expenses							
	Total Interfund Transfers		763,415		0		763,415
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	* Undesignated		568,997		0		568,997
	* Undesignated		835,822		(5,810)		830,012
	* Restricted (Natural Areas Fund)		1,032,660		0		1,032,660
	Total Contingency and Unappropriated Balance		2,437,479		(5,810)		2,431,669
TOTAL FUND REQUIREMENTS		70.46	\$23,965,939	0.30	\$0	70.76	\$23,965,939

Exhibit A
Ordinance No. 96-661
Spectator Facilities Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Civic Stadium									
<u>Personal Services</u>									
511121	SALARIES-REGULAR EMPLOYEES (full time)								
	Stadium Manager	1.00	61,358	0	0	0	0	1.00	61,358
	Building Maintenance Supervisor	1.00	33,830	0	0	0	0	1.00	33,830
	Ticker Service Supervisor II	0.45	15,585	0	0	0	0	0.45	15,585
	Technical Services Manager	1.00	43,593	0	0	0	0	1.00	43,593
	Box Office Manager	0.45	16,911	0	0	0	0	0.45	16,911
	Admissions Scheduling Coordinator	0.15	4,823	0	0	0	0	0.15	4,823
	Construction/Capital Projects Manager	0.10	6,159	0	0	0	0	0.10	6,159
	Security Services Supervisor	0.10	3,299	0	0	0	0	0.10	3,299
	Assistant Security Services Supervisor	0.10	2,845	0	0	0	0	0.10	2,845
511221	WAGES-REGULAR EMPLOYEES (full time)								
	Operations Lead II	3.00	86,907	0	0	0	0	3.00	86,907
	Administrative Secretary	1.00	28,474	0	0	0	0	1.00	28,474
	Capital Projects Assistant	0.00	0	0.10	1,964	0.10	1,964	0.10	1,964
	Bookkeeper	0.20	5,291	0	0	0	0	0.20	5,291
	Event Services Clerk	0.15	3,334	0	0	0	0	0.15	3,334
511225	WAGES-REGULAR EMPLOYEES (part time)								
	Merchandising Vendors	0.03	450	0	0	0	0	0.03	450
	Event Custodian	1.52	29,843	0	0	0	0	1.52	29,843
	Event Coordinators	1.00	32,324	0	0	0	0	1.00	32,324
511255	WAGES-REGULAR EMP REIMBURSED (part-time)								
	Stagehands	0.95	49,728	0	0	0	0	0.95	49,728
	Admissions	5.13	87,608	0	0	0	0	5.13	87,608
	Scoreboard Operators	0.23	5,005	0	0	0	0	0.23	5,005
	Event Receptionist	0.18	3,191	0	0	0	0	0.18	3,191
	Security/Medical	1.40	35,056	0	0	0	0	1.40	35,056
	Ticket Services	0.92	22,188	0	0	0	0	0.92	22,188
511400	OVERTIME		7,564	0	0	0	0		7,564
512000	FRINGE		152,195	0	0	0	0		152,195
	Total Personal Services	20.06	737,561	0.10	1,964	20.16			739,525
	Total Materials & Services		1,315,382		0				1,315,382
	Total Capital Outlay		211,917		0				211,917
	TOTAL EXPENDITURES	20.06	2,264,860	0.10	1,964	20.16			2,266,824

Exhibit A
Ordinance No. 96-661
Spectator Facilities Fund

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Portland Center for the Performing Arts							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	PCPA Director	1.00	73,165	0.00	0	1.00	73,165
	Sales Representative	1.00	41,400	0.00	0	1.00	41,400
	Event Services Manager	1.00	45,443	0.00	0	1.00	45,443
	Asst Operations Manager (Asst Tech Serv Mgr)	1.00	46,561	0.00	0	1.00	46,561
	Building Maintenance Supervisor	1.00	33,829	0.00	0	1.00	33,829
	Ticket Service Manager	1.00	43,529	0.00	0	1.00	43,529
	Ticket Service Supervisor II	5.00	161,620	0.00	0	5.00	161,620
	Volunteer Coordinator	1.00	34,604	0.00	0	1.00	34,604
	Admissions Scheduling Coordinator	0.60	19,292	0.00	0	0.60	19,292
	Stage Manager	1.00	37,335	0.00	0	1.00	37,335
	Operations Systems Assistant	1.00	29,894	0.00	0	1.00	29,894
	Operations Manager (Technical Services Mgr)	1.00	57,014	0.00	0	1.00	57,014
	Asst Event Services Mgr or Senior House Mgr	1.00	37,572	0.00	0	1.00	37,572
	Construction/Capital Projects Manager	0.10	6,153	0.00	0	0.10	6,153
	Security Services Supervisor	0.05	1,659	0.00	0	0.05	1,659
	Assistant Security Services Supervisor	0.05	1,431	0.00	0	0.05	1,431
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Utility Lead	3.00	91,551	0.00	0	3.00	91,551
	Receptionist	1.00	27,077	0.00	0	1.00	27,077
	Administrative Secretary	1.00	29,894	0.00	0	1.00	29,894
	Capital Projects Assistant	0.00	0	0.10	1,964	0.10	1,964
	Secretary	2.00	55,530	0.00	0	2.00	55,530
	Facility Security Agent	2.00	53,186	0.00	0	2.00	53,186
	Operating Engineer	3.00	126,533	0.00	0	3.00	126,533
	Bookkeeper	1.00	27,743	0.00	0	1.00	27,743
	Event Services Clerk	0.60	13,334	0.00	0	0.60	13,334
	Booking Coordinator	1.00	32,174	0.00	0	1.00	32,174
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Ticket Sellers/Supervisors	5.49	130,125	0.00	0	5.49	130,125
	House Managers/Coat Check/Elevator Op	2.70	97,971	0.00	0	2.70	97,971
	Event Custodians	7.14	140,552	0.00	0	7.14	140,552
	Engineers	1.20	47,930	0.00	0	1.20	47,930
511255	WAGES-REGULAR EMP REIMBURSED (part-time)						
	Stagehands	38.90	1,498,913	0.00	0	38.90	1,498,913
	Security/Medical	5.34	134,330	0.00	0	5.34	134,330
	Elevator Operators	1.76	30,750	0.00	0	1.76	30,750
	Admissions Supervisors	1.40	33,115	0.00	0	1.40	33,115
	Gate Attendants	5.05	91,655	0.00	0	5.05	91,655
	Checkroom Attendants	1.91	37,236	0.00	0	1.91	37,236
	Ushers	28.72	410,667	0.00	0	28.72	410,667
511400	OVERTIME		69,119	0.00	0		69,119
512000	FRINGE		904,723	0.00	0		904,723
	Total Personal Services	131.01	4,754,609	0.10	1,964	131.11	4,756,573
	Total Materials & Services		1,725,623		0		1,725,623
	Total Capital Outlay		499,700		0		499,700
	TOTAL EXPENDITURES	131.01	6,979,932	0.10	1,964	131.11	6,981,896

Exhibit A
Ordinance No. 96-661
Spectator Facilities Fund

FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
General Expenses							
	Total Interfund Transfers		813,157		0		813,157
	<u>Contingency and Unappropriated Balance</u>						
599999	Contingency		186,910		(3,928)		182,982
599990	Unappropriated Balance		2,333,722		0		2,333,722
	Total Contingency and Unappropriated Balance		2,520,632		(3,928)		2,516,704
TOTAL FUND REQUIREMENTS		151.07	\$12,578,581	0.20	0	151.27	\$12,578,581

Exhibit B
Ordinance No. 96-661
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	Current Budget	Revision	Proposed Budget
SPECTATOR FACILITIES FUND *			
Personal Services	\$5,492,170	\$3,928	\$5,496,098
Materials & Services	3,041,005	0	3,041,005
Capital Outlay	711,617	0	711,617
Subtotal	9,244,792	3,928	9,248,720
General Expenses			
Interfund Transfers	813,157	0	813,157
Contingency	186,910	(3,928)	182,982
Subtotal	1,000,067	(3,928)	996,139
Unappropriated Balance	2,333,722	0	2,333,722
Total Fund Requirements	\$12,578,581	\$0	\$12,578,581
REGIONAL PARKS AND EXPO FUND			
Regional Parks and Greenspaces			
Personal Services	\$2,004,744	0	\$2,004,744
Materials & Services	1,473,623	0	1,473,623
Capital Outlay	1,898,100	0	1,898,100
Subtotal	5,376,467	0	5,376,467
Expo Center			
Personal Services	830,977	5,810	836,787
Materials & Services	2,197,101	0	2,197,101
Debt Service	150,000	0	150,000
Capital Outlay	12,210,500	0	12,210,500
Subtotal	15,388,578	5,810	15,394,388
General Expenses			
Interfund Transfers	763,415	0	763,415
Contingency	568,997	(5,810)	563,187
Subtotal	1,332,412	(5,810)	1,326,602
Unappropriated Balance	1,868,482	0	1,868,482
Total Fund Requirements	\$23,965,939	\$0	\$23,965,939

Ordinance No. 96-661
FY 1996-97 SCHEDULE OF APPROPRIATIONS

OREGON CONVENTION CENTER OPERATING FUND

Personal Services	\$4,122,154	9,817	\$4,131,971
Materials & Services	6,992,746	0	6,992,746
Capital Outlay	785,736	0	785,736
Interfund Transfers	10,605,059	0	10,605,059
Contingency	667,467	(9,817)	657,650
Unappropriated Balance	723,540	0	723,540
Total Fund Requirements	\$23,896,702	\$0	\$23,896,702

* Assumes adoption of Ordinance No. 96-660

ALL OTHER APPROPRIATIONS REMAIN AS ADOPTED

METROPOLITAN EXPOSITION-RECREATION COMMISSION

Resolution No. 96-55

Authorizing a budget amendment to the FY 1996-97 Adopted Budget for the MERC facilities related to a new Capital Projects Assistant position.

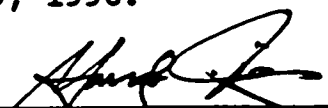
The Metropolitan Exposition-Recreation Commission finds that the following budget amendment is necessary:

	<u>Adopted Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Civic Stadium:			
Personal Services	\$ 737,561	\$1,964	\$ 739,525
Contingency	\$ 113,910	(\$1,964)	\$ 111,946
PCPA:			
Personal Services	\$4,754,609	\$1,964	\$4,756,573
Contingency*	\$ 373,000	(\$1,964)	\$ 371,036
OCC:			
Personal Services	\$4,122,154	\$9,817	\$4,131,971
Contingency	\$ 667,467	(\$9,817)	\$ 657,650
Expo:			
Personal Services	\$ 830,977	\$5,810	\$ 836,787
Contingency	\$ 380,217	(\$5,810)	\$ 374,407


*Subject to Commission decision on Resolution 96-54, Contingency available may be \$300,000 less than shown here.

BE IT THEREFORE RESOLVED that the Metropolitan Exposition-Recreation Commission hereby approves the above budget amendment and submits it to the Metro Council.

Passed by the Commission on October 9, 1996.



 Chairman

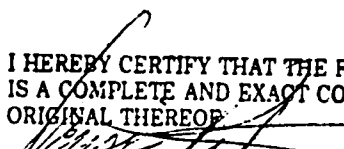


 Secretary-Treasurer

Approved as to Form:
 Daniel B. Cooper, General Counsel

By: 
 Mark B. Williams, Sr. Assistant Counsel

I HEREBY CERTIFY THAT THE FOREGOING IS A COMPLETE AND EXACT COPY OF THE ORIGINAL THEREOF.



 EXECUTIVE SECRETARY,
 METROPOLITAN E-R COMMISSION

MERC STAFF REPORT

Agenda Item/Issue: Approval of amendment to the FY 1996-97 budget for the MERC facilities related to a new Capital Projects Assistant position.

Resolution No. 96-55

Date: October 4, 1996

Presented by: Heather Teed

Background and Analysis: For a number of years, the Construction/Capital Projects Manager has not had any permanent support staff. Administrative and project support has been obtained through the use of temporary service personnel.

In the past 1-2 years, we have experienced a continual and growing need for capital projects in the MERC facilities. Examples of recent projects, some of which are currently in progress, are:

- Civic Auditorium restroom remodel
- Oregon Convention Center concession stands remodel
- Expo Center new building project
- Stadium building painting project
- Oregon Convention Center Business/Information Center remodel
- Oregon Convention Center Operations office remodel

Based on the projects currently in progress as well as those budgeted for FY 1996-97 and beyond (reference Resolution 96-54 and the Capital Improvement Plan), we believe the work load for the Capital Projects Manager supports the need for a permanent, full-time support staff position.

While the actual job description for this position, tentatively titled Capital Projects Assistant, has not yet been finalized, we envision that this position would perform not only administrative duties but also coordinate the bid process and documents for smaller capital projects.

For budget purposes, we are estimating this position at Range 36, step 3, which equates to \$30,440 per year.

Fiscal Impact: We expect this position to be hired in January, 1997. Therefore the impact on FY 96-97 would be one-half the estimated salary plus fringe benefits at 29% or \$19,635.

Consistent with the Capital Project Manager position, we propose budgeting this position as 50% (\$9,817) to OCC, 30% (\$5,890) to Expo, 10% (\$1,964) to Stadium and 10% (\$1,964) to PCPA. For each of the facility budgets, the funds would be moved from Contingency.

Recommendation: Staff recommends that the Commission approve the FY 1996-97 budget amendment for the MERC facilities related to the Capital Projects Assistant position.

Agenda Item Number 6.1

Resolution No. 96-2411, For the Purpose of Authorizing the Commencement Review of the Rates for Ambrose Calcagno Jr., doing business as A.C. Trucking Company, for the operation of the Forest Grove Transfer Station.

**Metro Council Meeting
Thursday November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO 96-2411.
THE COMMENCEMENT OF REVIEW OF)
THE RATES FOR AMBROSE CALCAGNO,) Introduced by Executive Officer Mike
JR., DOING BUSINESS AS A.C. TRUCKING) Burton
COMPANY, FOR THE OPERATION OF THE)
FOREST GROVE TRANSFER STATION)

WHEREAS, Metro is responsible for the regulation of the disposal of solid waste generated within the region; and

WHEREAS, Metro is responsible for the regulation of the rates charged by solid waste transfer station franchises within its boundaries, including the Forest Grove Transfer Station in Forest Grove, Oregon; and

WHEREAS, the solid waste franchise granted in 1994 to Ambrose Calcagno, Jr., doing business as A.C. Trucking Company, for the operation of the Forest Grove Transfer Station, states that the franchisee shall submit to a rate review; now, therefore,

BE IT RESOLVED:

That the Metro Council hereby authorizes the commencement of a review of the rates for Ambrose Calcagno, Jr., doing business as A.C. Trucking Company, for the operation of the Forest Grove Transfer Station; and

BE IT FURTHER RESOLVED:

That pursuant to Metro Code 5.01.170, the Metro Council directs the Rate Review Committee to undertake a review of the rates and to complete its review by November 30, 1996.

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

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 96-2411 FOR THE PURPOSE OF AUTHORIZING THE COMMENCEMENT OF REVIEW OF THE RATES FOR AMBROSE CALCAGNO, JR., DOING BUSINESS AS A.C. TRUCKING COMPANY, FOR THE OPERATION OF THE FOREST GROVE TRANSFER STATION.

Date: October 18, 1996

Presented by: Roosevelt Carter
David Given
Paul Ehinger

PROPOSED ACTION

Adopt Resolution No. 96-2411

FACTUAL BACKGROUND AND ANALYSIS

The current franchise agreement with A.C. Trucking provides for an annual rate review beginning in 1995. The purpose of a rate review is to determine the reasonableness of direct and indirect expenses associated with providing the services for which A.C. Trucking is franchised and to ensure that the rate recommended does not subsidize a non-franchised portion of this business. A.C. Trucking was formally notified of Metro's intent to conduct a review of their rates on December 21, 1995 and was invited to submit their own proposed rate accompanied by supplemental financial data.

The REM Department staff carefully examined all information submitted by A.C. Trucking along with appropriate tonnage information contained in Metro records. Application of Metro Code provisions and the rate methodology outlined in Executive Order No. 25 (both explained below) results in a combined transfer/transport rate of \$16.74/ton which is a reduction of \$10.60 from the current rate of \$27.34/ton. The Executive Officer recommends a careful review of the staff's analysis by the Rate Review Committee.

The standards applied during the review process are specified in Metro Code provisions §5.01.170 (d) as follows:

(d) In determination of rates, the rate review committee, executive officer and council shall give due consideration to the following:

- (1) Operating and non-operating revenues.*
- (2) Direct and indirect operating and non-operating expenses including franchise fees.*
- (3) Non-franchise profits.*

(4) *Reasonable return on investment exclusive of any capital investment in the franchise or any sum paid for the value of the franchise or any other intangible value.*

(5) *Any other factors deemed relevant by the council.*

The methodology used for calculating the rate is contained in Executive Order No. 25, dated February 20, 1986. The annual revenue requirement is calculated for the entity according to the following formula:

$$\begin{array}{l} \text{Revenue} \\ \text{Requirement} \end{array} = \begin{array}{l} \text{Operating and} \\ \text{Administrative} \\ \text{Expenses} \end{array} + \begin{array}{l} \text{Capital Cost} \\ \text{Recovery} \\ \text{(Depreciation)} \end{array} + \begin{array}{l} \text{Return On} \\ \text{Ratebase} \end{array}$$

The revenue requirement is then divided by the anticipated waste flow (tons per year) in order to calculate the rate. This approach has been used previously to set rates for the Forest Grove Transfer Station and is designed to provide a fair and reasonable rate of return on the capital invested in the business. (A brief history of Metro's rate setting relationship with A.C. Trucking is contained in Attachment #1).

The current tipping fee at Forest Grove includes disposal costs, Metro fees, excise tax and enhancement fees which are treated as pass through expenses. Following past practices, staff has limited its review of A.C. Trucking's rates to the costs of transfer and transportation operations.

Operating and Administrative Expenses

The first phase of this rate analysis entailed a study of the operating and administrative expenses submitted by A.C. Trucking, one of twelve companies owned wholly or in part by Ambrose Calcagno. Many of the costs identified in the financial statements are for services provided by related companies or for costs shared by these same entities. As a result of this "vertical integration," staff had the additional responsibility to determine that fees charged by related companies represented the fair market value of the services provided and that allocation of shared costs within the Ambrose Calcagno & Sons, Inc. organization were reasonable.

Trending analysis and comparisons of costs with other similar facilities were conducted. Staff noted that these two categories (operating and administrative expenses) increased a substantial 33% between 1992 and 1995. After reviewing each individual expense, staff recommends allowable operating and administrative expenses of \$1,067,344 which include reductions of \$46,672 in allowable operating costs and \$346,327 in allowable administrative costs. (A detailed schedule and explanation are contained in Attachment #2.)

Capital Cost Recovery (Depreciation)

The second phase of this rate analysis involved determining reasonable compensation for capital equipment provided by the owners and compensation for other capital investment (capital cost recovery). This calculation includes recognition of reasonable interest expense (return on debt equity), owners net equity, and an adjustment for income taxes.

A.C. Trucking claimed \$208,164 in depreciation for 1995. Staff recommends \$90,061 as an appropriate amount. (Attachment #3 contains a listing and explanation of adjustments made to the 1995 depreciation schedule submitted by A.C. Trucking).

Return on Ratebase

Calculation of the rate base requires examination of the fixed assets of the firm and calculation of the required working capital. Staff recommends a total rate base of \$584,692 comprised of \$240,448 in working capital and an adjusted unrecovered capital investment of \$344,244. A 15% rate was selected to apply to this ratebase. A professional utility rate specialists was engaged to review the methodology applied and the assumptions made in this report. He has concurred that the 15% rate and process applied is reasonable. (Attachment #4 provides an itemized listing of adjustments made and calculation of the return on rate base).

Revenue Requirement

Total revenue requirements of \$1,245,109 is made up of \$ 1,067,344 in allowable operations and administrative expenses, \$90,061 in allowable depreciation and \$87,704 in return on ratebase.

Rate Calculation

Dividing the total revenue requirements of \$1,245,109 by the 74,392 tons processed by A.C. Trucking in 1995 results in a transfer/transport rate of \$16.74/ton.

METRO BUDGET IMPACT

The current franchise agreement provides for a \$4.83/ton supplemental fee for all tons A.C. Trucking sends to the Riverbend Landfill. The franchise agreement calls for removal of this fee following rate review. Should the Council take no action regarding A.C. Trucking's rates, Metro revenues would decline an estimated \$ 424,093 for the twelve month period ending December 1997. Included in this amount is a reduction in Excise Tax revenues of \$ 80,882.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends that:

- The Council authorize commencement of a review of the rates for the operation of the Forest Grove Transfer Station.
- The Rate Review Committee review a combined transfer/transport rate of \$16.74/ton for the Forest Grove Transfer Station.
- The estimated savings of \$808,780 per year be passed on to all Metro solid waste rate-payers in the form of a transfer station rate reduction.
- Concurrent with this new rate, consideration be given to establishment of a Rate Equalization Fee under a separate ordinance. The latter fee would bring A.C. Trucking's tipping fee up to a uniform rate charged at other Metro facilities.

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ATTACHMENT #1

Chronology of AC Trucking Rate Reviews

Metro granted Franchise No. 4 to Ambrose Calcagno, Jr. on March 22, 1984 to operate a transfer station in Forest Grove. The transfer station was limited to accepting waste from only his own collection vehicles. The term of the franchise was five years and there was no rate established since the transfer station was only handling wastes from related entities. The actual transfer operations began in 1985.

The franchise was amended in 1985 to grant a variance to the vertical integration prohibitions in the Metro Code. Since the station would accept waste from other haulers, a rate was established for transfer and transportation of the waste. A rate of \$14.51 per ton was requested, based on 15% after tax return on equity capital and 17.5% on debt capital. A rate of \$13.98 per ton was granted by the Metro Council using a 15% return of equity capital and a 14.5% return on debt capital. This first rate review utilized the methodology outlined in Executive Order No. 25.

A five year renewal of the franchise was granted in 1988, extending the expiration date to September 22, 1993. The franchisee requested a rate of \$19.14 per ton. A rate of \$19.25 per ton was granted "to simplify accounting procedures." Again, the rate review was conducted utilizing the methodology outlined in Executive Order No. 25. The franchisee requested a rate of return of 14% on equity. No owner's equity existed at this time; the equity portion was made up totally of debt equity. It should be noted that the rates set during the rate review process were maximums and that the franchisee did not normally charge the highest rate allowed by the agreement. The franchisee was granted permission to accept public self haul waste at this time.

In 1991 the franchisee requested and was granted a rate of \$22.75 per ton. The rationale for this adjustment was the assertion that an insufficient rate of return existed under the current rate. The methodology used for the review is unclear from the information in our files. There is no record of any review of the reasonableness of operating or administrative costs.

The franchisee requested an increase in rate to \$26.22 per ton in May of 1992. The initial request indicated that the increase was needed to recover the \$271,000 cost of responding to Metro's request for proposals for a transfer station to serve western Washington County. This was apparently questioned by the rate review committee. A revised request to increase the rate to \$25.50 per ton was received in June. The reasons stated for the adjustment was the expected increase in overall expenses, a reduction in payloads due to PUC requirements and a reduction in the hours of operation of the Riverbend Landfill. The rate of \$25.50 per ton was authorized.

The franchisee requested a renewal of his franchise on September 15, 1993. The franchisee proposal provided substantial increases in revenues for the franchisee. The franchisee also requested that the rates increase with inflation. Another schedule was provided in November.

Metro conducted a review of the costs and hired a consultant to examine some of the information provided. A decision was made to defer rate review for one year and to allow the franchisee to charge a tip fee not to exceed Metro's tip fee pending rate review. The franchise renewal included a provision that Metro could take responsibility for disposal of the waste from the transfer station and that Metro could direct the operator to install a compactor.

On December 21, 1995 Metro staff initiated the rate review process and requested the submission of a proposed rate accompanied by supplemental financial data. On March 7, 1996 AC Trucking provided Metro staff with part of the financial data requested. An additional information request was issued on April 25, 1996 arising from the financial data provided Metro during the previous month. A.C. Trucking did not provide the additional data citing concerns over confidentiality. After repeated attempts to resolve A.C. Trucking's objection to providing the requested financial data, Metro staff proceeded to calculate a transfer/transport rate with the data previously provided. A.C. Trucking staff was notified of the proposed rate and given an opportunity to respond. Subsequent discussions with A.C. Trucking representatives did not change Metro staff's original recommended transfer/transport rate of \$ 16.74/ton.

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ATTACHMENT 2
METRO
A.C. TRUCKING, INC. RATE REVIEW
SCHEDULE OF PROPOSED TRANSPORT & TRANSFER RATE
FISCAL YEAR 1996-97

EXPLANATION OF FOOTNOTES

1. Trucking Management

An amount of \$ 31,698 and \$ 17,943 is listed as trucking management expense for 1994 and 1995 respectively. This line item has not appeared in prior applications and seems unreasonable in light of the increasing level of truck expense (\$197,479 vs. \$195,336) in spite of this apparent management cost. A.C. Trucking asserted that this consulting expense provides driver and safety education training for its hauling staff. While safety education is a reasonable cost, Metro staff questions the amount attributed to this function considering that their transfer operations make use of only three rigs. Metro staff have repeatedly requested the financial records of the other Calcagno entities to verify allocations of this expense. A.C. Trucking staff have declined to provide such access. Staff recommend the exclusion of this expense item.

2. Recycling Expense

A recycling expense (later reclassified as hauling expense) of \$ 28,729 appears excessive for the amount of recyclables involved. It is estimated that 700 tons/year of this material is delivered by self-haul customers resulting in an average \$41/ton transport cost. While curbside collection operations may provide substantially more recyclable tonnage, staff do not consider it appropriate to classify such costs as transfer station expenses. These costs relate to non-regulated operations and would more appropriately be included within the individual hauler's fee. Staff recommends that the recycling expense be disallowed.

3. Data Processing Expense

Data processing costs were listed as \$93,319 for 1995. This equates to an average of \$5.50 for every scalehouse transaction or a data processing cost of over \$300 per monthly billing for each commercial hauler using the facility. Estimates were received for the installation and maintenance of comparable weighmaster systems as that existing at A.C. Trucking. An average cost of \$4,500 was obtained. The \$93,319 is inordinately high considering that the related company charging these fees provide data processing services to all the other Calcagno companies, many of which make higher service level demands than A.C. Trucking. Access to intercompany records was requested to verify the allocation of these costs, but A.C. Trucking again declined to provide them. Staff recommend a reduction in allowable costs to the \$4,500 average amount.

4. Rent

Rental charges of \$140,880 was shown for 1995. The land owner is a related company and portions of the Forest Grove Transfer Station site are utilized by other Calcagno entities. The Washington County assessor lists the fair market value of the land and improvements as \$ 1,014,720. Applying the same allocation of rental expense for A.C. Trucking that was used in 1994 equates to an estimated fair market value of \$442,418. Based upon appraisal reports and discussions with real estate professionals, a rate of return for this type of property would range from 10-15%. Staff has applied a 12% average return to impute a recommended rental expense rate of \$53,090. A.C. Trucking staff replied to this estimate that their published rental charges were based upon fair market value. No documentation was provided to support this assertion. Access to intercompany records was requested to verify the allocation of these rental costs, but A.C. Trucking again declined to provide them. Accordingly, Metro staff recommend that the rental costs should not be greater than the calculated \$53,090 amount.

5. Accounting

Accounting fees of \$ 40,933 were listed for 1995. During the 1992 renewal process, A.C. Trucking requested only \$ 9,905 for accounting fees. This equates to a 313% increase within a three year period. While there have been significant changes in the Calcagno company structure during this time, placing this administrative costs upon the rate payers appears to be unreasonable. Staff has estimated that a reasonable fee to provide reviewed financial statements for an entity similar in size to A.C. Trucking could be accomplished for \$13,000 a year. Since this item is a shared expense, access to intercompany records was requested to verify the allocation of these costs. A.C. Trucking again declined to provide them. Staff recommends a reduction in allowable costs to the \$13,000 average amount.

6. Utilities

Utility expenses of \$ 19,757 were listed 1995. This is in sharp contrast to the 1992 and 1994 records that listed utility expenses as \$ 8,806 and \$ 9,839. We are not aware of any significant changes in operations or utility rates that would justify a 100% increase. A.C. Trucking staff stated that water usage has increased and that the 1992 allocations may have been in error. Metro staff requested access to intercompany records to verify the allocation of this expense item. A.C. Trucking again declined to provide this data. Staff recommend a reduction in allowable costs to \$10,000.

7. Penalties

An amounts of \$1,302 was listed as penalties for 1995. There are no benefits to the rate payer's in refunding such costs to the franchisee. Washington County specifically excludes penalties and fines in their solid waste collection guidelines. Accordingly, staff recommend that this cost be disallowed.

8. Public Relations

A Public relation costs of \$63,697 was published 1995. While reimbursement for such expenses as Yellow Page advertising and brochures are expected, amounts of this magnitude are excessive for a franchised facility. Metro staff requested access to intercompany records to verify the allocation of this shared expense item. A.C. Trucking again declined to provide this data. Staff recommend a reduction in this allowable costs to \$1,500.

9. Contributions

An amount of \$ 11,885 was listed as contributions for 1995. While corporate owners are free to distribute the profits to whomever they wish, it is not the obligation of the rate payers to fund this discreet expense. Both the City of Portland and Washington County specifically exclude contributions as non-allowable costs. Accordingly, these amounts are disallowed.

10. Travel

Travel expenses for 1995 were listed as \$ 58,644. This figure is twice the amount for the entire Regional Environmental Management Department. A.C. Trucking staff stated that this expense item includes the costs of employee functions which they consider part of employee benefits. Metro staff requested access to intercompany records to verify the allocation of this expense item. A.C. Trucking again declined to provide this data. Staff recommend a reduction in this allowable costs to \$2,000.

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Attachment 2

M E T R O

A C TRUCKING INC. RATE REVIEW

SCHEDULE OF PROPOSED TRANSPORT & TRANSFER RATE

FISCAL YEAR 1996 - 97

	Submitted		Proposed
	1995 Financials	Adjustments	Expense Base
Operating Expenses			
Trucking Management	17,943	(17,943) ¹	0
Recycling (Hauling Expense)	28,729	(28,729) ²	0
Other Operating Expenses	685,938	0	685,938
Total Operating Expenses	\$ 732,610	\$ (46,672)	\$ 685,938
Administrative Expenses:			
Data Processing	93,319	(88,819) ³	4,500
Facility Rental Payments	140,880	(87,790) ⁴	53,090
Accounting	40,933	(27,933) ⁵	13,000
Utilities	19,757	(9,757) ⁶	10,000
Penalties	1,302	(1,302) ⁷	0
Public Relations	63,697	(62,197) ⁸	1,500
Contributions	11,885	(11,885) ⁹	0
Travel	58,644	(56,644) ¹⁰	2,000
Other Administrative Expenses	297,316	0	297,316
Total Administrative	\$ 727,733	\$ (346,327)	\$ 381,406
Total Allowable Cost	\$ 1,460,343	\$ (392,999)	\$ 1,067,344

Note: Only expenses that are in dispute have been listed. All other expenses have been summarized to preserve confidentiality.

Attachment 3**M E T R O****Calculation of Capital Recovery****Per Depreciation Schedule Provided By AC Trucking ¹****Period Ended December 31, 1995****Group 3: Fixed Assets - Machinery, Equipment & Furnishings**

Amount Submitted:	\$	95,996	Explanation for Adjustment
Item #17		(195)	Fully Recovered in 1995
Item #19		(169)	Fully Recovered in 1995
Item #24		(1,689)	Fully Recovered in 1995
Item #32		(18)	Fully Recovered in 1995
Item #40		(400)	Stereo System Disallowed
Item #41		(428)	Fully Depreciated prior to end of 1996
Item #42		(3,063)	Fully Depreciated prior to end of 1996
Net Adjusted Capital Recovery - Group 3	\$	90,034	

Group 5: No Tax Basis - Assets

Item #1 - "No Tax Basis Equipment"	\$	44,775	
Adjustments:		(44,775)	Ineligible per Metro Code
Net Adjusted Capital Recovery - Group 5	\$	0	

Group 6: No Tax Basis - Intangibles

Item #1 - Goodwill	\$	66,667	
Adjustments:		(66,667)	Ineligible per Metro Code
Net Adjusted Capital Recovery - Group 6	\$	0	

Group 7: Leashold Improvements	\$	27	No Changes
Total Adjusted Capital Recovery	\$	90,061	

Note¹ Depreciation listed in the financial statements was \$208,164; total depreciation accounted for in their supplemental depreciation schedule was \$207,465. Staff have selected the more definitive schedule for rate setting purposes.

ATTACHMENT 4
METRO
A.C. TRUCKING, INC. RATE REVIEW
CALCULATION OF PROPOSED A.C. TRUCKING RATE BASE
FISCAL YEAR 1996-97

EXPLANATION OF FOOTNOTES

1. 1930 Coupe

An amount of \$15,500 is listed as a fixed asset for this item. There is no discernible benefit to the rate payers for this asset. No depreciation is being taken for this item, but the asset value is part of the rate base calculation. Staff recommends that the \$15,500 value for the 1930 Coupe be disallowed.

2. Truck Stereo System

An amount of \$2,600 (\$3,000 net of depreciation taken of \$400) is listed as a stereo system for Truck #712. While some type of radio/tape system is reasonable, the amount provided here is excessive. It is recommended that costs be limited to the depreciation already taken.

3. No Tax Basis Assets

An item described as "no tax basis assets" of \$246,262 (\$313,424 net of depreciation already taken of \$67,162) was listed in the 1995 depreciation schedule. A.C. Trucking representatives have revealed that this item is an adjustment to the value of assets exchanged during the reorganization of the parent company. The impact of this accounting treatment is to allow an additional depreciation expense for assets whose original cost has already been recovered. Staff recommends that this item be disallowed and removed from the rate base calculation.

4. Unsecured Loan

A note receivable from an individual in the amount of \$12,000 (\$10,800 long term portion plus a current portion of \$1,200) was listed in the 1995 balance sheet. It was further described as an unsecured loan at 1% interest with monthly payments of \$100 plus interest. A financial statement footnote declared that payment on this note is delinquent. In light of the terms and conditions of this note, this item appears to be a personal rather than a business transaction. Accordingly, staff recommends that this item not be included in the rate base.

5. Goodwill

An amount of \$900,120 (\$1,000,000 net of \$ 99,880 amortization already taken) was listed on the 1995 balance sheet. Goodwill did not appear in the financial statements of A.C. Trucking until the Calcagno companies were restructured in 1994. Goodwill is generally calculated as the premium for the existence of a going concern. Philosophically, the granting of a franchise to this company has furnished this benefit; the rate payers should not have to reimburse the owner for a privilege they themselves granted. Metro code §5.01.170 (d) (4) specifically excludes intangibles from the rate base calculations. Accordingly, this item is excluded from these calculations.

6. Current Amount of Disallowed Loan

The \$1,200 current portion of the note receivable is not included in the rate base. See explanation in note #4 above.

7. Deferred Tax Benefit

An amounts of \$483 is listed as a deferred tax benefit. A footnote disclosure describes this as a current asset arising from timing differences in reporting amortization of goodwill for income tax reporting purposes. As mentioned in Note #5 above, goodwill is excluded from the rate base calculation. Accordingly, this amount is excluded also.

8. Adjustment for Income Tax

1995 reviewed financial statements provided by A.C. Trucking's CPA contained the note that the consolidated entity had no income tax liability for that year. While an income tax expense was listed in A.C. Trucking's financial statements for 1995, a fair allocation of this tax expense cannot be verified without an examination of the parent company's financial records. Staff requested access to inter-company records but A.C. Trucking declined to provide them. Staff recommend that there be no tax adjustment made to the rate base calculation.

Attachment 4	
M E T R O	
Calculation of AC Trucking Rate Base	
Per ACT Financials of 12/31/95	
Fixed Assets	
Total Fixed Assets	\$ 1,399,916
Accumulated Depreciation	(791,310)
Net Fixed Assets	\$ 608,606
Adjustments (Net of Accumulated Depreciation):	
Delete: 1930 Coupe	\$ (15,500) ¹
Delete: Truck Stereo System	(2,600) ²
Delete: "No Tax Basis Assets"	(246,262) ³
Subtotal Adjusted Fixed Assets	\$ 344,244
Other Assets	\$ 910,920
Adjustments:	
Delete: Unsecured loan to an individual	\$ (10,800) ⁴
Delete: Goodwill	(900,120) ⁵
Adjusted Other Assets	\$ 0
Total Adjusted Unrecovered Capital Investment	\$ 344,244.00
Working Capital Calculation	
Current Assets	\$ 500,876
Delete: Current amount of disallowed loan	(1,200) ⁶
Delete: Income Tax Intangible	(483) ⁷
Adjusted Current Assets	\$ 499,193
Current Liabilities	\$ (258,745)
Working Capital	\$ 240,448
Return on Rate Base Calculation	
Working Capital	\$ 240,448
Total Adjusted Unrecovered Capital Investment	\$ 344,244
Rate Base	\$ 584,692
Return Calculation	X 0.15
Return on Rate Base	\$ 87,704
Adjustment for Income taxes (None)	X 1.00 ⁸
Return on Rate Base	\$87,704

Agenda Item Number 6.2

Resolution No. 96-2417, For the purpose of Authorizing an Extension of a Contract with the Spangle Associates for Utilizing a Federal Grant Facilitating Use of Relative Earthquake Hazard.

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	Resolution No. 96-2417
AN EXTENSION OF A CONTRACT WITH)	
SPANGLE ASSOCIATES FOR UTILIZING A)	Introduced by: Mike Burton
FEDERAL GRANT FACILITATING USE OF)	Executive Officer
RELATIVE EARTHQUAKE HAZARD MAPS)	

WHEREAS, the Federal Emergency management Agency("FEMA") has provided funding for a regional earthquake hazard identification and preparedness program, managed jointly by Metro and the Oregon Department of Geology and Mineral Industries ("DOGAMI"); and

WHEREAS, FEMA has allocated the sum of \$75,000 to the Metro DOGAMI regional earthquake hazard identification and preparedness program, to obtain information to prepare materials that will be used to facilitate use of earthquake hazard maps throughout the United States; and

WHEREAS, FEMA has conditioned the grant upon further contractual arrangements with Spangle Associates to accomplish work specified in a statement of work "Facilitating Use of Earthquake Hazard Maps" (see Attachment A); and

WHEREAS, Metro has previously approved contractual arrangements with Spangle Associates to define the options for applying earthquake hazard data to land development decisions within the Portland metropolitan region, by contract executed May 11, 1994 and amended September 19, 1995; and

WHEREAS, the \$75,000 in funds for this task are being provided to Metro through the existing FEMA grant with DOGAMI; now, therefore,

BE IT RESOLVED:

That the Metro Council hereby amends and extends its existing contractual arrangements with Spangle Associates to accomplish the work specified in a statement of work entitled "Facilitating Use of Earthquake Hazard Maps."

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

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

OGU/srb--H:\COUNCIL\FEMAS75.RES

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2417 FOR THE PURPOSE OF AUTHORIZING AN EXTENSION OF A CONTRACT WITH SPANGLE ASSOCIATES FOR UTILIZING A FEDERAL GRANT FACILITATING USE OF RELATIVE EARTHQUAKE HAZARD

Date: October 23, 1996

Presented by: Gerry Uba

PROPOSED ACTION

This resolution provides that the Metro Council authorizes staff to accept a Federal Emergency Management Agency (FEMA) grant totaling \$75,000 from the Oregon Department of Geology and Mineral Industries that will be transferred to Spangle Associates for accomplishing the work specified by the FEMA in the statement of work entitled, Facilitating Use of Earthquake Hazard Maps.

FACTUAL BACKGROUND

The FEMA has been funding the regional earthquake hazard identification and preparedness program managed jointly by Metro and the Oregon Department of Geology and Mineral Industries (DOGAMI). Several projects including earthquake hazard mapping, development of model land use regulations for mitigating earthquake hazards, evaluation of non-residential buildings for seismic risk, identification and mapping of vital systems and critical facilities, earthquake damage and loss estimation, development of hazard and risk data transfer methods, and outreach and workshops are part of the overall effort to identify and prepare for earthquake in this region.

On March 23, 1993, the Council Planning Committee *approved* a proposal by staff for Metro and Spangle Associates, California, to apply for a U.S. Geological Survey (USGS) grant to help Metro use the *Relative Earthquake Hazard Maps* produced by the Oregon Department of Geology and Mineral Industries to develop model land use regulations for mitigating earthquake hazards in the Portland metropolitan area. Upon getting the grant, Metro, Spangle Associates and an advisory committee created in 1994, Metro Advisory Committee for Mitigating Earthquake Damage (MACMED), developed model goals, policies and site specific investigation provisions that local governments can include in comprehensive plans and ordinances. The Metro Council acted on the MACMED report and recommendation recently. On April 10, 1996, Metro and Spangle Associates submitted a new joint grant proposal (\$106,178) to the USGS.

The FEMA has allocated the sum of \$75,000 for use by Spangle Associates to evaluate the Metro-DOGAMI regional earthquake hazard identification and preparedness program and use the results to prepare materials that FEMA will use to facilitate use of the earthquake hazard maps in other parts of the country. The FEMA has authorized Metro to amend its existing contract with Spangle Associates so that Metro would be able to transfer the \$75,000 to Spangle Associates. This implies that the Metro Council would have to authorize staff to receive the money from DOGAMI and enter into a contract with Spangle Associates using the Statement of Work specified by FEMA to develop the contract and scope of work.

It is essential that the Council authorize staff to receive the \$75,000 and pass the money to Spangle Associates to accomplish the work identified by FEMA that involve the evaluation of the Metro-DOGAMI regional earthquake hazard identification and preparedness program and use of the result to facilitate development and use of hazard maps in other parts of the country.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of Resolution No. 96-2417
EXECUTIVE OFFICER RECOMMENDATION

EXHIBIT A TO RESOLUTION 96-2417



Federal Emergency Management Agency

Washington, D.C. 20472

October 23, 1996

O. Gerald Uba, PhD
Coordinator, Emergency Planning Program
METRO
600 Northeast Street
Portland, Oregon 97232

Dear Dr. Uba:

This authorizes METRO to expand its existing contractual arrangements with Spangle and Associates in order to accomplish the work specified in the Statement of Work (SOW) entitled, Facilitating Use of Earthquake Hazard Maps. This SOW was transmitted by FAX to you from FEMA Region X on July 1, 1996.

The \$75,000 in funds for this task are being provided to METRO through our existing grant with the Department of Geology and Mineral Industries, EMS-93-K-0287.

Thank you for your help on this important task and I am looking forward to our meeting soon to formulate the task work plan.

Sincerely,

Arthur J. Zeizel
Project Officer

Resolution No. 96-2407, For the Purpose of Confirming the appointment of Bruce Warner to the position of Director of the Regional Environmental Management Department.

**Metro Council Meeting
Thursday November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING)	RESOLUTION NO. 96-2407
THE APPOINTMENT OF BRUCE)	
WARNER TO THE POSITION OF)	Introduced by Mike Burton,
DIRECTOR OF THE REGIONAL)	Executive Officer
ENVIRONMENTAL MANAGEMENT)	
DEPARTMENT)	

WHEREAS, The Metro Code requires that the Metro Council confirm the appointment of Department Directors; and

WHEREAS, Bruce Warner has been appointed Director of the Regional Environmental Management Department; now, therefore,

BE IT RESOLVED,

That the appointment of Bruce Warner to the position of Director of the Regional Environmental Management Department is confirmed by the Metro Council.

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

Jon Kvistad, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION 96-2407 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF BRUCE WARNER TO THE POSITION OF DIRECTOR OF THE REGIONAL ENVIRONMENTAL MANAGEMENT DEPARTMENT

Date: October 21, 1996

Presented by: Mike Burton, Executive Officer

BACKGROUND

The Metro Code requires that the Metro Council confirm the appointment of department directors. Executive Officer Mike Burton conducted a nation-wide search for the position of director of the Regional Environmental Management Department. Bruce Warner was selected from a group of 92 applicants.

Mr. Warner currently serves as Region I Manager of the Oregon Department of Transportation where he oversees 600 employees and a \$140 million budget. In addition to his considerable managerial experience, Mr. Warner has provided leadership at the state level in working with Metro and its growth management planning and transportation programs.

Prior to working at ODOT, Mr. Warner was director of the Department of Land Use and Transportation for Washington County for six years. Mr. Warner is a civil engineer and a certified building official. He received a bachelor's degree in civil engineering from the University of Washington and did graduate work in engineering, with an emphasis on sanitary engineering design, hydraulics, water quality and computer modeling.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends that Bruce Warner be confirmed as the director of the Regional Environmental Management Department. If approved, Mr. Warner would begin serving as director on December 2, 1996.

BRUCE A. WARNER, P.E.

441 N.E. Hillwood Drive

Hillsboro, OR 97124

Ph: (503) 640-0705

PROFESSIONAL PROFILE

Effective leader with twenty years of progressive experience in engineering, public administration and public works management. Comprehensive knowledge of the Oregon land use planning system and issues related to transportation, environmental quality, economic development, growth management and legislation.

- Known for ability to develop partnerships and coalitions, build consensus and secure needed support and funding sources; able to work effectively with officials at local, regional, state and federal levels.
- Expertise in administration, finance, operations, re-engineering and team building; skilled in establishing priorities, developing policies and managing change.
- Dedicated teamworker, accustomed to functioning as key member of management team; committed to high standards of honesty and integrity.

EXPERIENCE

1/93-Present

REGION MANAGER / REGION I - Oregon Department of Transportation - Portland, OR
Manage ODOT's regional operations, consisting of Washington, Multnomah, Clackamas, Hood River and Columbia counties (*42% of the state's population and transportation network*). Administer annual budget of \$140 million and oversee 600 full-time employees. Coordinate planning, project development, design, construction, operations and maintenance of the state and interstate highway and transportation systems. Act as legislative and congressional liaison for regional transportation issues. Provided leadership to the region in its 2040 land use visioning process. Aggressively manage the performance of Region I programs and staff by forcing accountability at the lowest appropriate levels.

- As member of the ODOT Management Team, develop and implement statewide transportation and funding policies.
- Reduced region budget by 20%, cut staffing by 10% and improved delivery of projects and services (fiscal year 1995/1996).
- Cut construction program by \$150 million to meet anticipated revenues and increase funding to modes other than highways.
- Positively transformed ODOT's traditional approaches by building effective new relationships with the public, transportation partners and stakeholders.
- Built new alliances with public and private stakeholders to encourage economic development and promote the vision of a compact urban form.
- Played key role in changing the culture of Region I to be more responsive, less bureaucratic and more customer-oriented.

1/87-1/93

DIRECTOR, DEPARTMENT OF LAND USE AND TRANSPORTATION - Washington County, Hillsboro, OR

Under the direction of the county administrator, administered and managed county department with 300 employees and an annual budget of over \$74 million. Directed operations related to comprehensive land use planning, land development, construction permits/inspections, code enforcement, engineering, survey, road operation/maintenance and capital improvements. Led effort to secure new transportation funding sources.

- Converted the Washington County transportation system from fiscal chaos and near bankruptcy to a statewide and regional model for other jurisdictions.
- Led the development and implementation of a comprehensive transportation initiative that resulted in significant funding increases for transportation infrastructure.
- Facilitated establishment of a true multimodal transportation system plan that received support from its cities, the public and the business community.

Continued . . .

BRUCE A. WARNER / PAGE TWO

DIRECTOR, DEPARTMENT OF LAND USE AND TRANSPORTATION (Cont'd)

- Led a coordinated local, regional, state and federal effort to acquire federal recognition and project funding that extended the light rail system into Hillsboro.
- Built a positive public image for the department through continuing contact with citizen participation organizations, other agencies, special interest groups and the media.
- Developed local, regional and statewide policies for transportation funding and priorities.

1986-1987

DEPUTY COUNTY ADMINISTRATOR - Washington County, Hillsboro, OR

- Developed and implemented an effective county-wide public information program.
- Led changes in county budgeting and funding (for all county services) to assure fiscal viability and provision of needed services.
- Created and developed Urban Services Policies to direct county service provision and funding strategies known as *County 2000*.
- Set up an effective community involvement program.

1984-1986

DEPUTY DIRECTOR, DEPARTMENT OF LAND USE AND TRANSPORTATION - Washington County - Hillsboro, OR

- Transformed the County Planning and Public Works departments into an integrated land use and transportation agency.
- Responsible for department administration, staff supervision and development/implementation of annual budget.
- Created policies to guide development and manage rapid growth.
- Planned, designed and implemented *Transportation Initiative* to ensure availability of adequate transportation facilities for existing and future development.

1979-1984

CITY ENGINEER / BUILDING OFFICIAL - City of Hillsboro, Hillsboro, OR

- Administered and supervised city engineering and building departments (40 employees).
- Developed and implemented \$5 million annual Capital Improvements Program for street, sewer, water and storm sewer facilities.
- Represented the cities of Washington County on various regional transportation committees.
- Assured adequacy of public infrastructure for new development.

1974-1979

SANITARY ENGINEER - U.S. Army Corps of Engineers, Portland District (Oregon, California, Washington), Portland, OR

- Served as project manager of the *Wastewater Management and Water Quality* elements of the \$1.9 million Portland-Vancouver Metropolitan Area Water Resources Study.
- Supervised support staff, engineers and consultant teams.
- Worked with local, state and federal regulatory agencies to coordinate and approve projects.

1973-1974

RESEARCH ASSISTANT - University of Washington, Dept. of Civil Engineering, Seattle, WA

1973-1974

SANITARY ENGINEER - Whitacre Engineers, Tacoma, WA

CREDENTIALS

Registered Professional Civil Engineer
Certified Building Official
Certified A-Level Plans Examiner
Certified A-Level Structural Inspector

EDUCATION

B.S.C.E. - University of Washington, Seattle, WA (1972)

GRADUATE STUDIES IN ENGINEERING - Special emphasis in sanitary engineering design, hydraulics, water quality and computer modeling.

Resolution No. 96-2414, For the purpose of Opposing the Siting of an Inmate Intake Center, A Medium Security Women's Prison or any other Correctional Facility on the Wilsonville Tract.

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

CONSIDERATION OF RESOLUTION NO. 96-2414 FOR THE PURPOSE OF OPPOSING THE SITING OF AN INMATE INTAKE CENTER, A MEDIUM SECURITY WOMEN'S PRISON, A MEN'S MEDIUM SECURITY COMPLEX OR ANY OTHER CORRECTIONAL FACILITY ON THE DIVISION OF STATE LANDS/WILSONVILLE TRACT.

WHEREAS, Oregon voters in 1994 approved Ballot Measure 11, which mandates or increases prison sentences for many types of crime; and

WHEREAS, the state has determined a need for an additional 17,000 prison beds to accommodate the projected growth in prison population; and

WHEREAS, pursuant to House Bill 2214, the Oregon Department of Corrections has adopted mandatory and desirable siting criteria for new prison facilities; and

WHEREAS, one of the mandatory siting criteria states that a proposed site for a facility must have "infrastructure available either on-site or such that they can be provided and maintained cost-effectively;" and

WHEREAS, one of the mandatory siting criteria states that a proposed site for a facility must be "served by road or highway system capable of supporting the planned facility. New roadway construction or roadway improvements (if required) must be able to be constructed at a reasonable cost and be ready at the time the facility is scheduled to be opened;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have "200-300 acres with 300 acres the preferred size;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be "square or nearly so;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be "relatively flat to minimize earthwork, foundation, construction costs and surface/subsurface drainage construction costs;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have "natural buffers from surrounding lands uses such as lakes, rivers or ridges;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility "not be adjacent to a developed single-family or multi-family residential area, unless the parcel is buffered;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility "not be adjacent to a school unless the parcel is buffered;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have soils that are not “unduly prone to liquefaction due to seismic activity;” and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility “not have an environmental, ecological, cultural or historic feature or condition which cannot be mitigated with remediation and/or health risk assessment prior to the beginning of site development. These conditions include, but may not be limited to wetlands, historic or culturally significant sites, habitat for federally designated threatened and endangered species;” and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be “perceived as beneficial by local jurisdiction and community;” and

WHEREAS, the 1992 Greenspaces Master Plan identifies the Tonquin Geologic Area, of which the Wilsonville/DSL Tract constitutes the southern end, as a unique geologic feature bearing 10,000 year old scars associated with the Bretz Floods and a natural area of regional significance; and

WHEREAS the 1992 Greenspaces Master Plan identifies a future regional trail that connects the Tualatin River National Wildlife Refuge to the Willamette River near Wilsonville and passes through the Tonquin Geologic Area and the Dammasch State Hospital property before joining the Willamette Greenway Trail; and

WHEREAS, in 1994, after significant public involvement, the Division of State Lands adopted a management plan for the Wilsonville/DSL Tract which identified sensitive forest and wetland areas totaling approximately 95 acres; and

WHEREAS, the 1994 Division of State Lands Management Plan for the Wilsonville/DSL Tract finds that shorebirds use the wetlands area during the spring and fall migration periods; and

WHEREAS, 1994 Division of State Lands Management Plan for the Wilsonville/DSL Tract determines the site to be a big game winter range because of the well-developed riparian habitat; and

WHEREAS, the 1994 Division of State Lands Management Plan for the Wilsonville/DSL Tract states that the existing forest cover should be preserved and maintained; and

WHEREAS, the Division of State Lands management planning process identified strong public support for uses that preserve and enhance the critical natural features (wetlands, creek canyon, forested and open space) of the Wilsonville/DSL Tract and provide public access; and

WHEREAS, the cost to mitigate a wetland equals approximately \$50,000 per acre; and

WHEREAS, the pileated woodpecker, a state-listed "sensitive species," has been observed on site; and

WHEREAS, state-listed "sensitive species" which likely utilize habitat on the Wilsonville/DSL Tract include: red-legged frog, sharptail snake, western bluebird, western gray squirrels, long-eared myotis, long-legged myotis, yuma myotis, silver-haired bat and Townsend's big-eared bat; and

WHEREAS, site enhancement could restore habitat for additional species such as: Oregon chub, painted turtle, western pond turtle, purple martin, streaked horned lark, Oregon vesper sparrow, grasshopper sparrow; and

WHEREAS, the Open Spaces, Parks and Streams bond measure, overwhelmingly approved by voters in May 1995, identifies the Tonquin Geologic Area, in which the Wilsonville/DSL Tract is included, as a regional target area for acquisition; and

WHEREAS, Metro Resolution No. 96-2300, adopted March 14, 1996, reconfirmed the regional significance of the natural resource values of the Wilsonville/DSL Tract and identified the entire tract as a Tier I (primary) acquisition priority for future regional park and open space purposes; and

WHEREAS, Metro, in cooperation with the city of Wilsonville, responded to the Division of State Lands' Request for Proposals related to the lease/sale of the Wilsonville Tract in November 1994; and

WHEREAS, the joint proposal submitted by the city of Wilsonville and Metro was accepted by the Division of State Lands; and

WHEREAS, the city of Wilsonville and Metro have pursued negotiations to lease/purchase the site with the Division of State Lands in good faith and at considerable expense; and

WHEREAS, on October 15, 1996, the Tualatin Valley Water District agreed to withdraw its proposal for use of the Wilsonville/DSL Tract, thus allowing Metro and the city of Wilsonville the opportunity to finalize negotiations for lease/purchase of the site to the benefit of the Common School Fund and the citizens of the entire metropolitan region; and

WHEREAS, the Metro Council, having considered all relevant and available information, finds that:

1. Based on the Department of Correction's criteria, the Wilsonville/DSL Tract is not an appropriate site for an inmate intake center, a medium-security women's prison, a men's medium security complex or any other correctional facility for the following reasons:

A. The site does not have any of the required infrastructure, including water, sanitary sewer collection and treatment, surface drainage and storm water collection and disposal or electricity, natural gas and/or oil or propane and telecommunications, and the cost to provide and maintain this infrastructure would not be cost-effective;

B. Twice in the last four years, the city of Wilsonville has had to implement mandatory water rationing schemes to cope with peak season water demand. Municipal water supply and associated infrastructure cannot be extended to meet the demands of a new correctional facility. A new water treatment plant would have to be built to accommodate the increase in demand;

C. Existing roads are not capable of accommodating existing transportation needs and cannot service needs of the proposed facility. In fact, a "public facilities strategy," adopted by the Wilsonville City Council halts all new development applications in the area of the city south of Wilsonville Road until these existing infrastructure problems can be addressed.

D. New roadway construction or roadway improvements would need to include widening of Grahams Ferry Road (now a 2-lane county road used for farm purposes) and Wilsonville Road; extending Boeckman Road through wetlands to the Dammasch site and a new interchange on Interstate-5 at Boeckman Road.

E. The proposed site, 250 acres in size, contains approximately 95 acres of sensitive forest and wetlands identified by the Division of State Lands and Metro as significant.

F. The Wilsonville/DSL Tract is not square in shape. Rather, the shape is irregular, best described as narrow and lineal making appropriate set-backs from property lines infeasible.

G. As described in the Division of State Lands Management Plan for the Wilsonville/DSL Tract, the proposed site varies in slope from "level to very steep."

H. Destruction of the wetlands area of the property (approximately 22 acres) would require considerable fill and a costly subsurface drainage system.

I. The cost to mitigate the loss of all of the wetlands on site is equal to approximately \$1,100,000.00

J. Only the southwestern edge of the Wilsonville/DSL Tract contains a natural buffer that would qualify under the stated criteria.

K. Two single-family residential neighborhoods exist along the eastern and southeastern perimeters of the proposed site. There is not a buffer, natural or otherwise, between either of these neighborhoods and the proposed site.

L. Wood Middle School is directly adjacent to the Wilsonville/DSL Tract on the east side and is not buffered from it in any way. Another school is located on the Living Enrichment Center property located directly west of the Wilsonville/DSL Tract.

M. Selection of this site would eliminate critical opportunities for required and desirable uses of the site such as schools, park facilities and open spaces.

N. The Oregon Department of Geology and Mineral Industries has not studied the proposed site for potential liquefaction due to seismic activity. It will not be studied until March 1997.

O. The proposed site contains approximately 22 acres of wetlands and 73 acres of forest which provide habitat suitable for a variety of state-listed "sensitive species."

P. The proposed site has never been subject of an archeological/cultural inventory.

Q. The proposed site is not viewed by local government, regional government or the general community as beneficial, and in fact, is vigorously opposed.

2. Siting a correctional facility on the Wilsonville Tract would constitute a significant breach of the public trust by arbitrarily dismissing years of planning and public involvement:

A. 1992 Greenspaces Master Plan

B. 1994 Division of State Lands Management Plan

C. 1995 Open Spaces, Parks and Streams Bond Measure

D. Metro Resolution No. 96-2300 (adopted March 1996)

3. Siting a correctional facility on the Wilsonville Tract will destroy or reduce the habitat for state-listed "sensitive species" as previously noted.

4. Selection of the Wilsonville/DSL Tract would undermine basic land-use and environmental protection principals which are critical to the quality of life for all Oregonians.

NOW, THEREFORE, BE IT RESOLVED

The Metro Council strongly opposes and strenuously objects to the siting of an inmate intake center, a medium security women's prison, a men's medium security complex or any other correctional facility on the Wilsonville/DSL Tract and urges the Governor and prison siting committee to remove this site from the list of potential locations for new correctional facilities.

ADOPTED by the Metro council on this _____ day of _____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2414 FOR THE PURPOSE OF OPPOSING THE SITING OF AN INMATE INTAKE CENTER, A MEDIUM SECURITY WOMEN'S PRISON OR ANY OTHER CORRECTIONAL FACILITY ON THE DIVISION OF STATE LANDS/WILSONVILLE TRACT.

Date: October 23, 1996

Presented by:

**Charles Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 96-2414 requests that the Metro Council oppose and object to the siting of an inmate intake center, a medium security women's prison or any other correctional facility on the Wilsonville/DSL Tract and urges the Governor and prison siting committee to immediately remove this site from the list of potential locations for new correctional facilities.

BACKGROUND AND ANALYSIS

For the reasons set forth in resolution no. 96-2414, the Division of State Lands/Wilsonville tract is not a suitable site for an inmate intake center, a medium security women's prison or any other correctional facility.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2414.

Agenda Item Number 6.5

Resolution No. 96-2415, For the purpose of Opposing the Siting of an Inmate Intake Center, A Medium Security Women's Prison or any other Correctional Facility on the Dammasch State Hospital Property.

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

CONSIDERATION OF RESOLUTION NO. 96-2415 FOR THE PURPOSE OF OPPOSING THE SITING OF AN INMATE INTAKE CENTER, A MEDIUM SECURITY WOMEN'S PRISON, A MEN'S MEDIUM SECURITY COMPLEX OR ANY OTHER CORRECTIONAL FACILITY ON THE DAMMASCH STATE HOSPITAL PROPERTY.

WHEREAS, Oregon voters in 1994 approved Ballot Measure 11, which mandates or increases prison sentences for many types of crime; and

WHEREAS, the state has determined a need for an additional 17,000 prison beds to accommodate the projected growth in prison population; and

WHEREAS, pursuant to House Bill 2214, the Oregon Department of Corrections has adopted mandatory and desirable siting criteria for these new facilities; and

WHEREAS, one of the mandatory siting criteria states that a proposed site for a facility must have "infrastructure available either on-site or such that they can be provided and maintained cost-effectively;" and

WHEREAS, one of the mandatory siting criteria states that a proposed site for a facility must be "served by road or highway system capable of supporting the planned facility. New roadway construction or roadway improvements (if required) must be able to be constructed at a reasonable cost and be ready at the time the facility is scheduled to be opened;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility has "200-300 acres with 300 acres the preferred size;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility be "square or nearly so;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have "natural buffers from surrounding lands uses such as lakes, rivers or ridges;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility "not be adjacent to a developed single-family or multi-family residential area, unless the parcel is buffered;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility have "buildings that can be remodeled for utilization in new construction;" and

WHEREAS, one of the desirable siting criteria states that a proposed site for a facility is "perceived as beneficial by local jurisdiction and local community;" and

WHEREAS the 1992 Greenspaces Master Plan identifies a future regional trail that connects the Tualatin River National Wildlife Refuge to the Willamette River near Wilsonville

and passes through the Tonquin Geologic Area and the Dammasch State Hospital property before joining the Willamette Greenway Trail; and

WHEREAS, the City of Wilsonville, Metro, Department of Land Conservation and Development, Division of State Lands, Housing and Community Services Division, Department of Administrative Services, Mental Health and Developmental Disabilities Division, and Department of Transportation have been working together to create a transportation efficient land use plan for the Dammasch property; and

WHEREAS, the recommended land use plan is a residential mixed-use community with a village center that accommodates a concentration of shops, services, employment facilities and civic uses and activities that support the region's growth management policies embodied in the adopted 2040 Growth Concept and the goals expressed in the Memorandum of Understanding signed by the participating entities; and

WHEREAS, this land use plan represents a unique opportunity for the City of Wilsonville to offer housing and jobs in a land use pattern that minimizes auto trips, maximizes the potential for non-auto modes of transportation, meets the community's population and employment targets, and helps to build community and a sense of place as the City of Wilsonville grows; and

WHEREAS, by its very nature, a correctional facility is a land use which is isolated and buffered from the community. A town center or village center functions best when it is well-connected to the surrounding neighborhoods and has good internal circulation; and

WHEREAS, location of the correctional facility in the Wilsonville town center area would function to further isolate the land uses, force local trips onto the regional transportation facility I-5 and require reexamination of how the City of Wilsonville will meet the regional growth management goals; and

WHEREAS, there is much flexibility in siting correctional facilities; and

WHEREAS, there is little flexibility in where and how the region accommodates new households and jobs. New households and jobs must be accommodated inside of the Urban Growth Boundary (UGB). Metro is working with local governments to improve the efficiency of how land is developed inside the UGB through increases in density and changes in the land use pattern which focuses on centers and corridors; and

WHEREAS, the Metro Council, having considered all relevant and available information, finds that:

1. Based on the Department of Correction's criteria, the Dammasch State Hospital property is not an appropriate site for an inmate intake center, a medium-security women's prison, a men's medium security complex or any other correctional facility for the following reasons:

A. The site does not have the necessary infrastructure, including water, sanitary sewer collection and treatment, surface drainage and storm water collection and disposal or electricity, natural gas and/or oil or propane and telecommunications, and the cost to provide and maintain this infrastructure would not be cost-effective;

B. Twice in the last four years, the city of Wilsonville has had to implement mandatory water rationing schemes to cope with peak season water demand. Municipal water supply and associated infrastructure cannot be extended to meet the demands of a new correctional facility. A new water treatment center would have to be built to accommodate the increase in demand;

C. Existing roads are not capable of accommodating existing transportation needs and cannot service needs of the proposed facility. In fact, a "public facilities strategy," adopted by the Wilsonville City Council halts all new development applications in the area of the city south of Wilsonville Road until these infrastructure problems can be addressed.

D. The proposed site, 190-acres in size, is less than the minimum desired criteria.

E. The Dammasch State Hospital property is not square in shape.

F. The proposed site does not contain any natural buffers that would qualify under the stated criteria.

G. A single-family residential neighborhood exists along the southern perimeter of the proposed site. There is not a buffer, natural or otherwise, between either of this neighborhood and the proposed site.

H. The proposed site is not viewed by local government, regional government or the general community as beneficial, and in fact, is vigorously opposed.

2. Selection of the Dammasch State Hospital property would undermine basic land-use and environmental protection principals which are critical to the quality of life for all Oregonians.

NOW, THEREFORE, BE IT RESOLVED

The Metro Council strongly opposes and strenuously objects to the siting of an inmate intake center, a medium security women's prison, a men's medium security complex or any other correctional facility on the Dammasch State Hospital property and urges the Governor and prison siting committee to remove this site from the list of potential locations for new correctional facilities.

ADOPTED by the Metro council on this _____ day of _____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2415 FOR THE PURPOSE OF OPPOSING THE SITING OF AN INMATE INTAKE CENTER, A MEDIUM SECURITY WOMEN'S PRISON OR ANY OTHER CORRECTIONAL FACILITY ON THE DAMMASCH STATE HOSPITAL PROPERTY.

Date: October 23, 1996

Presented by:

**Charles Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 96-2415 requests that the Metro Council oppose and object to the siting of an inmate intake center, a medium security women's prison or any other correctional facility on the Dammasch State Hospital property and urges the Governor and prison siting committee to immediately remove this site from the list of potential locations for new correctional facilities.

BACKGROUND AND ANALYSIS

For the reasons set forth in resolution no. 96-2415, the Dammasch State Hospital property is not a suitable site for an inmate intake center, a medium security women's prison or any other correctional facility.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2415.

Agenda Item Number 6.6

Resolution No. 96-2420, For the Purpose of Confirming the Selection of Western Strategies to represent Metro before the 1997 Session of the Oregon Legislature.

**Metro Council Meeting
Thursday November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING)	RESOLUTION NO. 96-2420
THE SELECTION OF WESTERN)	
STRATEGIES TO REPRESENT METRO)	Introduced by Mike Burton,
BEFORE THE 1997 SESSION OF THE)	Executive Officer
OREGON LEGISLATURE)	

WHEREAS, The Metro Council authorized a request for proposals for a personal services contract to represent Metro before the 1997 Session of the Oregon Legislature,

WHEREAS, Western Strategies submitted the highest ranking proposal; now, therefore,

BE IT RESOLVED,

That the selection of Western Strategies to represent Metro before the 1997 Session of the Oregon Legislature is confirmed by the Metro Council.

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

Jon Kvistad, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION 96-2420 FOR THE PURPOSE OF CONFIRMING THE SELECTION OF WESTERN STRATEGIES TO REPRESENT METRO BEFORE THE 1997 SESSION OF THE OREGON LEGISLATURE

Date: October 25, 1996

Presented by: Mike Burton, Executive Officer

BACKGROUND

Metro has a need to manage and coordinate its legislative agenda for Fiscal Year 1996-97 and maintain ongoing contact with individual state legislators. The Metro Council authorized a request for proposals for a personal services contract to represent Metro before the 1997 Session of the Oregon Legislature. The Council also approved \$45,000 in the Fiscal Year 1996-97 Support Services Budget for this purpose.

Western Strategies submitted the highest ranking proposal. Brad Higbee, Western Strategies' principal, has lengthy experience as a lobbyist in Salem. Prior to founding Western Strategies, Mr. Higbee was Senior Associate with the Portland-based public affairs consulting firm of Barney & Worth, Inc. from 1991 to 1996. His projects with governmental and business clients covered water supply, water quality, solid waste and recycling, land use, urban services, transportation, economic development, housing energy, and tourism issues.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends that Western Strategies be confirmed to represent Metro before the 1997 Session of the Oregon Legislature. If approved, the contract would begin immediately.

Appendix A

Resume of **BRAD HIGBEE**

Prior to founding **Western Strategies**, Brad Higbee was Senior Associate with the Portland-based public affairs consulting firm of **Barney & Worth, Inc.**, from 1991 to 1996. With the firm he managed a variety of projects for a broad array of governmental and business clients, specializing in numerous substantive areas including water supply, water quality, solid waste and recycling, land use, urban services, transportation, economic development, housing, energy, and tourism.

In addition to assisting clients with governmental processes, agencies and officials at all levels, Higbee was a lobbyist on behalf of several clients during the 1993 and 1995 Oregon Legislative Sessions. These clients included the Portland Trail Blazers/Oregon Arena Corporation; Intel and a coalition of entities (PGE, PP&L, US West, Fujitsu, the Port of Portland, Tri-Met, Associated Oregon Industries, Oregon Economic Development Department, among others) to authorize the use of wrap up insurance; and the Central Oregon families who suffered in a fiery accident involving a General Motors pick up truck with side-mounted fuel tanks.

Before joining **Barney & Worth, Inc.**, Higbee was Manager of Intergovernmental Relations for the City of Portland's Bureau of Environmental Services.

Prior to that post, Higbee was a Lobbyist with the City of Portland's Office of Intergovernmental Affairs, focusing on water, environmental issues, land use, housing, parks, and development issues.

Higbee served as Committee Administrator for the Oregon Senate Committee on Business, Housing and Finance during the 1985 Session.

An attorney, Higbee also was an Associate with **Ball, Janik and Novack**, a Portland law firm, where he engaged in a land use, real estate and general business practice. He is a member of the Oregon State Bar, inactive status.

Earlier in his career, Higbee worked with the Department of Housing and Urban Development in Washington, D.C., as part of the academic team assembled to prepare *The President's National Urban Policy Report for 1978*.

Higbee received his Juris Doctor Degree from the UCLA School of Law, and obtained a B.A. degree in Political Science from the University of California at Santa Barbara.

At UCSB, Higbee specialized in public policy, urban affairs, state and local government, and legislative processes. He served as a teaching assistant for a course on American Legislatures. He was also Director of UCSB's Washington, D.C., internship program.

Higbee served on the Oregon Racing Commission, completing his term in January 1996 as Vice Chair.

He also served as a member of the Crime, Law Enforcement and Regulation Subcommittee of the Governor's 1996 Gaming Task Force.

Resolution No. 96-2421, For the Purpose of Amending the Contract between Metro and Ankrom Moisan Associated Architects for Architectural Services Associated with the Development of the Oregon Project at Metro Washington Park Zoo.

**Metro Council Meeting
Thursday November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE CONTRACT REVIEW BOARD

**FOR THE PURPOSE OF AMENDING THE
CONTRACT BETWEEN METRO AND
ANKROM MOISAN ASSOCIATED
ARCHITECTS (CONTRACT NO. 903749) FOR
ARCHITECTURAL SERVICES ASSOCIATED
WITH THE DEVELOPMENT OF A CAPITAL
PROJECT AT METRO WASHINGTON
PARK ZOO**

RESOLUTION NO. 96-2421

Introduced by

**Mike Burton
Executive Officer**

WHEREAS, Metro executed Contract No. 903749 with Ankrom Moisan Associated Architects in 1994; and

WHEREAS, Additional architectural services are necessary to continue the scope of work tasks since the bond measure was approved by the voters; and

WHEREAS; Funds are budgeted for this project in the Zoo Capital Fund; and

WHEREAS, The Metro Washington Park Zoo has established that Ankrom Moisan Associated Architects has performed the work as specified and satisfactorily within the terms of the contract; and

WHEREAS, The Metro Council as Public Contract Review Board may declare that it is in the public's interest for this work on the zoo capital project to move forward in the most expedient manner, accepts those findings and waives competitive bidding; now, therefore,

BE IT RESOLVED,

That the Metro Contract Review Board authorizes the execution of Change Order No. 3 to Contract No. 903749 with Ankrom Moisan Associated Architects pursuant to the terms of Metro Code Sections 2.04.053 (a) (2) and (3) by increasing the contract value by \$3.89 million and the contract expiration is extended to June 30, 1999.

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

Jon Kvistad, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel

c:\kathy\bondpass\ankrom.res



METRO

REGIONAL FACILITIES COMMITTEE REPORT:

CONSIDERATION OF RESOLUTION NO. 96-2421, FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND ANKROM MOISAN ASSOCIATED ARCHITECTS FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF THE OREGON PROJECT AT METRO WASHINGTON PARK ZOO.

Date: November 7, 1996

Presented by Councilor McFarland (RF)
Monroe (FIN)

Committee Recommendation: At the November 4 meeting the committee voted unanimously to recommend Council adoption of Resolution 96-2421. Voting in favor: Councilors McFarland, Monroe and Washington.

Committee Issues/Discussion: Resolution 96-2421 amends a contract, via a change order, with Ankrom Moisan Associated Architects for work to be performed on the Oregon Project at the Zoo. This firm was the successful bidder via a Request for Proposal, to cover major architectural services for the entire Oregon Project. The estimated amount of those services were identified at \$3 million in the RFP.

Preliminary work was performed by Ankrom Moisan, prior to the bond measure, and paid for with Zoo Capital funds, in the amount of \$280,000. This Resolution increases that amount by \$3,892,684, for post-bond measure design services for the entire project, through June 30, 1999. The new contract total is \$4,172,684, with \$2,150,000 appropriated in the 96-97 fiscal year. That amount is in the adopted '96-'97 Metro budget in the Zoo Capital Fund.

Several questions were asked by Council members after a brief presentation by Zoo director Sherry Sheng. She said that although there is more \$1 million difference in the amount identified in the RFP for architectural services, as compared with this amendment, she would work hard to control costs and find the money in other areas of the project. Also, the Zoo is in good shape with (budgeted) reserves, and that is helpful.

The Finance committee took action on this resolution on Nov. 5, after a presentation by Kathy Kiaunis, assistant director at the Zoo. The committee decided to send the

resolution to full council with no recommendation, due to a lack of clarity of the status of the Oregon Project budget. Ms. Kiaunis was directed to bring a budget to the full council on Nov. 7. Ms Berit Stevenson is directed to work with Zoo staff and council staff to see if there are better technical options to amending this contract.

STAFF REPORT**CONSIDERATION OF RESOLUTION NO. 96-2421 FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND ANKROM MOISAN ASSOCIATED ARCHITECTS (CONTRACT NO. 903749) FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF THE OREGON PROJECT AT METRO WASHINGTON PARK ZOO**

Date: November 4, 1996

Presented by: Y. Sherry Sheng

PROPOSED ACTION

Approval to amend the existing contract (Contract No. 903749) "between Metro and Ankrom Moisan Associated Architects for architectural services associated with the development of a capital project at Metro Washington Park Zoo. This resolution would increase the contract value by \$3.89 million and extend the contract termination date to June 30, 1999."

FACTUAL BACKGROUND

Amendment of the existing contract (Contract No. 903749) is necessary due to passage of the bond measure and need to proceed with architectural services for project design.

The basic services defined in the scope of work include: (1) Programming; (2) Preliminary Concepts; (3) Schematic Design Services; (4) Design Development Services; (5) Construction Documents Services; (6) Bidding Phase Services; (7) Construction Contract Administration Services; and (8) Post-Construction Services.

The initial work authorized by the Contract Review Board in summer 1994 included Phases 1 through 3 at \$150,000, since project funding had not been identified. The architect was selected after a lengthy process involving several firms and was found to be the most qualified and best suited to the specific needs of the project. Initial schematic design services were satisfactorily completed. A contract amendment for \$120,000 was initiated in spring 1996 to proceed with additional work based on additional direction from the Metro Council and Metro Executive.

The next phase of work will include design development, construction documents, bidding phase services, construction administration phase, and post-construction phase. Total architectural services are estimated at 14.6% of the project cost, or \$3,892,684. The fee includes 22.1% for the design of buildings, 6.0% for the design of plazas and walkways, 51.7% for the design of exhibits, 3.3% for the design of life support systems, 13.1% for the design of interpretive components, and 3.8% to pay reimbursable.

Included in the design services scope and fees are the following specialty consultant services: traffic demand management, circulation evaluation, environmental assessment, cost estimating, structural/mechanical/electrical/civil engineering, acoustical design, lighting design, architectural interiors, arborist, filtration and life support system design, writer, habitat specialist, graphics design, and audio design.

The contract language has been amended to fully reflect responsibilities related to master plan and conditional use applications, schedules, and cost.

Metro Council, acting as Contract Review Board, is hereby requested to specifically exempt this amendment from competitive procurement procedures of Section 2.04.053 and thereby authorizes the Executive Officer to execute this contract amendment.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 96-2421

CHANGE ORDER SUMMARY

CHANGE ORDER NO: 4 INITIATION DATE: October 1996

CONTRACT NO: 903749 PROJECT: Oregon project; new entrance

CONTRACTOR: Ankrom Moisan Associated Architects VENDOR # _____

PROPOSED BY: Y. Sherry Sheng/Zoo
PROJECT MANAGER/DEPARTMENT _____

FINANCIAL IMPACT BUDGET CODE/TITLE: 325 221700 574120 51020

Original Contract Sum: \$ 150,000

Net Change Orders to Date: \$ 130,000

Contract Sum Prior to this C/O: \$ 280,000

This Change Order Request: \$3,892,684

New Contract Sum, Post C/O: \$4,172,684

Fiscal Year 96 - 97
Appropriation \$ 2,150,000

Contract, Paid to Date: \$ 269,460

Est. Appropriation Remaining: \$ _____

EFFECTIVE DATE(S): June 1, 1994 through June 30, 1999

REVIEW & APPROVAL:

DIVISION MANAGER DATE

FISCAL DATE

DEPARTMENT DIRECTOR DATE

BUDGET (MULTI-YEAR ONLY) DATE

DIRECTOR ADMIN. SVC. DATE

LEGAL DATE

**AMENDMENT NO. 4
CONTRACT NO. 903749**

This Agreement hereby amends the above titled contract between Metro, a metropolitan service district, and ANKROM MOISAN ASSOCIATED ARCHITECTS, hereinafter referred to as "Contractor."

This amendment is a change order to the original Scope of Work as follows:

Between sections F and G, add a new section: Master Plan and Conditional Use Permit Applications

1. Architect shall develop application and all supporting materials as prescribed by the city of Portland for review and adoption of the zoo's master plan and to secure a conditional use permit for the project.
2. Architect shall engage specialist consultants in areas such as traffic demand management and environmental assessment, as needed, in preparation of master plan and conditional use permit application.
3. Architect shall attend meetings related to master plan and conditional use permit applications at owner's request.
4. Architect shall secure all needed building permits for the project.

Exhibit C

B. Total Cost \$3,892,684

C. 1. For completion of Design Development Documents, Construction Documents, Bid Phase, Construction Administration Phase, Post-Construction Phase, architect shall receive \$3,892,684. Such fee includes 22.1% for the design of buildings, 6.0% for the design of plazas and walkways, 51.7% for the design of exhibits, 3.3% for the design of life support systems, 13.1% for the design of interpretive components, and 3.8% to pay reimbursable.

Included in the design services scope and fees are the following specialty consultant services:
traffic demand management, circulation evaluation, environmental assessment, cost estimating,
structural/mechanical/electrical/civil engineering, acoustical design, lighting design, architectural
interiors, arborist, filtration and life support system design, writer, habitat specialist, graphic
design, and audio design.

2. The maximum sum payable under this contract is hereby increased by \$3,892,684 for an
extended contract total not to exceed \$4,172,684.

3. The contract expiration date shall be extended to June 30, 1999.

Except for the above, all other conditions and covenants remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have
executed this agreement:

ANKROM MOISAN ASSOCIATED
ARCHITECTS

METRO

SIGNATURE DATE

SIGNATURE DATE

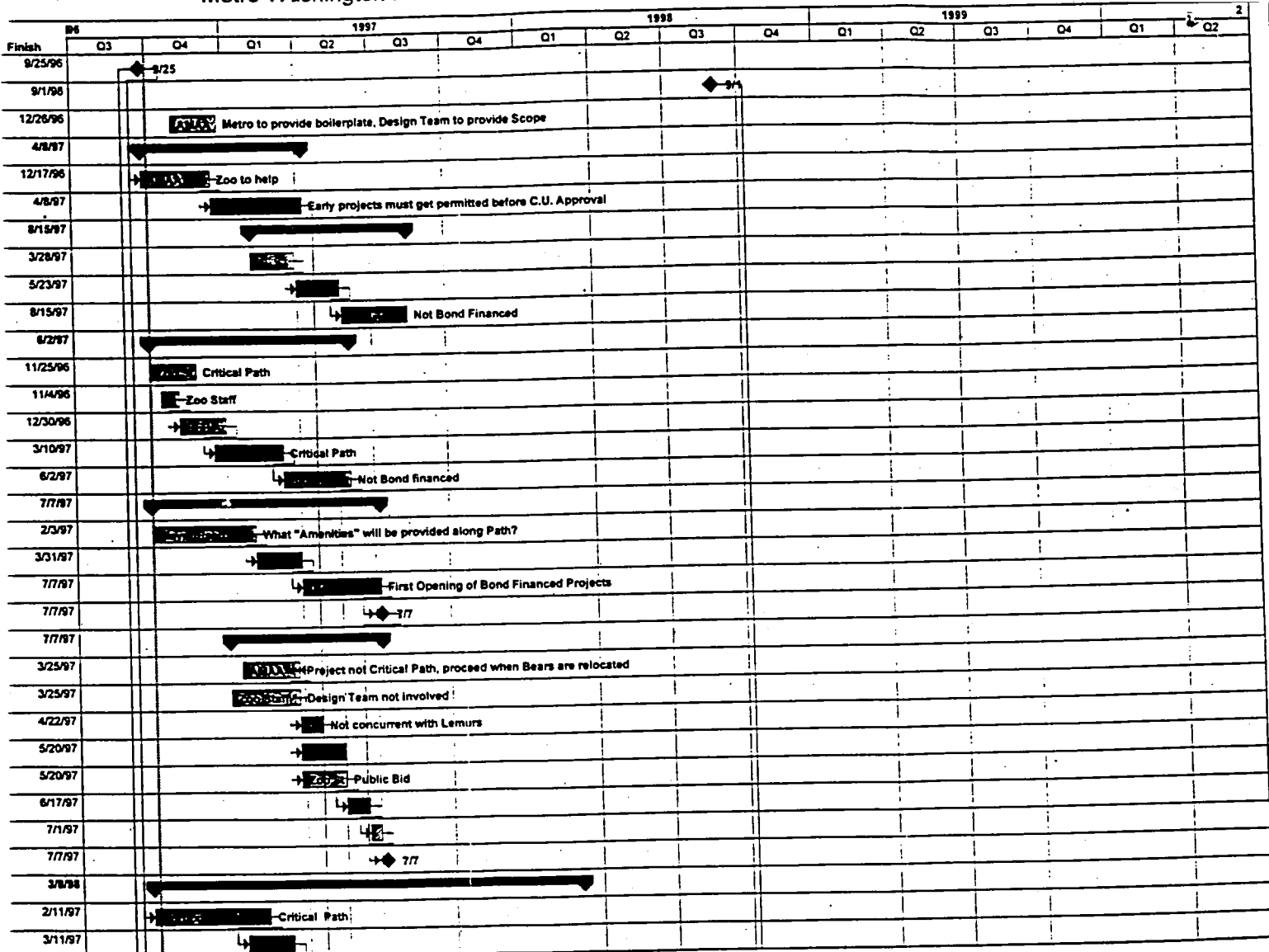
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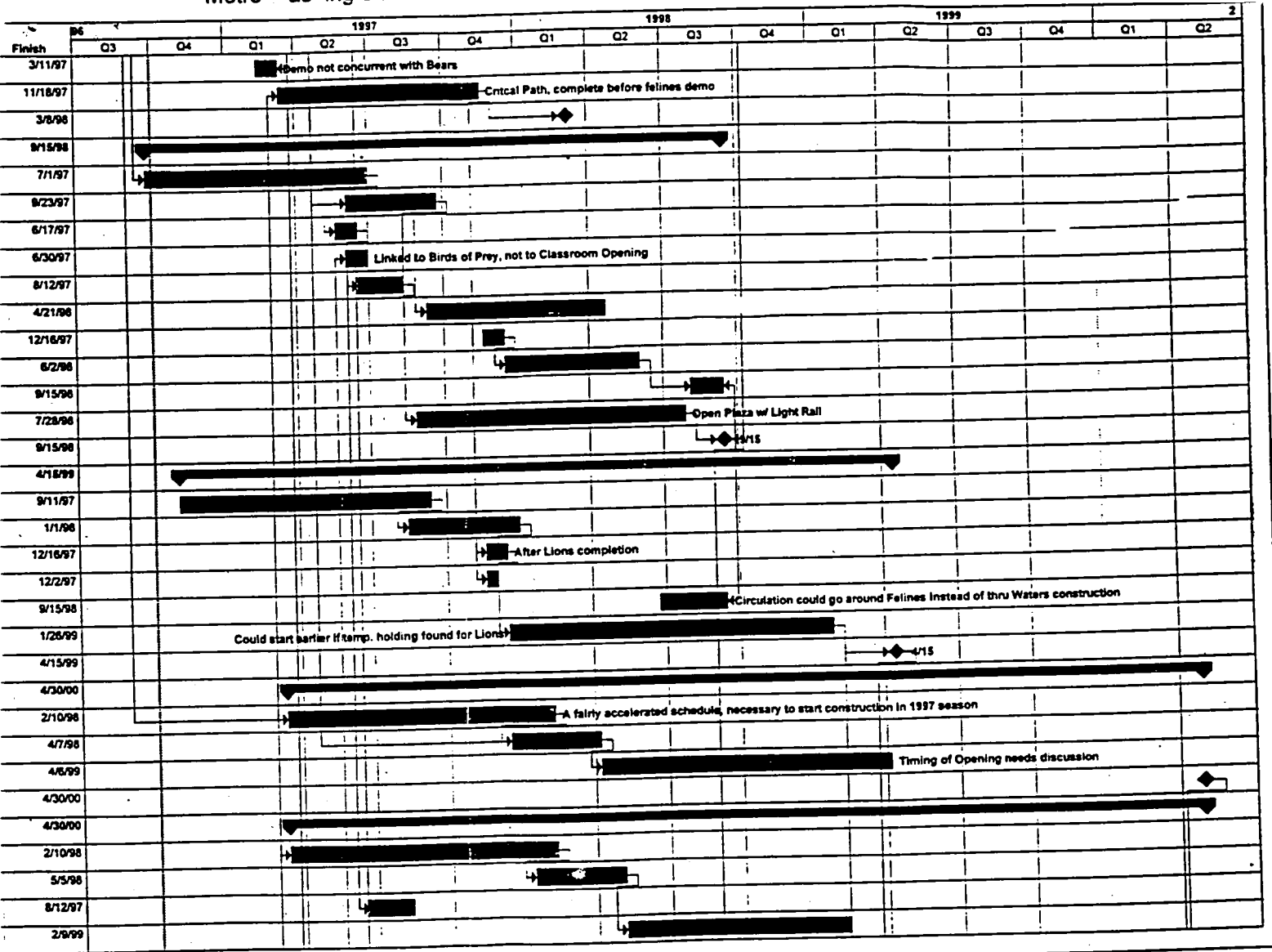
Metro Washington Park Zoo -- Waste



RECEIVED

MAR 26 1998

METRO Risk & Contract Management Division



Finish	1997				1998				1999				2
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	
4/15/99												◆ Open Farm with Waters?	
4/30/00													◆ 4/30
5/4/99													
12/23/98													
10/26/98													
1/25/99													
2/23/99													
5/4/99													
5/4/99													

Agenda Item Number 6.8

Resolution No. 96-2403, For the Purpose of Appointing Seth Tane, Bill Peters and Josephine Pope to the Three Expiring Terms on the Metro Central Station Community Enhancement Committee.

**Metro Council Meeting
Thursday, November 7, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING) RESOLUTION NO. 96-2403
SETH TANE, BILL PETERS AND JOSEPHINE)
POPE TO THREE EXPIRING TERMS ON THE)
METRO CENTRAL STATION COMMUNITY) Introduced by Mike Burton,
ENHANCEMENT COMMITTEE) Executive Officer

WHEREAS, The terms of three committee members representing the Linnton Neighborhood Association, the Northwest Industrial Neighborhood Association, and environmental organizations on the Metro Central Enhancement Committee have expired and they are not eligible for reappointment; and

WHEREAS, The Executive Officer has authority to appoint new members to the committee for Council confirmation as provided in Chapter 5.06.045 of the Metro Code; and

WHEREAS, The Executive Officer solicited nominations for membership appointments from the eligible organization, and recommends the following individuals for appointment to the committee: Seth Tane, Linnton Neighborhood Association, Bill Peters, Northwest Industrial Neighborhood Association, and Josephine Pope from the environmental community that has an interest in the enhancement area; and

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

BE IT RESOLVED

THAT the Metro Council hereby confirms the appointments of Seth Tane, Bill Peters, and Josephine Pope to the Metro Central Community Enhancement Committee. That the committee membership and terms of service for these individuals shall be for a two-year term ending July 1998.

Jon Kvistad, Presiding Officer

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 96-2403 FOR THE PURPOSE OF APPOINTING SETH TANE, BILL PETERS, AND JOSEPHINE POPE TO THREE EXPIRING TERMS ON THE METRO CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE

Date: October 7, 1996

Presented by: Katie Dowdall,
Community Enhancement Coordinator

Three citizen committee member vacancies currently exist on the Metro Central Community Enhancement Committee. The positions were previously filled by Robert Bay from the Northwest Industrial Neighborhood Association; Joan Chase from Linnton Neighborhood Association; and Christopher Foster, representing environmental organizations. All terms of office are for two years with no eligibility for re-appointment.

Executive Officer Mike Burton solicited nominations from the two respective neighborhood associations and from the environmental community via letters to their presidents on August 23, 1996. The Linnton Neighborhood Association nominated Seth Tane to represent Linnton; and the Northwest Industrial Neighborhood Association nominated Bill Peters to the committee. Two nominations were received from the environmental community, and after consideration, Josephine Pope was selected to represent the group.

The Executive Officer reviewed the nominations and recommends Council confirmation of the appointments of Seth Tane, Bill Peters and Josephine Pope for a two-year term expiring July 1998.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Office recommends adoption of Resolution No. 96-2403, confirming the appointment of Seth Tane, Bill Peters and Josephine Pope to the Metro Central Community Enhancement Committee.

KD:ay\gbc

Attachments

s:\share\dowd\central\staf1007.rpt

EXHIBIT A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

APPOINTMENT INTEREST FORM

RECEIVED
SEP 2 1996
EXECUTIVE OFFICE

Special Interests, If Any Preference:

..... METRO CENTRAL ENHANCEMENT COMMITTEE

.....
METRO OFFICE COMMENTS:
.....

NAME: SETH TANE DATE: 9/16/96

HOME ADDRESS: 13700 NW NEWBERRY RD PORTLAND OR 97231
Street City State Zip

BUSINESS ADDRESS: PO BOX 83037 PORTLAND OR 97283
Street City State Zip

HOME PHONE: 286-6339 BUSINESS PHONE: 735-0339

SOCIAL SECURITY NO. 132-40-7075 METRO DISTRICT NO.: OUTSIDE/ON BORDER
(i.e., the district that you live in)

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: M ETHNIC ORIGIN JEWISH

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
<u>RHODE ISLAND SCHOOL OF DESIGN</u>	<u>PROVIDENCE RI</u>	<u>SCULPTURE</u>

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

DATE (TO/FROM)	EMPLOYER/ORGANIZATION	POSITION
1995-1996	METRO GREENSPACES	COMMITTEE MEMBER
9A-1995-'96	LINNTON NEIGHBORHOOD ASSOC/LAND USER	VICE-CHAIR/COMMITTEE CHAIR
95-96	CITY OF PORTLAND TITLE 34 REWRITE	COMMITTEE MEMBER
1988-PRESENT	CAROLINA COCKPIT INC. (SELF EMPLOYED MFR OF MARINE EQUIP)	PRESIDENT
1995	MULTI CO. RURAL AREA PLAN	COMMITTEE MEMBER
1995	METRO OLD GROWTH	"

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

EXPERIENCE WORKING IN COMMITTEES, HANDLING FUNDING, MGMT, COMMUNICATIONS, GRANT APPLICATIONS

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

SUPPORT ENHANCEMENT GRANT PROGRAM

9/16/96
Date

[Signature]
Applicant's Signature

PLEASE ATTACH A SEPARATE SHEET/RESUME IF YOU SO DESIRE

Karl ...

SEPTEMBER 19, 1996

RECEIVED
SEP 20 1996
EXECUTIVE OFFICE

MIKE BURTON
EXECUTIVE OFFICER
METRO
600 NE GRAND AVE
PORTLAND, OR 97232

DEAR MR BURTON,

THE LINNTON NEIGHBORHOOD ASSOCIATION WOULD
LIKE TO NOMINATE SETH TANE TO REPRESENT
LINNTON ON THE METRO CENTRAL ENHANCEMENT
COMMITTEE.

THIS NOMINATION WAS DETERMINED AT
OUR GENERAL MEETING ON THE 16TH OF SEPTEMBER.

Sincerely,
Dove Polk
DOVE POLK
PRESIDENT

EXHIBIT A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

APPOINTMENT INTEREST FORM

Special Interests, If Any Preference:

..... METRO CENTRAL ENHANCEMENT COMMITTEE

.....
METRO OFFICE COMMENTS:
.....

NAME: Bill Peters DATE: Sept 23 1996

HOME ADDRESS: 17380 SW 106th Court Tualatin 97062
Street City State Zip

BUSINESS ADDRESS: 6 UNDERSON 4350 NW FRONT AVE PORTLAND 97210
Street City State Zip

HOME PHONE: 503-692-3897 BUSINESS PHONE: 503-228-9281 x361

SOCIAL SECURITY No. 560-56-0476 METRO DISTRICT No.: _____
(i.e., the district that you live in)

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: Male ETHNIC ORIGIN: Caucasian

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
<u>LOSALTOS</u>	<u>LOSALTOS CA</u>	
<u>Pacific UNIVERSITY</u>	<u>FOREST GROVE,</u>	<u>B.S BUSINESS FINANCE</u>
	<u>DRE</u>	

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

DATE (TO/FROM)	EMPLOYER/ORGANIZATION	POSITION
	Skinderson	Director? Human Resources
	Northwest Industrial Neighborhood Association	Assistant 93-95 Board Member

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

Bill is a truly fair, considerate, and concerned human being. He was on the Board when I started with NINA and has always impressed me with his

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

- 1) We need a person committed to NINA and enhancing city - Bill is that person
- 2) Bill is truly community-minded and would be an asset

9/28/94
Date

Elizabeth Mahoney for
Applicant's Signature
Bill Peters

PLEASE ATTACH A SEPARATE SHEET/RESUME IF YOU SO DESIRE

9/23/96



Best Western
Heritage Inn

4319 NW Yeon
Portland, OR 97210
(503) 497-9044
Fax (503) 497-1030

Dear Mike;

Enclosed is my recommendation by the Northwest Industrial Neighborhood Association (NINA) for a position on the Metro Enhancement Committee. Bill Peters would be honored to serve on the Committee and would be an asset to your program.

Please feel free to contact myself or Bill Peters if you need further information.

Sincerely,
Kitz Brown Mahoney
President, NINA



METRO

APPOINTMENT INTEREST FORM

SEP 22 1996

Special Interests, If Any Preference:

..... METRO CENTRAL ENHANCEMENT COMMITTEE

METRO OFFICE COMMENTS:

NAME: Josephine Pope DATE: 9/19/96
HOME ADDRESS: 1852 SW Highland Road Portland OR 97221
Street City State Zip

BUSINESS ADDRESS: Ø
Street City State Zip

HOME PHONE: 503-223-8881 BUSINESS PHONE: Ø

SOCIAL SECURITY NO. 542-44-4764 METRO DISTRICT NO.: _____
(i.e., the district that you live in)

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: F ETHNIC ORIGIN Caucasian

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
<u>PSU</u>	<u>Portland</u>	<u>Teacher's Credential</u>
<u>Stanford University</u>	<u>Palo Alto, CA</u>	<u>BA History</u>
<u>The Catlin School</u>	<u>Portland</u>	<u>(Highschool grad) diploma</u>

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

DATE (TO/FROM)	EMPLOYER/ORGANIZATION	POSITION
	Metro Green spaces	Blue Ribbon Advisory Com Finance Com
	(6yrs) Hoyt Arboretum Friends Foundation	Board Mem = Pres (3yrs)
1980's - 1990's (14yrs)	Catlin Gabel School	Board Member = Pres (2yrs)
1970's (8yrs)	Portland Opera Association	Board Member = VP = Ch
1958 - 1964	Portland Public Schools/and Catlin Gabel School	Elem Teacher

Country Classic Horse Show and Benefit

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

Volunteer leadership skills developed "on the job" over several decades

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

I have always been "an outdoor person" enjoying skiing, hiking, gardening. I believe that for all of us to be fully human, we must have the opportunity to experience the natural world. As we become more urban, for most citizens this experience must occur in an urban environment. It is, therefore, imperative that in our metropolitan areas, open spaces and places (natural and improved) for people to recreate be preserved and developed. I have worked to further these goals, and wish to continue by serving on the Metro

PLEASE ATTACH A SEPARATE SHEET/RESUME IF YOU SO DESIRE

Central Enhancement Committee.

Date
September 20, 1996

Applicant's Signature
Josephine Pope

Hoyt Arboretum

September 17, 1996

Mike Burton
Metro, Executive Officer
600 NE Grand Ave.
Portland, OR 97232

Dear Mr. Burton:

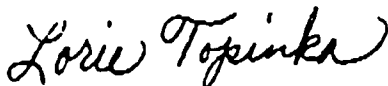
Hoyt Arboretum Friends Foundation (HAFF) is pleased to nominate Josephine Pope to fill the position on the Metro Central Enhancement Committee vacated by Chris Foster. We believe Mrs. Pope is an ideal candidate and will serve Metro and the community well.

Mrs. Pope has served on the Hoyt Arboretum Friend Foundation for six years--three as President of the Board. She continues to play a major role in the organization serving as chair of the highly successful Classroom Capital Campaign Committee and chair of the upcoming fund raising auction 'Take a Bough'. Under her leadership, HAFF managed the successful renovation of the picnic shelter at Hoyt Arboretum as a first step in upgrading the physical facilities of the Arboretum. She has been the key player in raising money for the addition of a classroom reception area to the current Tree House. Her vision, contacts, and hard work have made HAFF's first capital campaign a rapid, financial success.

Mrs. Pope has a deep concern for environment issues in urban area and has devoted a major part of her time in the last several years to working for HAFF and recently for the 26-10 and 26-26 bond measures. She is a strong supporter of Metro and will work hard and thoughtfully as a representative of environmental groups on the Metro Central Enhancement Committee for changes that enrich and enhance the community.

Mrs. Pope will send the application form under separate cover. She may be reached at 223-8881, 1852 SW Highland Rd., Portland, OR 97221.

Sincerely yours,



Lorie Topinka, President
Hoyt Arboretum Friends Foundation

HOYT ARBORETUM FRIENDS FOUNDATION

4000 S.W. Fairview Boulevard • Portland, Oregon 97221 • (503) 228-8733

CHRONOLOGY OF METRO EFFORT TO PURCHASE WILSONVILLE TRACT FOR OPEN SPACE

Dec 1991 Metro Greenspaces Policy Advisory Committee recommends sale of Wilsonville Tract by GSA to DSL to be maintained as natural resource area in perpetuity (per letter by Richard Devlin, Metro Councilor).

July 1992 Metropolitan Greenspaces Master Plan adopted; identifies Tonquin Geologic Area as "regionally significant natural area site" and Tonquin Trail (defined as "passing through Dammasch and DSL property") as "Proposed Greenspaces Regional Trail System."

Feb 1994 Metro urges DSL to adopt Management Plan that will protect and preserve tract in perpetuity, identifying site as a "unique gem" and "crown jewel" of Metro area. (per letter by Richard Devlin, Metro Councilor).

Nov 1994 DSL Management Plan adopted, classifying tract for allowable uses of: public park and open space; agriculture; forest; and water treatment plant. Natural features (forest, wetlands, creeks) to be "preserved and enhanced". Long term leases recommended and RFP transmitted, proposals due May 15, 1995.

Feb 1995 Metro notifies DSL that bond measure referred to voters for May 16, 1995 election and that approval "would provide source of funds for Metro to acquire" tract.

May 11, 1995 Metro Council adopts Resolution 95-2143 agreeing to partner with Wilsonville on response to RFP with condition that "Metro shall have first priority to acquire at market value at least 143 acres," contingent upon passage of Measure 26-26.

May 1995 Wilsonville voters notified via bond campaign that Wilsonville tract will be acquired if Measure 26-26 passes. Measure passes with 62% of vote, including 55% of Wilsonville voters.

May 1995 Wilsonville submits proposal with provision for purchase of up to 232 acres by Metro. TVWD submits RFP for 30 year lease/option on 40 acres.

Sept 1995 DSL implicitly accepts both proposals - W'ville/Metro and TVWD. DSL transmits draft lease to Wilsonville with provisions for Metro option to purchase "a minimum of 144 acres" and option to purchase additional 88 acres, "provided that other options granted by DSL are not exercised."

Sept 1995-Feb 1996 Weekly communication and numerous meetings among DSL, Wilsonville, Metro, TVWD, negotiating terms of documents and attempting to resolve competing proposals.

Dec 1995 RUGGOS amended and adopted, indentifying Tonquin Trail (through Dammasch and Wilsonville Tract) as proposed regional trail.

Feb 13, 1996 DSL Board votes to amend Management Plan to allow for sale of all or part of tract, following testimony by Mike Burton and Wilsonville officials. DSL Board briefed by Wilsonville/Metro and DSL staff re: competing lease proposals by TVWD and Wilsonville/Metro.

March 1996 Metro Council adopts Tonquin Geologic Area Refinement Plan (Resolution No. 96-2300) with objective to acquire Wilsonville tract as Tier One priority for "future regional park and open space"

March-Sept 1996 TVWD and Wilsonville cooperate in good faith to try to identify alternate site for water facility. Metro and DSL staff agree on terms and legal form of option to purchase.

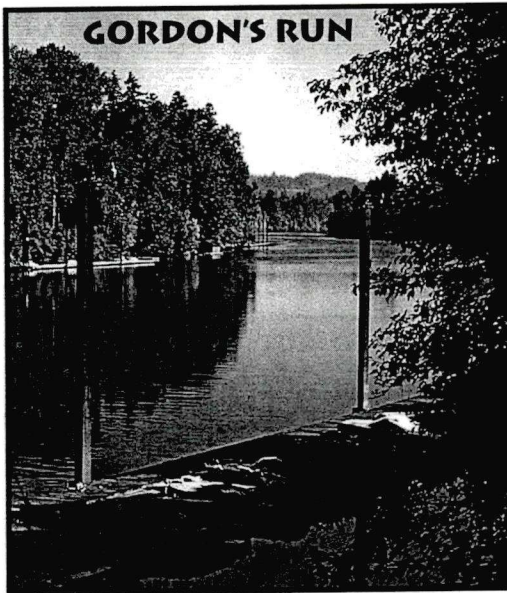
Oct 1996 Metro notified that Wilsonville Tract being considered for nomination as "intake center and women's facility". Metro staff Jim Desmond attends briefing before David Cook and Lisa Strader of DSL and notifies them of Metro sense of commitment to buy site for public open space purposes.

Oct 1996 TVWD agrees to withdraw proposal and take back-up option behind Metro.

Nov 1996 TVWD and Metro agree on terms and form of option agreement. DSL staff confirms desire and ability to move forward with public comment on lease/purchase proposal by Wilsonville/Metro.

ATTENTION

West Linn & Wilsonville



GOING, GOING...GONE?

West Linn and Wilsonville have changed a lot. And it's happened very quickly. Not so long ago we really didn't have to think too much about our open space and natural areas.

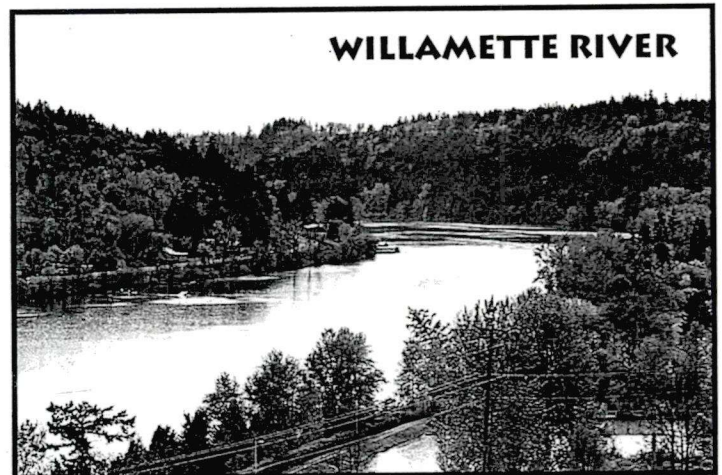
But we have to think about them now, or there will be little left. That's why it is so important to our community that we pass Measure 26-26.

Measure 26-26 will purchase 75 acres of the Willamette Narrows near West Linn and 390 acres of Canemah Bluff south of Oregon City, protecting natural areas and saving the trees, flora and wildlife for public use and enjoyment.

Gordon's Run is another one of the possible sites to be protected as part of the Willamette Greenway.

HERE'S MORE THAT MEASURE 26-26 WILL DO FOR WEST LINN & WILSONVILLE:

- Burnside Park – Acquire 8 additional natural area acres for a West Linn City Park.
- Boeckman & Mill Creeks – Restore wildlife and fish habitat along the creeks at four public schools.
- Wilsonville Park Trail System – Capital improvements to complete city trail system in natural areas of Memorial Park.
- Wilsonville Tract – Assist an acquisition up to 250 acre section of the Tonquin Geologic area, south of Dammasch.
- Peach Cove Bog – Acquire 50 acres of critical bog wetland along the Willamette Greenway.



PROTECT OPEN SPACE, PARKS AND STREAMS FOR OUR NEIGHBORHOOD

PROTECT OPEN SPACE, PARKS AND STREAMS FOR OUR NEIGHBORHOOD



The metro area's parks, trails, streams and open spaces are an indispensable part of our quality of life.

But over 500,000 new residents are coming in the next twenty years. Unless we protect some natural areas now, we will most certainly lose them forever.

That's why Measure 26-26 is so important to us: It is designed with neighborhoods in mind, protecting and improving sites right here. It will help insure that our neighborhood can keep a quality of life that is only a memory in other cities.

Measure 26-26 will:

- Preserve and improve neighborhood open space for walking, hiking, biking, jogging and other recreation.
- Help protect water quality and improve access to rivers, streams and creeks.
- Protect vital salmon, trout, steelhead and wildlife habitat.
- Pass on a legacy to our children and grandchildren.

GET INVOLVED — VOLUNTEER!

Please call the campaign at 227-4878

or drop by campaign headquarters at Room 426 Montgomery Park, 2701 NW Vaughn, Portland.
We'll let you know how you can join your neighbors to protect open space, parks and streams!



STATE OF OREGON

Department of Corrections

Subject:

**MANDATORY AND DESIRABLE
CRITERIA FOR SITING OREGON
CORRECTIONAL FACILITIES**

Related ACA Standards:

**OAR 291-073-0010 through
OAR 291-073-0040**

Rule #073 (Tab #54)

Functional Unit(s) Affected:

Planning & Budget

Procedure Requirement (Yes No)

Approved:

David S. Cook
David S. Cook, Director

Effective Date: 10/1/96

(Supersedes document dated: 7/8/96)

AUTHORITY AND PURPOSE

291-073-0010 (1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 421.614, 423.020, 423.030 and 423.075.

(2) Purpose: The purpose of this rule is to establish mandatory and desirable criteria to be used in the nomination of sites for the construction and operation of Oregon correctional facilities.

MANDATORY CRITERIA FOR ALL SITES

291-073-0020 The mandatory criteria for all sites (including medium security and minimum work camps) are listed below. They are not in any order of preference.

(1) A proposed site must be available by purchase, condemnation; exchange or otherwise.

(2) A proposed site must be of sufficient size and shape to accommodate the planned facility and its operation. ✓

(3) A proposed site must not be located in a 100-year flood plain as defined by a current FEMA map.

(4) A proposed site must not be in a designated tsunami inundation zone.

(5) A proposed site must have infrastructure available either on-site or such that ✓

they can be provided and maintained cost effectively. This infrastructure includes:

- (a) Water for domestic use, fire protection, and irrigation;
- (b) Sanitary sewer collection and treatment;
- (c) Surface drainage and storm water collection and disposal; and
- (d) Electricity, natural gas and/or oil or propane and telecommunications.

(6) A proposed site must be served by road or highway system capable of supporting the planned facility. New roadway construction or roadway improvements (if required) must be able to be constructed at a reasonable cost and be ready at the time the facility is scheduled to be opened.

DESIRABLE CRITERIA FOR MEDIUM SECURITY SITES

291-073-0030 The desirable criteria for medium security sites are listed below. They are not in any order of preference. An alternate means of meeting the intent of a criterion may be considered.

- (1) A proposed site which is available at little or no cost.
- (2) A proposed site which has 200-300 acres with 300 acres the preferred size.
- (3) A proposed site which is square or nearly so.
- (4) A proposed site which is relatively flat to minimize earthwork, foundation, construction costs and surface/subsurface drainage construction costs.
- (5) A proposed site which has natural buffers from surrounding land uses such as lakes, rivers, or ridges.
- (6) A proposed site which is not adjacent to a school, unless the parcel is buffered.
- (7) A proposed site which is not adjacent to a developed single-family or multi-family residential area, unless the parcel is buffered.
- (8) A proposed site in which the soils shall not be unduly prone to liquefaction due to seismic activity.
- (9) A proposed site with existing buildings that can be remodeled for utilization in new construction.

(10) A proposed site not subject to flooding from adjacent bodies of water, natural surface drainage or subsurface high water table.

(11) A proposed site not having an environmental, ecological, cultural or historic feature or condition which cannot be mitigated with remediation and/or health risk assessment prior to the beginning of site development. These conditions include, but may not be limited to, wetlands, historic or culturally significant sites, habitat for federally designated threatened and endangered species.

(12) A proposed site that maximizes the use of present Department of Corrections facilities and considers such institution management issues as warehousing, inmate transportation, inmate management, etc.

(13) A proposed site which has judicial, emergency and support services availability:

(a) Fifteen minutes or less to local and/or state police, full service fire department, and emergency medical transport/care;

(b) Sixty minutes or less to a National Guard unit;

(c) Forty-five minutes or less response time from licensed full service in-patient care hospital that accepts OMAP payment;

(d) Forty-five minutes or less to educational institutions to provide GED, vo-tech programs for inmates;

(e) Ninety minutes or less to higher education opportunities for staff development;

(f) Adequate providers of support services to inmates, including counseling, religious, job training and education; and

(g) Reasonable access to court facilities.

(14) A proposed site that can demonstrate eminent opportunity for inmate work by either the public or private sector. Sites that have Oregon Enterprise Zone designations that may be of assistance in attracting a private partner using inmate labor.

(15) A proposed site which is in close proximity to a population area from which a large number of inmates originate.

(16) A proposed site in which the facility is perceived as beneficial by local jurisdiction and community.

(17) A proposed site which is served by interstate and/or major arterial roadway.

Paved (providing year around service, two lanes, maintained by state, city or county) interstate access is preferable.

(18) A proposed site with convenient access by public transportation, including commercial airport and surface transportation and public accommodations, such as hotel/motel facilities.

(19) A proposed site with a community of 30,000 population or greater within a 60-mile radius with:

(a) Substantiation of an adequate workforce;

(b) Demonstration of the ability of the community to provide for or develop adequate housing and other community services, including primary and secondary schools;

(c) Range of physical specialty services; and

(d) Community ability to cost effectively provide food, fuel, equipment, spare parts, and maintenance to the facility.

DESIRABLE CRITERIA FOR MINIMUM SECURITY WORK CAMP SITES

291-073-0040 The desirable criteria for medium security work camps sites are listed below. They are not in any order of preference. An alternate means of meeting the intent of a criterion may be considered.

(1) A proposed site which is available at little or no cost.

(2) A proposed site which has 25 acres with 30 acres the preferred size.

(3) A proposed site which is square or nearly so.

(4) A proposed site in which the topography will minimize earthwork, foundation, construction costs and surface/subsurface drainage construction costs.

(5) A proposed site which has natural buffers from surrounding land uses such as lakes, rivers, or ridges.

(6) A proposed site which is rural, isolated locations are appropriate.

(7) A proposed site in which the soils shall not be unduly prone to liquefaction due to seismic activity.

(8) A proposed site which has appropriate soil percolation capacity to use septic tank and drain field, if one is proposed for the site.

(9) A proposed site with existing buildings that can be remodeled for utilization in new construction.

(10) A proposed site not subject to flooding from adjacent bodies of water, natural surface drainage or subsurface high water table.

(11) A proposed site not having an environmental, ecological, cultural or historic feature or condition which cannot be mitigated with remediation and/or health risk assessment prior to the beginning of site development. These conditions include, but may not be limited to wetlands, historic or culturally significant sites, habitat for federally designated threatened and endangered species.

(12) A proposed site that maximizes the use of present Department of Corrections facilities and considers such institution management issues as warehousing, inmate transportation, inmate management, etc.

(13) A proposed site which has judicial, emergency and support services availability:

(a) Thirty minutes or less to local and/or state police, full service fire department, and emergency medical transport/care; and

(b) Sixty minutes or less response time from licensed full service in-patient care hospital that accepts OMAP payment.

(14) A proposed site which can identify inmate work opportunities by either the public or private sector.

(15) A proposed site in which the facility is perceived as beneficial by local jurisdiction and community.

(16) A community able to cost effectively provide:

(a) Food, fuel, equipment, spare parts, and maintenance to the facility; and

(b) Support services to inmates, including counseling, religious, job training and education.

November 7, 1996

Jon Kvistad, Presiding Officer
METRO Council
600 NE Grand Avenue
Portland, OR 97232-2736

DEPARTMENT OF
LAND
CONSERVATION &
DEVELOPMENT

Subject: Urban Reserves

Dear Mr. Kvistad:

The department would like to offer guidance to the Metro Council on application of the Land Conservation and Development Commission's (LCDC) Urban Reserve Rule. As you know, LCDC recently amended the rule at Metro's request to address the question how to accommodate Metro's desire to redress an unfavorable jobs-to-housing ratio in several parts of the region.¹ We hope what follows will help the Metro Council deal with this issue.

The Urban Reserve Rule ("the rule"), found at OAR 660 Division 21, calls upon cities and counties to identify land outside their urban growth boundaries (UGBs) for future expansion. LCDC's most important objective in enacting the rule is to protect the usefulness of lands just outside UGBs for eventual urbanization.

As a general matter, farm and forest zoning do an adequate job of preserving a later opportunity for urbanization because such zoning keeps land in large blocks and limits development. It is, rather, for areas zoned rural residential that the rule was designed. Rural residential zoning often allows development at a density that prevents or impedes later urban development. If Oregon cities are to avoid or minimize conversion of farm land to urban use, they must protect the opportunity to expand onto land designated for rural residential use. This is why the rule places highest priority on "exception" land (land unavailable for farm or forest use due to a rural residential development pattern that preceded implementation of the Oregon statewide planning program) for designation as urban reserve (OAR 660-21-030(3)(a)).

As you know, the rule does not prohibit designation of other land (land other than "exception land") as urban reserve. LCDC recognizes circumstances exist that render avoidance of farm or forest land impossible. The rule allows cities and counties to designate farm or forest land as urban reserve when special circumstances listed in the rule exist (OAR 660-21-030(4)). One circumstance is when a local government must accommodate a "specified types of identified land needs" that cannot be reasonably accommodated on "higher priority" land. The recent amendment states expressly that

John A. Kitzhaber
Governor



800 NE Oregon St. # 18
Portland, OR 97232
(503) 731-4065
FAX (503) 731-4068

Jon Kvistad
November 7, 1996
Page 2

residential land to redress a job-to-housing imbalance and employment land to redress a housing-to-jobs imbalance may be considered "specific types of identified land needs."

The rule contemplates that a local government will turn to high quality agricultural land as a last resort. The rule requires exhaustion of other possibilities first. Section 030(2) calls the "locational factors" of Goal 14 into play in the designation of urban reserves. The section also makes the criteria for new exceptions in Goal 2 and ORS 197.732 applicable to the designation of land as urban reserve. The "alternatives" test at ORS 197.732(1)(c)(B) and two Goal 14 factors - 4 and 6 - bear particularly on the question of designating lower priority land.

Factor 4 stresses the "maximum efficiency of land uses within and on the fringe of the existing urban area...." In order to satisfy Factor 4 and the "alternatives" test, before Metro can designate high quality farmland as urban reserve, it will have to demonstrate why it cannot redress imbalances in the jobs-to-housing ratio within the UGB. In other words, Metro must explain why it cannot redesignate employment land to residential land in a subregion that is jobs "rich", or why it cannot redesignate residential land to employment land in a subregion that is housing "rich." For the same reasons that buildable land not currently for sale must nonetheless be included in a buildable lands inventory, buildable land in an employment or residential designation cannot be deemed unavailable for redesignation to the other because the owner says it is not intended for the other use.

Factor 6 emphasizes the importance of avoiding urbanization of Oregon's best farmland. The Metro region and surrounding "exception" rural residential land is itself surrounded by agricultural land. But the surrounding agricultural land varies in quality. In order to satisfy Factor 6, Metro will have to look first to land designated by Washington County as "marginal land" adjacent to the UGB or adjacent to exception land that is itself adjacent to the UGB. Next, Metro must look to agricultural land with low soil capabilities. As the attached map, drawn from Metro's excellent database, shows, agricultural land outside the western portion of the UGB is generally of higher quality than agricultural land outside the eastern portion of the UGB.

Let us address two other points about the language recently amended rule on the jobs-to-housing ratio. First, the designation of lower priority land as urban reserve must be based upon an effort to make the jobs-to-housing ratio more "favorable." This means work force participants and jobs in the area will become more nearly equivalent in number and

Jon Kvistad
November 7, 1996
Page 3

the cost of housing and income of work force participants will be more compatible. Second, an area that serves as the basis for analysis of the ratio must include or be intended for a population of at least 100,000 and focus upon one or more regional centers designated in Metro's Regional Urban Growth Goals and Objectives.

The department continues to be impressed by Metro's database and analysis of potential urban reserve areas. They provide the Council with an excellent basis for sound decision making on urban reserves. We hope the information in this letter will aid that decision making.

Sincerely,



Richard P. Benner
Director

RPB:cs
cc: Mike Burton
Jim Sitzman

1. The revised text of OAR 660-21-030(4) reads:

Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:

(a) Specific types of identified land needs, including the need to meet favorable ratios of jobs to housing for areas of at least 100,000 population served by one or more regional centers designated in the regional goals and objectives for the Portland Metropolitan Service District or in a comprehensive plan for areas outside the Portland Metropolitan Service District, cannot be reasonably accommodated on higher priority lands; or

(b) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.



METRO

Proposed Amendment to Resolutions 96-2414 and 96-2415
Councilor McCaig
November 7, 1996

96-2414

NOW, THEREFORE, BE IT RESOLVED

The Metro Council strongly urges the Governor and prison siting committee to take all the aforementioned limitations and concerns with regard to The Wilsonville/DSL Tract into account during any deliberation related to siting an inmate intake center, a medium security women's prison, a men's medium security complex or any other correctional facility.

96-2415

NOW, THEREFORE, BE IT RESOLVED

The Metro Council strongly urges the Governor and prison siting committee to take all the aforementioned limitations and concerns with regard to the Dammasch State Hospital into account during any deliberation related to the siting of an inmate intake center, a medium security women's prison, a men's medium security complex or any other correctional facility.