

## MINUTES OF THE METRO COUNCIL MEETING

December 16, 1999

Metro Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: None

Presiding Officer Monroe convened the Regular Council Meeting at 2:05pm

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATION

**Art Lewellan**, 3205 SE 8<sup>th</sup> #9, Portland OR, said he lived in the SE neighborhood of Brooklyn. He spoke to the council concerning his support of the 2040 Growth Concept (a copy of his testimony was included in the record, which may be found in the permanent record of this meeting)

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. AUDITOR COMMUNICATIONS

None.

### 5. MPAC COMMUNICATION

None.

### 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the December 9, 1999 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of December 9, 1999 Regular Council Meeting.

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

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

### 7. ORDINANCES - SECOND READING

7.1 Held until time certain of 2:30pm

7.2 **Ordinance No. 99-829**, For the Purpose of Annexing Lands within Urban Reserve Area 41 to the Metro Jurisdictional Boundary.

**Motion:** **Councilor McLain** moved to adopt Ordinance No. 99-829.

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

**Councilor McLain** reviewed the ordinance and asked Counsel to describe it.

**Dan Cooper**, General Counsel, said that annexations to the jurisdictional boundaries were now under the jurisdiction of Metro Council. As part of the transition away from the Boundary Commission, Council had adopted criteria for all annexations to any governmental body within the Metro jurisdictional area. The primary criterion was whether or not Council found it appropriate to add the lands to the Urban Growth Boundary (UGB). Annexations under Oregon law were a quasi-judicial process and required the process to begin by petition from more than 50% of the land owners plus a petition from 50% of the registered voters in the area to be annexed. He advised that a parallel action for an ordinance to add this land to the UGB was also on the agenda. Any Councilor who planned to vote yes on that ordinance should vote yes for this ordinance; or conversely, anyone who planned to vote no on one should vote no on the other.

**Presiding Officer Monroe** opened a public hearing on Ordinance No. 99-829.

**Craig Flynn**, 12048 NE Fargo Ct., Portland, said that over 98% of Oregon was open space, with about 3 million people residing in the State. Affordable housing had decreased as the Urban Growth Boundary (UGB) filled up. Local control no longer existed. Neighborhoods no longer could decide if they were to be developed or not. Small groups of anti-auto and new urbanists seemed to control the debate. Those living within the UGB were forced to densify; while those living outside the UGB could not densify even if they wanted to. He said it was time to abolish the UGB and allow neighborhoods to decide if they wanted to develop or not. He grew up in East County when farmland was everywhere; now it was an inter-city neighborhood. He believed that the control Metro exercised over citizens' lives was excessive and it was time to rein Metro in.

**Presiding Officer Monroe** closed the public hearing as there was no further testimony.

**Councilor Atherton** supported this ordinance because it was very different than other ordinances currently before the Council. While Mr. Flynn just testified that local communities did not have control, that was not true in this case. The City of Wilsonville wanted this and it fit in Metro's regional scheme. He urged a yes vote.

**Councilor Kvistad** said that Wilsonville had been a terrific partner to Metro in terms of master planning for the Dammasch site. He recommended an aye vote.

**Councilor McLain** urged the Council to vote yes on this ordinance.

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

7.3 **Ordinance No. 99-830**, For the Purpose of Annexing Lands within Urban Reserve Area 39 to the Metro Jurisdictional Boundary.

**Motion:**            **Councilor McLain** moved to adopt Ordinance No. 99-830.

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

**Councilor McLain** said this ordinance was identical to the previous one. She found it to be an appropriate annexation to the UGB.

**Presiding Officer Monroe** opened a public hearing on Ordinance No. 99-830. No one came forward. Presiding Officer Monroe closed the public hearing.

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

7.4     **Ordinance No. 99-834**, For the Purpose of Amending the Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 39 and 41 in Clackamas County.

**Motion:**            **Councilor McLain** moved to adopt Ordinance No. 99-834.

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

**Councilor McLain** found that Wilsonville's application and supporting data, along with staff reports, supported their request. All issues raised had been resolved. This was a case where a UGB amendment would help build a complete community; she urged an aye vote.

**Presiding Officer Monroe** opened a public hearing on Ordinance No. 99-834. No one came forward. Presiding Officer Monroe closed the public hearing.

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

**Councilor Kvistad** offered thanks to the City of Wilsonville, its leaders, land owners and citizens who fought long and hard to use this property to better their community. He congratulated them for doing a terrific job of staying on point and building a spectacular project for the region.

**Presiding Officer Monroe** said he echoed all that Councilor Kvistad had said. Metro was about to take the appropriate action for the appropriate development of the site. He looked forward to seeing the project when it was completed.

7.5     **Ordinance No. 99-812A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 65 of Washington County.

**Motion:**            **Councilor Bragdon** moved to adopt Ordinance No. 99-812A.

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

**Councilor Bragdon** asked staff to present this ordinance.

**Lydia Neill**, Growth Management Services, presented the staff report that was included in the public record. She stated that in answer to a previous question in committee the Bethany Town Center was located near this site and pretty well built out. Washington County anticipated very

little future development within that town center area. Conditions were included in the ordinance based on 200-foot buffers within this area that reflected Washington County's comprehensive plan amendments that were pending Metro's action

**Ms. Neill** responded to Councilor Atherton's question that the applicant was Ryland Homes.

**Councilor Atherton** asked Ms. Neill about the parcel in the north portion of the UGB – why was that area green rather than yellow like its surrounding areas.

**Ms. Neill** responded that this decision was made when the Urban Reserve (UR) was designated previously by the Council. The area was also designated Exclusive Farm Use (EFU) land.

**Councilor Atherton** asked what the basis of the URA decision was.

**Elaine Wilkerson**, Growth Management Services Director, said that while neither she nor Ms. Neill were involved at the time of Council's decision, she believed that the land on either side was exception land and as a result that one piece was an isolated EFU area. She said it was basically a combination of data provided and submissions at the public hearings that drove the decision process.

**Councilor Atherton** asked for clarification of the governance issue. Washington County was doing the planning work, yet they had stated many times that they were no longer in the city planning business. Given that, how could they be driving this process?

**Ms. Neill** responded that Washington County had coordinated extensively with the City of Beaverton on how this area should be planned. Washington County was responsible for the transportation system in the area and through public involvement and feedback it was decided that it was more appropriate for the agency administering the transportation aspect to also coordinate the planning.

**Ms. Wilkerson** added that joint efforts were not unusual with these entities. In this particular case, County and City have agreed that when the area was urbanized it would be as a part of the City of Beaverton.

**Councilor Atherton** asked if there were active neighborhood associations in this area.

**Ms. Neill** responded that she was not aware of neighborhood forums, but that there was an active CPO; she had received several calls from residents that pertained to the site.

**Councilor Atherton** asked if the CPO had had meetings regarding this site.

**Ms. Neill** said she had no knowledge of how active they had been with the City and County. She then corrected the record regarding the applicant: technically Ryland Homes was not an applicant, but rather a proponent that had provided the materials staff had analyzed.

**Councilor Park** noted that in the Jobs/Housing balance report prepared by Dennis Yee and Sonny Conder, their analysis of URA 65 showed an unusually low ratio compared to the Wilsonville site. As the numbers presented by the proponents and Metro staff were in dispute he asked staff for help in resolving the disparity.

**Ms. Wilkerson** explained that each group approached the analysis from a different direction. She also noted that staff was working on a comprehensive jobs/housing balance report complete with interactive models. The completion date was June 2000. In the meantime the Growth Management Committee had asked staff to address 3 concerns: 1. What would be considered a “significant” imbalance in the jobs/housing ratio, 2. How to treat overlapping areas and 3. Validate the data Metro had received from the various proponents. Staff determined the best way to deal with these directives in the interim was to update data gathered for the Urban Reserve decision four years ago. The data had not changed significantly since then; the average ratio for the area, excluding the CVD, was 1.48 jobs per housing unit. Staff determined that the significant figure was a range from 1.75-2.0. The proponent’s analysis was based on different but equally valid geographies. Staff’s conclusion was that in the short as well as long term there was an imbalance that could be considered significant.

**Councilor Park** asked how would the commuter shed be used when Metro moves on to the next property.

**Ms. Wilkerson** replied that staff employed an interim approach while awaiting the comprehensive study results. If the new and old areas overlapped the model would be updated to include the additional housing potential. Staff’s number was significantly different because the Beaverton Regional Center included more housing and fewer employment areas. As a result the ratio was lower and appeared to be housing rich. In the proponent’s analysis they looked at the commuter shed around the site in question. Metro tended to focus on the historic relationships of the regional centers. However, in the planned study staff would look at the question from different perspectives and might well modify their approach based on study results.

**Councilor Park** asked if the jurisdiction from which these jobs were taken had agreed that those jobs be used for this purpose.

**Ms. Wilkerson** suggested that Councilor Park ask the proponents that question. She believed that Hillsboro was aware of the study, as no concerns had been raised to Metro staff.

**Councilor Park** asked Mr. Cooper if there was an overall regional need today related to fish and wildlife habitat protection.

**Mr. Cooper** said that Goal 14 contained two factors to be applied in considering whether or not to move the UGB: 1. The overall regional need, and 2. The subregional livability issue. Council could make a determination based on Factor 2 provided that the action was not inconsistent with Factor 1. He believed this was not inconsistent with Factor 1.

**Councilor Atherton** asked if there was sufficient transit guaranteed for this area.

**Ms. Neill** replied that the proponent had provided a transportation study for the site that recognized the need for some street system improvements and that further transportation analysis would be required as the rest of this URA developed. Currently there was public transit to the Rock Creek PCC campus adjacent to this area.

**Councilor Atherton** asked if this development would exacerbate current transportation problems.

**Ms. Neill** responded no, to her knowledge it would merely extend the current street system in a logical manner. She believed it would enhance the connectivity in this area, including a better pedestrian and bike network as the street system was improved.

**Presiding Officer Monroe** opened a public hearing on Ordinance No. 99-812A.

**Dotty Quinn**, 14342 NW Meadowridge Dr. Portland, said she was here representing hundreds of families in the area north of Hwy. 26. They had sent hundreds of letters to Metro as follows: (a copy of which may be found in the permanent record).

**Greg Malinowski**, 13450 NW Springville Ln., Portland, read his letter into the record (a copy of which may be found in the permanent record).

**Mary Kyle McCurdy**, 1000 Friends of Oregon, 534 SW 3<sup>rd</sup> Ave. Suite 300, Portland, said they believed that there was no legal or policy reason to bring this land into the UGB now and it would set a sad precedent. It was farmland, the best piece of URA 65. Metro had just adopted a resolution accepting the Urban Growth Report and its update that concluded there was no need to expand the UGB at this time. Speculation as to what might happen after Title 3 work was done was not legally viable in terms of whether there was a regional need today; no subregional need had been shown. Metro's staff report showed that this area was housing rich. Council was on a slippery slope in basing a decision on the proponent's work rather than on its own staff report. She recommended that Council wait until the regional needs analysis, the jobs/housing work from MPAC on affordable housing and the RTP work was integrated into Metro staff's work due in June 2000. She urged Council to complete the work Metro has pledged to do during the extension period before making a decision on this area.

**Mike Fishback**, 1313 Clarendon St., Durham, NC 27705, stated that he was visiting Portland, which he said was held up as a paragon in the way that this region had handled suburban sprawl, urban renewal, light rail development, etc. He asked for help in obtaining documents regarding Metro's work on these issues. Presiding Officer Monroe asked staff from Growth Management to help him.

**Councilor Atherton** said he had just received an email from RKCZ that he read into the record (a copy of which may be found in the permanent record).

**Mr. Cooper** said the record for this ordinance had closed as of last Thursday. Testimony today was for the purpose of persuasion only and was argument rather than evidence.

**Presiding Officer Monroe** closed the public hearing.

**Councilor Park** asked Mr. Cooper if they could table this ordinance until a date certain in January.

**Mr. Cooper** responded that it could be postponed to a date certain in January, without notice within a relatively short time frame. If the Council picked a date staff would take care of the notice issue.

**Presiding Officer Monroe** believed that if a councilor moved to postpone action until date certain, that motion would be debatable. **Councilor Kvistad** agreed that it was at the discretion of the Chair and was debatable.

**Motion:** **Councilor Park** moved to postpone consideration of this ordinance until January 13, 2000.

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

**Councilor Park** said that many things had been brought up in discussion and he wished to have some proponent and HTAC numbers clarified. Tomorrow's meeting of Land Conservation and Development Commission (LCDC) would decide on Metro's request for extension. The affordable housing portion of the plan presented was good, but not binding; if circumstances changed, i.e. the property were sold, a different developer took over, etc. between now and the time that development actually began, that portion might disappear. He would like to have additional time to evaluate some of the issues raised.

**Councilor Atherton** asked Mr. Cooper why this decision must be made today.

**Mr. Cooper** said this was a legislative matter that the Council could decide any time it wanted to.

**Councilor Bragdon** said he agreed that Council would have more information available in 6-months, but was not persuaded that they would have more or better information in 4-weeks and would not support a delay.

**Councilor Park** urged an aye vote.

**Vote to**

**Postpone:** The vote was 2 aye/ 4 nay/ 1 abstain. The motion failed with Councilor Atherton and Park voting aye, Councilors Washington, Kvistad, Bragdon and Monroe voting nay and Councilor McLain abstaining from the vote.

**Councilor McLain** said she could not support this ordinance due to: 1. Timing - the vote would be on Needs Assessment alone and that was inconclusive, using either approach. Additional work was needed and she saw no reason to make that decision now; 2. It was farm use land and the only part of URA 65 that was good farm use land. She felt it set bad precedent while appeals were still pending; 3. Metro sets a precedent every time subregional needs are dealt with. She did not believe this precedent had enough support for staff to defend it in court; and 4. Not one of the 75 district citizens that contacted the Council wrote in support of this UGB amendment. While she believed that the plan itself was excellent, she felt that the transportation issues would cause more problems. Every time Metro moved the UGB more stress was put on the infrastructure needed to maintain it.

**Councilor Atherton** applauded Councilor McLain's words and echoed them. This was the antithesis of what regionalism and regional planning was about. This agency's mission was not to keep land in production for developers or steamroller over neighborhood groups and their wishes for their communities. When there was a case for expansion and a good concept plan, Metro should move ahead, but only when the community was in favor of that move. He urged a no vote.

**Councilor Kvistad** said he heard citizens say that they wanted Metro to stop putting density in their neighborhood, stop jamming the roads and building row houses next to single homes. Metro should stop ruining what they already have in the UGB. He believed that the Council had not

begun to focus on the real issue. It was not the urban edge, it was the fact that the Council was not working to build and help the local communities redevelop inside the boundary. Cramming density where it does not belong was what was destroying the transportation system. He had supported URA 65 for nearly 7 years and supported it now. Once this UGB work was done he felt that the Council should deal with what had already been done and protect communities, not continue to fight over parcels on the edge.

**Councilor Washington** shared his written comments that were included in the meeting record.

**Councilor Park** said that URA 65 was farmland surrounded by exception areas. He accepted the argument that this land should be brought in first so that the other areas could be served. Probably he would be able to support bringing this area in when more information was available in 6 months. At this point it was putting outcome before process. The Council had not gone through the process, not protected the lands in the Goal 5 areas, not identified the subregional needs. He felt that this decision was political, pure and simple, and not based on the technical merits. Metro was the referee on these decisions and the referee should be considered creditable and fair. This decision should be defensible for technical reasons when the next group came forward with a plan using this approval as justification for the next approval. He felt this decision did not meet those criteria.

**Councilor Atherton** spoke to the edge issues. He saw this proposed addition of EFU land as exploitation of others' investment in their community. On top of the need and transportation issues the Council must begin to focus on how communities build livable communities. He said that this was not the answer; it was wrong and urged a no vote.

**Councilor Kvistad** said Council should not turn into a debate between members, rather that each Councilor should speak to his/her own beliefs. He had spent 7-years on the Council in an attempt to build a better community, connect transit and make the 2040 Growth Concept work. He believed Metro had played the political correctness game with urban lands on the edge. His position was that the edge was the wrong focus; focus should be on the center in order to make a better community and correct any past mistakes.

**Presiding Officer Monroe** said this was an issue on which reasonable people could disagree. From his 20 years teaching history he had found that the Supreme Court had decided many important issues on a 5-4 vote. A close vote did not mean a vote was wrong. The Council had been contacted by Washington County and by the City of Beaverton in support of the ordinance. He also noted a letter from the school district in support Ordinance No. 99-812A. Four of the current Councilors were a part of developing the current 2040 design and determining what made a good design concept in the new world the Metro was trying to create. Mr. Guthrie's development proposal met every inch of criteria for the kind of design Metro was trying to promote. It had a park, a school site, riparian protection of 200 feet along streams, bikeways, transportation improvements, and a major component of affordable housing. He thanked Councilor Washington for consistently bringing the region's need for affordable housing to the Council's attention. He said he also looked at the property in question in terms of whether or not it was viable, farmable land, and it was not. It was currently zoned farmland, but it was broken up into relatively small parcels. The question of whether or not this property would ultimately come into the urban growth boundary was beyond question; certainly it would. Therefore, the question was when. Should the Council do it now, as requested by the local governments in the area, or should the Council wait six or eight months until it made other decisions this summer. He said supported adding the land into the UGB now for several reasons. First, it was the request



of Metro's local partners. Second, there was virtual certainty that the land would come into the UGB at some point, so why not now? Third, it was planned, it was planned to go now, and the plan was a marvelous plan that met all of Metro's criteria. For these reasons, he would support Ordinance No. 99-812A.

**Councilor Bragdon** closed by saying that he thought of this as the "Nixon goes to China" part of the program. Just as nobody expected Nixon, an anti-Communist, to go to China, if he thought six months ago that he would be voting for a UGB expansion, let alone making the closing statement, he would have been surprised. He thought some of his friends were surprised too, so he wanted to explain his position. First, he wanted to make a disclosure. He said Councilor Atherton quite rightly mentioned the quote in the newspaper, and he actually corrected it. Councilor Bragdon said he was quoted in the paper as saying, "It is difficult to expand the urban growth boundary." What he actually said was the same as Councilor Atherton's statement, "It should be," and it was difficult for him. The disclosure also related to that same article in which references were made to money. While he did not mean to be gouache, but he thought that was a very important point which all of the Councilors should have out in the open in every degree of detail. He looked back at his campaign records and he wanted to disclose that, in terms of donations, Ryland Home's donation to his campaign was zero, Mr. Guthrie's donation to his campaign was zero, Mr. Bachrach gave \$25 as well as some snide comments. He said Mr. Bachrach had become more polite with him since he won. He noted with some irony that Mr. Bachrach's donation was \$10 less than Ms. McCurdy's donation of \$35. So in terms of personal financial or political gain, this was definitely a loser for him, but he had to do what he felt was right. He noted that those records were available at the County, and he urged the audience to review them over the course of his career.

**Councilor Bragdon** said for him, the question came down to, what was the urban growth boundary about? The UGB was not about stopping growth, because the area was growing. People were having children, and people were moving here. He noted that someone moved here six months ago from Seattle, and then sent an email to the Council implying that no one else should now move here, which he found ironic. So test then for him was, was the urban growth boundary something that shaped the community, both inside the existing UGB and in those places where the Council made small, modest modifications to it. Did the UGB shape the neighborhood in which he lived, where they were revitalizing things, and the neighborhoods in Councilor Washington's district, where new life was coming in because of the urban growth boundary? He thought the plan presented to the Council was justified, as the record showed, and it would make the region a better place to live, not just for the people who lived there.

**Councilor Bradgon** addressed what those features were. First, in terms of the effect on agriculture, it was correct. There was a state classification in terms of the soils, there was a zoning classification for exclusive farm use. But the testimony from the people in the industry was that it was marginal land, it was not valuable agricultural land. The second important point for him, and one of the points he was most skeptical about when this came up, was the natural resources on the site. Rock Creek was there, and it was part of the very fragile Tualatin system. The urban reserve plan protected those resources to a greater extent than the existing regulations currently in that area. Affordable housing was mentioned, and undertaking to provide affordable housing needed by the area. In terms of whether that agreement was binding on somebody, if it did not happen, he would make that person's life miserable for the next three years. He thought the affordable housing would happen, and that there needed to be some element of trust in one another. The plan provided school sites, trail sites, and parks. In short, the plan did not perpetuate the sprawl that got the region, and the country, into its current mess. This was part of

reversing that sprawl, and making the region a better place. Finally, the issue that tipped the scales for him was the testimony with regard to access to jobs in the Hillsboro/Beaverton area, in terms. He added that the proponent testified at Growth Management and said they believed they met Metro Code and met what the Council wanted for urban reserve plans. He did think they met Metro's test, but that was not really the point. The real test was the people who would live there, use those parks, be able to bike to school, and watch the waterfowl. They would not know if they passed that test for another 10 or 15 years, but he thought this was a step towards that. Therefore, he would support Ordinance No. 99-812A.

**Councilor Bragdon** said that at the same time, he had some reservations. Some of those reservations had been expressed, and he thought it was incumbent on the Council to work on some of those reservations so that it would be done more smoothly in the future. When he said in the paper that it should be difficult to move the UGB, he meant that it should be difficult, but not Kafkaesque, and sometimes it was. He noted his concerns and said he hoped the Council would address them in its work plan for 2000. First, while the use of private consultants brought a lot of value to the process, such as establishing the jobs/housing need in the Bethany area, Metro needed to ensure that there was public sector oversight. Secondly, there was the danger of double dipping with regards to the jobs/housing imbalance. If one developer claimed that jobs in Hillsboro would be satisfied with a particular development, he did not want to see another developer come to Metro the next year and try to count those same jobs to justify a different housing development. In addition, no one should be able to come back the next year and say industrial land was needed, when the year before they said more housing land was needed. In addition, the Council needed to look at how to do exception lands better, to stay off of more of the farm land, and at how to fund the infrastructure. In closing, he said he did not like to give up an inch of farmland, but in terms of perspective, Metro had spent hours over the last year talking about 109 acres. He said it was important, and all of the factors needed to be considered very carefully. But at the same time, the relationship between buildable livable communities and hours that were spent by attorney was not clear to him. The hours spent on Ordinance No. 99-812A were hours that Metro did not spend on other issues, such as making downtown Beaverton and the Gateway District work, making the Rivergate area work for freight transportation, or revitalizing interior areas. In contrast, Metro had acquired 5,184 acres of greenspaces in the region, but he had not heard radio stories about those 5,000 acres, he heard stories about these 109 acres. He said he would support Ordinance No. 99-812A. He did have reservations, which he mentioned, and he would like to move ahead with the work of building communities.

**Vote:** The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilors Park, McLain and Atherton voting no.

7.1 **Ordinance No. 99-833**, For the Purpose of Amending the Section of the Metro Code, Chapter 3.08 on the Work Program of the Affordable Housing Technical Advisory Committee to Complete its Recommendation for the Regional Affordable Housing Strategy Plan.

**Motion:** **Councilor Washington** moved to adopt Ordinance No. 99-833.

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

**Councilor Washington** reviewed Ordinance No. 99-833. A staff report to the ordinance includes information presented by Councilor Washington and is included in the meeting record. He said H-TAC had been doing an outstanding job trying to pull together the components of affordable

housing. H-TAC needed some additional time, and he asked the Council to support the ordinance.

**Presiding Officer Monroe** opened a public hearing on Ordinance No. 99-833.

**Mary Jean Bey**, League of Women Voters of Columbia River Region, 5315 North Greeley, Portland, OR 97217, read her comments into the record (a copy of which may be found in the permanent record of this meeting).

**Sarah Buckley**, Community Alliance of Tenants, 2732 S.E. Belmont, Portland, OR 97214, read her letter into the record (a copy of which may be found in the permanent record of this meeting).

**Councilor Atherton** noted that one of H-TAC's goals was to provide a plan that included fair share targets for each jurisdiction. He asked Ms. Buckley how she defined fair share.

**Ms. Buckley** said she was not thoroughly familiar with the issue, but her understanding of fair share was that people could live and work in the same community. For example, if someone pumps gas in Lake Oswego, he or she should be able to live there, too. Fair share meant that there should be affordable housing for low- and moderate-income families in any area where they may choose to live and work.

**Councilor Atherton** asked if that was a regional decision or a decision of the community. He asked why a community would not want to have affordability for its residents.

**Ms. Buckley** said she did not know.

**Councilor Atherton** said he needed an answer to his question, because without it, he could not understand when fair share meant. The definition of fair share had been a constant debate in this committee. He asked if Ms. Buckley knew what an unfair share would be.

**Ms. Buckley** said yes, she did. If people were living in one area, and they were forced to commute an extended length of time in order to work in another area because they could not afford to live in that area, that was unfair. She did not see why it was not a regional issue.

**Councilor Atherton** said they were wrestling with a idea that no one had been able to define and understand. The approach that he had observed was that someone there would be a black box that lots of numbers would be plugged into, that would result in more regional mandates on communities. He said they were presupposing a strategy when the directive was to look at a strategy. He asked why it was necessary to have a fair share strategy, when it could not even be defined.

**Ms. Buckley** said fair share was necessary because communities were not taking it upon themselves to provide the housing that everybody, of all socio-economic levels, needed to live there. If the communities were not taking it upon themselves, then somebody needed to. She said she understood Councilor Atherton's point, and she thought there were different angles from which the problem could be addressed. Overall, her basic point was that they needed support for affordable housing. As an extremely low-income renter, she wanted affordable housing where ever she chose to live. She was currently unemployed, and she would like to be able to choose where she worked and be able to live nearby and ride her bike to work, and not have to purchase a car or ride public transportation for two hours to commute to work.

**Councilor Washington** said he appreciated Ms. Buckley's answers to Councilor Atherton's questions. He said when H-TAC first looked at fair share as one of many available tools for affordable housing, fair share was not demanding, but asking, that every jurisdiction have a share of affordable housing. Metro could not make a jurisdiction do that, but the purpose of H-TAC was to work toward a system in which every jurisdiction would take a fair share of affordable housing. He said they were talking about affordable housing, not low-income housing. Everybody needed to do a little bit; that was fair share.

**Councilor Atherton** summarized that Councilor Washington and Ms. Buckley said that communities were not doing what they needed to do, therefore Metro would force them to do it.

**Councilor Washington** said he did not think that was the intent at all. The intent was to have that regional discussion with and among those communities to see what could be done collectively to address the issue of fair share. It was not H-TAC's intention to try to shove fair share down anyone's throat. It was an important need, and the way to address it was by thinking collectively to find ways that would work. He said he would love to continue this discussion and share his thoughts on the matter with Councilor Atherton over a cup of coffee.

**Councilor Atherton** said he appreciated that, but they needed to have this discussion in public because many people were concerned about it, and it really went to heart of what regionalism and community was about. He said he definitely supported this effort, but he was concerned about the fair share targets and all that they implied. He thought the Council could strike part of the sentence in the ordinance. He said he would like to make a motion for an amendment.

**Presiding Officer Monroe** said it was not an appropriate time for a motion as the Council was in the middle of a public hearing. After the public hearing the Council would go to Council debate, at which time it would be appropriate for a motion.

**Charles Shi**, Chair of the Elders in Action Housing Task Force, 4417 NE 70<sup>th</sup> Avenue, Portland, OR 97218, spoke about rent costs for mobile home owners. He said the situation was very serious. In the past, owning a home but not the land was considered advantageous because it was much cheaper and people could move their homes to different locations. But after a few years, the homes were no longer mobile; they stayed at the same site. Many mobile home owners were elderly or retired. Currently, rent increases for mobile homes was about five times the cost of living increase. The rent had increased 50% since 1992. The average rent for the land under a mobile home was \$430 a month. About 85% of mobile home owners were over the age of 60. The biggest problem was the increase in rent. There was no indication that the increases would stop. In addition, when ever ownership of a mobile home park changed, the new owner would raise the rents again. He said mobile home owners were like sitting ducks. They were not able to do anything. In the tri-county area, there were 283 mobile home parks, and 17,658 mobile home sites. The Elders in Action Housing Task Force had thought of three ways to address the problem. First, to lobby for rent stabilization. Second, establish a connection with the land bank facility, at a state or county level, to stabilize the rent. Third, encourage non-profit developers to buy and improve the land and stabilize the rent. However, it did not work because the mobile owners were bickering among themselves. Therefore, they needed help from H-TAC to find a solution. He said some mobile home owners were unable to afford regular groceries because of the rent increases.

**Presiding Officer Monroe** closed the public hearing. He called for additional discussion and debate.

**Councilor McLain** said she supported this ordinance. She thanked Councilor Washington for continuing to bring issues of affordable housing before the committee. It was important to remember that the Council was extending its own goals. In the Regional Framework Plan, under Housing and Affordable Housing, the Council asked for a fair share strategy for a diverse range of housing types for specific goals for low and moderate income housing and housing densities to help the people who testified before Council. It was not a matter of Metro telling local communities what to do. It was Metro's local partners in MPAC, who reviewed and approved the Regional Framework Plan, saying to each other that they all needed to be part of the solution. She thanked Gerry Uba, Program Supervisor, and the members of H-TAC for their work. She commended the diverse members of H-TAC for continuing their discussion for six months, and said the Council should honor their request to allow them to continue their work.

**Councilor Bragdon** said as someone who sometimes became impatient with the pace of activities at Metro, he wanted to say that H-TAC was moving quickly, was in the real world, and included a diversity of viewpoints. He supported giving H-TAC an additional six months to continue its work.

**Councilor Atherton** said he was also impressed by H-TAC's work, and would like to see it continue for another six months. However, there was a section in the ordinance about fair share and targets for each jurisdiction. All of that language was against what regionalism really was. It was not appropriate for a regional government to override local jurisdictions to accommodate anything. The Council just finished that debate on moving the urban growth boundary and the 20-year land law, which was set up to force Metro to override local jurisdictions to keep land in production. In Ordinance No. 99-833, Metro was setting itself up for another big problem.

<b>Motion to Amend:</b>	<b>Councilor Atherton</b> moved to amend Ordinance No. 99-833, page 4, first paragraph, to strike the language "shall make a recommendation to the Council for the adoption of fair share affordable housing targets for each jurisdiction."
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**Seconded:** **Councilor Kvistad** seconded the amendment.

**Councilor Atherton** said the language about fair share added nothing to the effort, and created a serious, potential pitfall, and he asked that the Council remove it.

**Mr. Cooper** suggested for technical reasons that Councilor Atherton consider moving to amend the language to read, "shall make a recommendation to the Council for the adoption of ~~the affordable housing fair share targets for each jurisdiction, and~~" By doing so, H-TAC would then be making a recommendation to the Council for the adoption of the Regional Affordable Housing Strategy Plan.

**Councilor Atherton**, and Councilor Kvistad as the second, accepted Mr. Cooper's recommendation.

**Councilor Washington** urged the Council not to support Councilor Atherton's motion to amend. This issue had been before the Council before, and the language had been in the ordinance since the inception of H-TAC. The proper time for amending the language was some months ago.

**Councilor Park** asked for clarification from Mr. Cooper. He said he recalled that historically, this came from a lawsuit against Metro which was filed by certain locations. At that point, there was a mandatory amount per jurisdiction, which was the cause of the lawsuit. He asked how this changed or addressed that, or was any part of the current language part of the agreed upon settlement that occurred two years ago.

**Mr. Cooper** responded that there was history to how the language came into place, that related to language that was originally adopted into the Framework Plan by the Council. A Land Use Board of Appeals (LUBA) appeal was filed and mediation occurred with the petitioners (the Cities of Hillsboro and Gresham and Multnomah County), and the multiple parties that intervened both on behalf of Metro and the petitioners. There was lengthy mediation, and the resulting agreement was that the appeal would be dismissed if the Council adopted this version of the text, as well as parallel provisions in the Regional Framework Plan. The Council took that action and the case was dismissed. The Council was not precluded from further legislation in this area by that settlement, although it might lead to separate appeals of this action.

**Councilor Park** asked if, on the moral side, the Council would be breaking faith with the agreement at that time.

**Mr. Cooper** said he tried to avoid giving advice to Councilors that sounded like taking sides on a policy debate, but the answer to Councilor Park's question was, he thought, yes.

**Councilor Washington** thought that to change this ordinance at this time would be a bad precedent. He made a concerted effort to bring the ordinance before committee and the Council/Executive Officer Informal meetings, and to change it now would show bad faith. He said the issue could be discussed further at H-TAC, so that no one would be surprised. He said Councilor Atherton's motion was an inappropriate surprise for H-TAC.

**Councilor Bragdon** said if this was a matter of the Council or someone else at Metro unilaterally making up regulations and imposing them on jurisdictions, he would be open to supporting the amendment. He did not think that was the case, however, because H-TAC was composed of mayors, county commissioners, representatives from the housing authorities in each of the local jurisdictions, as did the subcommittee on fair share. There were plenty of opportunities for local jurisdictions to influence the process, and they were eager to be part of it. To preclude their participation would have the opposite effect of the Council's intention. Ultimately, anything coming out of H-TAC would be reviewed by MPAC, which consisted of local elected officials.

**Councilor McLain** said she would be voting no on the amendment. She said the Regional Framework Plan sections 1.3, 1.3.1, 1.3.2, 1.3.3, and a little bit of 1.3.4, were all relevant to the current conversation, and were all reviewed by Metro's partners. MPAC went over the document carefully in 1997, and it would be inappropriate to change the language. She urged the Council to go forward without the amendment today. If Councilor Atherton still had concerns, those concerns should be addressed in other conversations in the future.

**Councilor Kvistad** said he voted against the fair share language in the Regional Framework Plan the first time also. To be clear and to be consistent, the section on fair share targets was a problem for him. He had not been comfortable with H-TAC's approach from the beginning because it was convoluted and not clear. He said he would support Ordinance No. 99-833, regardless of the Council's action on Councilor Atherton's amendment. He said he did think that

H-TAC had made strides in terms of moving ahead. In honor of Ms. Buckley standing up to Councilor Atherton, he would vote in favor of the ordinance whether it was amended or not.

**Councilor Atherton** told Ms. Buckley that he hoped it had not appeared that anyone had been “getting on her,” as Councilor Kvistad had stated. It was important for the Council to have public conversations about the issues and try to achieve clarity. He said his major problem with the fair share language was that it presupposed a solution without allowing H-TAC to go through and create a regional affordable housing strategy. Instead, it focused on pushing one strategy. Fair share was controversial and had not been defined. He apologized if he was not in lockstep with everybody, or misinterpreted some of the messages that came from other groups, because he understood that the fair share language was being dropped. Regardless of whether his interpretation had been wrong, he sat on the Council as the representative of his district, and it was his best wisdom to take out the language referring to fair share and allow H-TAC to come back with a true strategy, without highlighting fair share, which he felt went against what regionalism ought to be. He urged a yes vote on his amendment.

**Vote to Amend:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Bragdon, Park, McLain, Washington, and Monroe voting no.

**Councilor Washington** closed by saying that there were no easy issues at Metro. He invited Ms. Buckley to come back anytime. He said Councilor Atherton was tough, but they would take care of him over a cup of coffee. He urged the Council’s aye vote on the main motion.

**Vote on the Main Motion:** The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Park abstaining from the vote.

## **8. RESOLUTIONS**

8.1 **Resolution No. 99-2876**, For the Purpose of Granting a Time Extension to Washington County and the Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin for Compliance with Title 3 of the Urban Growth Management Functional Plan.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 99-2876.

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

**Councilor McLain** presented Resolution No. 99-2876. A staff report to the resolution includes information presented by Councilor McLain and is included in the meeting record. She personally thanked the many people who have worked on Title 3 compliance. She said she was confident of the work by the United Sewerage Agency (USA).

**Councilor Bragdon** said John Jackson, USA, gave him a tour of the facilities. Sometimes regardless of the amount of good staff work, if there were issues of overlapping jurisdictions, it was sometimes necessary for an executive to step in and pull it together. He commended Tom Brian, Chair, Washington County Commission, for taking the lead in terms of marshalling support.

**Councilor McLain** thanked Delna Jones, Washington County Commission, as well for her work on Title 3 compliance.

**Councilor Park** asked for clarification on the timeline. He understood that with the intergovernmental agreement (IGA) that there were some concerns in Washington County that as soon as it was signed, they would have 30 to 40 days to comply. He asked if that was correct.

**Councilor McLain** said that in the new work, they did recognize that there would have to be some staff training and that there would be a delay of four to five weeks until Metro assumed that it would be ready to go. She asked legal counsel if she was correct.

**Ken Helm**, Office of General Counsel, said that was his understanding as well. He recommended that the Council invite Mr. Noren of USA to come forward to answer any specific questions.

**Councilor Park** asked for clarification. From the time it was adopted to the time that the IGA was signed, at that point then, within the four to five weeks, it takes effect. It was his understanding that it might be sooner than that, depending on the sequence of events.

**Mr. Helm** suggested that those questions be directed to Mr. Noren.

**David Noren**, USA, said there had been discussion about when the effective date of USA's regulations would be, and there was a second question about the adoption of new intergovernmental agreements that would have the individual cities implementing USA's regulations for them. That may not happen for a little bit, but in the meantime, USA would be implementing its own regulations when they went into effect. The current proposal was to have the Board of Directors adopt regulation amendments on December 21, but they would not go into effect until late January. Those new regulations would then apply to any development that occurred. There was discussion about language to tailor it to having the same effectiveness as land use regulations, and there was discussion about when that would go into effect. If someone did not have a complete land use application submitted or was not qualified to proceed with a land use application under a local jurisdiction when these rules went into effect, that person would be subject to the rules, regardless of whether there was action by a local government. It would be USA's authority that would kick in at that point.

**Councilor Park** asked if he was correct that, if USA Board took action on December 21, and the rules went into effect in late January, and then the IGAs would potentially go into effect the first part of March.

**Mr. Noren** said that timeline was possible. Some of the IGAs may be more complicated than others. It depended on what degree of responsibility the individual city was going to take on.

**Councilor Park** asked if this was on a faster timeline than what Metro had requested in working through its original concerns about when this would all go into effect with the extension.

**Mr. Noren** said he thought that was accurate, in that it was USA's regulations that would control the vegetated corridors and where development could occur adjacent to the protected areas, not land use regulations. USA's regulations would go into effect in January, and even though it may be March, May, or as late as October for some conforming amendments in comprehensive plans to recognize USA's role, in the meantime USA's standards would be in effect. That was sooner



than would have happened under the extensions that had been afforded to a number of other jurisdictions.

**Councilor Park** said he wanted to clarify that this would be faster than anything else that could have been done.

**Councilor Kvistad** said he appreciated the Council looking at this and the extensions. He thought the work done by USA and Washington County was exceptional. He consistently had problems with all of the hoops that had to be jumped through in terms of the way stormwater was treated in Washington County. Councilor Bragdon went out to Washington County to tour the facility; in Portland you could take a tour by walking out to the seawall, and Metro never addressed that. It was a bit flip and humorous, but in reality, the communities were working hard to comply with Title 3, and he thought there were other, bigger issues to address. He thanked the committee and Council for looking favorably at the extension request.

**Presiding Officer Monroe** added his appreciation of County Commissioners Brian and Jones, who met with him and Councilor McLain and who worked very hard in a cooperative mode to make sure this happened.

**Councilor McLain** closed by adding that the Council was being asked once again to grant an extension, not an exception, to Title 3. It was a win-win situation for everyone, and continued to work toward the goal of water quality and flood mitigation.

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

8.2 **Resolution No. 99-2878B**, For the Purpose of Approving 1999 Update to the Regional Transportation Plan.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 99-2878B.

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

**Councilor Kvistad** reviewed Resolution No. 99-2878B. He first reviewed the history of the Regional Transportation Plan (RTP) and noted that it was the culmination of four years of work by Metro staff, and the 24 cities and 3 counties in the region. It was an ongoing document in the way that it looked at the region, and by Metro's own direction, had been changed to meet Metro's 2040 guidelines many times. The RTP in its current form was about 1½ inches thick, and a very detailed, comprehensive overview of exactly the kinds of programs for 20 years that the region was working on and moving forward to do. He noted that there was another 1½ inch document that contained a partial list of the public testimony. There was a third document with the remaining public testimony. He noted that the RTP came before the Transportation Planning Committee many times, and also was reviewed by the Joint Policy Advisory Committee on Transportation (JPACT) and the Transportation Planning Advisory Committee (TPAC). It was in front of the Council in resolution form, not ordinance form, so that there would be a document in place from which the Council could work. Many times, when working on long-term documents, a document needs to be in place that lists the items necessary or desired for the long-term growth and stability of the community.

**Councilor Kvistad** said in 1996, the first stage involved the Council adoption of a general RTP policy. They had been updated to support and conform to the RTP as well as to the 2040

Guidelines, the Regional Framework Plan, and Functional Plan elements. The second stage was the Functional Plan element, the Title 6 elements of the urban growth master plan and functional plan. The final stage would not occur until the ordinance portion of the RTP was prepared, probably in May, June, or July of 2000. The resolution was the result of four years of intensive staff work and cooperation with every jurisdiction. The principle elements dealt with 700 potential projects over the period of the next 20 years. There were a huge number of projects, and not every one would have funding. But the fact was, they needed to be listed in the documents so that they were there for this council and future councils at Metro and future councils in other jurisdictions, to address. Each of the projects was designed to address future growth in the region and implement 2040. All of the projects had been through the 2040 filter. All elements of transportation were incorporated in the RTP. The completion of the entire of the entire list of projects, if they were to be built, would cost between \$7-9 billion. Everyone knew that the region did not have \$7-9 billion, it had a fraction of that amount. But the projects needed to be on board. Some people would make the argument that they needed to get the money first and then make decisions about transportation funding. He said the Metro Council ran into some problems recently using that scenario. The Council could not tell the public, give us the money and then we will determine what we want it for. Instead, it needed to present the package of programs and projects. From this package of programs and projects, decisions would be made by the region as a whole with input from the state and federal governments.

**Councilor Kvistad** said the next step was to complete the additional work needed for the ordinance, such as developing a financially constrained network, and air quality conformity. The Council needed to get the resolution form of the RTP in place to accomplish the remaining work. Someone raised the question of outcomes, and what was credible and fair. He asked if Metro was credible if, every time it reached a decision point on a product, it continued to delay because more information would be available in two months, six months, or a year. The answer was no. The Council had to make some deadlines so that it could move forward. The RTP was changeable. The ordinance phase would allow the Council the time and the direction to look at amendments. In addition, there would be an election in May; the Council could not wait until that election or until the 24 cities and 3 counties agreed on a transportation funding package, because that had not been possible in 20 years. He thought a delay of a few months would be imprudent. There was a unanimous vote from JPACT to move the RTP forward, with the understanding that there were placeholders on issues that people wanted to address later. The Council needed to ask the following questions. Did the RTP coordinate with 2040? Yes. Did it look at long-term transportation needs? Absolutely, and they would start that in a separate forum, yet related, after the first of the year. The process they went through was healthy and supported by the region, and there was a lot more to be done. He said that if the Council asked for a delay because it wanted more information or wanted to deal with the projects more, it should remember that the RTP was the result of four years of work, and it was time to make the decision. The Council could have more information later, but it was not relevant to get the information before approving the resolution. The Council would know more about the money issues later, but they were not relevant to the current decision. The public had been involved in years of public debate and testimony to get the region to a unanimous JPACT vote to pass the current RTP by resolution. He said he understood that some of the Councilors had concerns about money or projects. He asked them to rethink those concerns at this time on this particular resolution before the Council. Those concerns were relevant, but this was not the time, nor the resolution, to delay in order to have those debates. The debate would come before the Council adopted the ordinance form of the RTP. He asked the Council not to move to delay or table the resolution because a lot was at stake, including Metro's credibility. He asked for the Council's aye vote. He gave his word that,

depending on the Council reorganization, if he were still chair of the Transportation Planning Committee, the committee would have the debate on the funding and prioritization issues.

**Andy Cotugno**, Transportation Planning Director, gave a short presentation on the RTP. A staff report to the resolution includes information presented by Mr. Cotugno and is included in the meeting record.

**Tom Kloster**, Transportation Planner, and Mr. Cotugno gave a presentation on the RTP. (See the copy of the presentation materials included in the meeting record. Included is information presented by Mr. Kloster and Mr. Cotugno.)

**Mr. Cotugno** explained that the package under consideration in the document included all of the amendments that had come through JPACT and MPAC.

**Presiding Officer Monroe** opened a public hearing on Resolution No. 99-2878B.

**Walt Hellman**, Meadows Home Owners Assn. and Citizens Against Irresponsible Growth (CAIG), 2451 SW Clover Ct., Hillsboro, OR, commented on Metro's plan to convert TV Highway into a limited-access expressway as a supposed means of accommodating growth caused by bringing the South Hillsboro urban reserve inside the Urban Growth Boundary (Item 3121 North Washington County plan). He said people objected to traffic and looked to move away because of it. He said the people moved there for the quality of life felt betrayed. He felt discussion on Area 65 missed that point. He said it didn't matter if a proposal had beautiful parks, schools, and streamside protection if you got stressed out by debilitating traffic. The best hope was to have a credible regional transportation plan. He said people were disappointed because they saw a document that allowed development because transportation plans were in place. But, he said, the plans were not realizable. He said development occurred because the plans were in place. The worst example of this lack of credibility was the proposed TV Highway Expressway—a keystone of the Sherwood Development. There was not chance the expressway could be realized in the foreseeable future because the logistics were impossible and the highway was not expandable. He said it had no priority for expansion whatsoever at the state level. He brought up the funding issue as well. He recalled that the heavy hitters working on behalf of the West Side Light Rail had been unable to get an overpass over 185th for the light rail and no one was hitting to get the overpass and cloverleaf a few blocks south. He said when the public saw the expressway plan as the official planning document for the area, it would promote public cynicism about the entire planning process and allow anti-government demagogues to make a laughing stock of the planning process. He said the result in either case would be to destroy the only process that offered hope. He felt the answer was to use realistic capacity projections only—not paper solutions that would never happen. He commented that to give this document credibility, item 3121 should be removed.

**James Peterson**, Multnomah Neighborhood Association, 2502 SW Multnomah, Portland, OR 97219, said he had submitted a letter to Council Bragdon requesting 30 copies of this document for the 16 neighborhood associations. He noted a copy of a letter from Mr. Cotugno denying that request. He requested that the neighborhoods get at least one copy each when the next draft of this document was available. He said that was consistent with the Metro Charter, with Title 8, and with Goal 1. He realized that when this coalition reviewed the Southwest plan, they redefined the way the bureau of planning at the city of Portland worked. He said the system was good with community involvement, which showed the weaknesses and strengths of the Bureau of Planning. He also called attention to an information request he had submitted to Deborah Stein at

the Bureau of Planning, with a copy of some minutes with Kathleen Larson, declaring that the TAZ numbers used in the RTP were off by 1000 units. He said the response to that letter was not really a response, rather it was a list of TAZ allocations at 2015, which show they were off by 1000 units or more. He said that would cause air quality standard problems. He felt Metro needed to take another look to make sure the transportation dollars were spent where they were needed so we didn't end up with a big parking lot.

**Steve Larrance**, CAIG, 20660 SW Kinnaman Rd., Aloha, OR 97007, said Oregon's land-use planning was founded on the principle that growth must follow planned and funded transportation improvements, as it followed all urban services. Substantially lowering the level of service standards to support the 2040 plan as the RTP process proposed was not responsible regional planning. He said institutionalized congestion was a dangerous public investment policy that could severely undermine Metro's plans to gain support for funding. He said CAIG appreciated the opportunity to respond to the RTP issues regarding the TV Highway. He commented that the DKS study distributed to the Council was done for the Washington County Board of Commissioners and had information bearing on the creation of this limited-access expressway for TV Highway. He said CAIG supported an independent study of the TV Highway corridor and felt it needed to be done by an independent consultant and not by Metro staff who seemed to have already reached its conclusion before the study. He noted that the public comment part of the RTP had a request to delete any classification changes to TV Highway until the study was complete, and to delete any references to possible study outcomes. He said the RTP draft contained specific comments as bullet items which predetermined the outcome, one of which was the expressway. The city of Hillsboro had requested other refinements of those items to further predetermine the outcome of the study. He said CAIG also questioned Metro's statements in the RTP that the changes to the RTP were not related to the South Hillsboro UGB proposal. A presentation by a member of the Transportation staff to the Hillsboro planning commission last spring and a memo to Washington county, also last spring, both indicated a different relationship between the radical expressway proposal and the 20,000-person expansion. CAIG had worked hard to obtain an index for each Councilor of the DKS report. It was a valid comparison to the Hillsboro City Developer report. He hoped council would read it and note the much larger traffic impacts described and factually supported by DKS. He said CAIG looked forward to further discussions on this as the RTP adoption process moved forward.

**Martie Sucec**, Chair Multnomah Neighborhood Association, 7005 SW 34<sup>th</sup> Ave., Portland, OR 97219, said she wanted to address a serious issue that was causing erosion of support for Metro and had caused problems with the southwest plan and with planning in Portland in general. She noted page 332 of the RTP, Barbur Boulevard improvements, and page 338, West Portland Town Center improvements, which was about \$20 million in good improvements. She said the problem was the West Portland Town Center designation made in 1944 by three people wanting to improve the triad at Barbur, Capitol Highway, and Taylor's Ferry. They had asked for a designation of a town center, a new 2040 design concept not fully fleshed out or defined, because they thought it would be a traffic remedy. Since then, the City of Portland had defined it in such a way as to promote massive and intense density at a critical junction. That junction included Woods Park, which was a watershed serving hundreds of acres in that basin, and Tryon and Falling Creek headwaters. She said those environmentally sensitive areas were already threatened by development. The Southwest Community Plan task force had been working with a coalition of 16 neighborhoods to develop a designation that would provide a plan for the whole Barbur corridor. She said this was not the first time the neighborhood associations had asked Metro to remove the designation. One neighborhood, West Portland Park, wanted the designation but there were 20 pages with 20 signatures per page opposing the designation. She commented

that a recent letter from Mayor Katz indicated perhaps the designation was made too hastily and that no decisions in the southwest would be based on it. She promised to constitute a plan for the whole of Barbur to promote the density and development needed without compromising critical areas and neighborhoods. She said this designation had eroded support for Metro and she requested the Council to integrate the West Portland Town Center with the Barbur corridor plan.

**Councilor Atherton** said the staff had made a presentation about how the RTP focused on accommodating growth and how most of the money was going for that. He asked Ms. Sucec how she would feel about an opportunity to vote on who would pay the costs of growth.

**Ms. Sucec** said she would welcome it. She believed lots of other people would welcome it also.

**Mr. Peterson** agreed. He thought people wanted growth to pay for itself.

**Mr. Larrance** said they had examples of that in the region. The traffic impact fee implemented in Washington County about 16 years ago was an example of people's belief that growth should pay at least a portion of its own expenses. But it's always easier to get people to say that someone else should pay. The other side of the coin was that a year after that, the MSTIP process began in Washington County, whereby people agreed that we all own part of the problem and agreed to pay for part of that. He said it had been an ongoing process and that was where the problem with credibility came in, allowing growth based upon planning and not on funded projects. He said Metro needed to create growth where services could be provided.

**Larry Derr**, CAIG, 53 SW Yamhill, Portland, OR 97204, read his memo, which had been faxed to the council that morning into the record. His testimony affirmed the importance of the RTP as a tool to guide planning, but said it needed to put forth a realistic plan that was fiscally responsible. He said the RTP performed a variety of functions, but the most important hadn't been addressed, which was how it worked with growth management decisions and local UGB amendments. He said that function could not be left implied, it needed to be made explicit.

**Recorder's Note:** Gary Katsion, Kittleson & Associates, 610 SW Alder St., Suite 700, Portland, OR 97205 and Mark Whitlow, Retail Task Force, 1211 SW 5<sup>th</sup> Avenue, Suite 1500, Portland, OR 97204, submitted testimony cards in support of referring the RTP back to JPACT but could not stay to testify. Don Baack, 6495 SW Burlingame Pl., Portland, OR also submitted a testimony card but was not present when he was called.

**Deputy Presiding Officer McLain** closed the public hearing.

**Councilor Atherton** asked Mr. Cotugno about Mr. Derr's comments on developing a strategy to deal with existing communities separate from that addressing growth. He asked what it would cost to take care of the people who were here right now.

**Mr. Cotugno** said he did not have that number. The number available was one that addressed all the needs in the region.

**Councilor Atherton** asked how long it would take to break that segment out.

**Mr. Cotugno** said it would be possible to do that but he could not provide a time estimate. He said that would be an essential part of the work during the next six months as the finance plan was developed.

**Councilor Atherton** asked if that kind of strategy had been considered before.

**Mr. Cotugno** said it had always been considered an essential part of the follow-up. He said an MPAC subcommittee had already developed a list of about 25 different funding sources and a methodology for evaluating those sources.

**Councilor Atherton** addressed Mr. Derr's criticism about transportation/land-use planning. He asked if the RTP addressed that issue adequately.

**Mr. Cotugno** said no, it lacked a finance plan to reach the strategic plan. He thought the suggestion was that if land uses were allowed, and a certain set of projects would be needed to serve those uses, then the finance plan was needed to implement those projects. He said that was the finance plan that needed to be done and it was not in the plan right now. He said what was in the plan was a description of the transportation plan that would be needed to serve a particular land use plan.

**Councilor Bragdon** said they were trying something difficult that had not been done anywhere else in the country. He compared it to trying to turn an ocean liner around that had been headed in one direction since the late 1940s. For the first time, policy was trying to make transportation be the servant of land use instead of its master. The document was a good start toward that but the money aspect fell short. He said because of that, he would not be supporting the resolution. He believed having a document to share with the public was good but to base it on four times the foreseeable revenue was too much of a stretch. He said if the zoo were to come before the council with a great plan, it would be asked about its revenue projections. If the projections were based on four times the foreseeable revenues, the council would be skeptical. He was concerned about reaching the realistic strategy. He was also disturbed by the letters received from the Department of Environmental Quality (DEQ) with implications for the federal conformity process saying you can't have too large of a stretch. In addition to the large gap, he was concerned about the role of the Council in the event that the plan was approved but the money never materialized. He said aside from the introduction the plan did not read like a truly regional plan, rather it read like a collection of local wish lists. He understood this reflected the current process. He said a case had been made at JPACT about unanimity. He said that indicated a problem to him. He said a series of unanimous decisions in a democracy suggests a problem of a small group promoting large plans that could not be paid for. He said he would like to see the RTP break out of that pattern and said he would suggest making a strategic system that approximated the existing resources rather than exceeding it by 400%. He said he would like to see the maintenance of existing assets addressed. He would like to see the money tied to the expressed visions of communities themselves in terms of how neighborhoods worked.

He said big projects were not always the answer, sometimes it was a lot of little solutions. He said more streets and a better grid, not bigger roads, were needed. He said he was irritated by the Bicycle Transportation Alliance's list of projects as this was not about lists of projects. He said he would like to make transportation the servant of land use and how communities wanted to function, not the reverse.

**Councilor McLain** said she was voting on a resolution, not an ordinance. The resolution was one that would bring everyone to the table. She said the process began with the 2040 growth concept and the staff had been directed to provide a transportation plan to enable that kind of growth. They had spent two or three years talking with local jurisdictions about regional and

local connections that would be needed to build the 2040 concept. She said local jurisdictions knew they had \$7-9 billion worth of projects and the strategic funding was not there to build it. The purpose of the resolution was to set up the conversation to create the constrained list and the constrained funding part. She commented that if this resolution was not passed, the conversation comes to an end as people whose projects were dropped off the list opted out of the conversation. She was concerned about some of the projects on the list, the TV expressway among them, however, she would not vote no on the resolution just to have that conversation. She said there were rural roads that had urban use. She did not believe the RTP furthered the solution for that. She also did not like a couple of the projects Washington County was promoting, and she did not think the County was helping Metro understand how to deal with the inherent conflicts between rural and urban uses of rural roads. She said a no vote would not help that situation and it would not help people focus their discussions on the fiscal constraints.

**Councilor Washington** was sympathetic to Councilor Bragdon's concerns and thought the ocean liner metaphor was a good one as the whole issue had outgrown potential resources. However, he said he would be supporting the resolution to enable the conversation to take place about how to deal with the situation. He knew it would not be easy. He said growth and transportation were inseparable as they took place because of each other and were inextricably bound.

**Councilor Atherton** said if he could understand how approval of this resolution would make things better, he would support it. But he couldn't. He said he had written an alternative method of addressing the issue but it hadn't yet been taken seriously. He thought the financing issue should be at the beginning of the process, not the end. He recommended tabling this issue until Mr. Cotugno could provide a vision of the "constrained" list and how much it would cost. He felt if those numbers were available, people in the community would not be confused. He said he would be bringing a proposal to the Council on how to put it to a vote. He said until the question of whether growth should pay its own way was answered, the little issues would keep coming up. He said he would move to table this item.

**Motion:** **Councilor Atherton** moved to table Resolution No. 99-2878B

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

**Vote:** The vote was 3 aye/4 nay/ 0 abstain. Councilors Atherton, Park, and Bragdon voted aye. Presiding Officer Monroe and Councilors Washington, McLain, and Kvistad voted no. The vote was 3 aye/4 nay/0 abstain and the motion to table failed.

**Councilor Kvistad** said the RTP represented four years of work. He noted that four of the current Councilors had been through the land use and transportation "wars." He said the road projects might be finished as far as the projects themselves, but the overall system would never be finished in a dynamic, growing, urban environment. He said the area had grown faster than anyone had expected, leaving many communities behind in the rush for money. He said the 24 cities and 3 counties that fell within Metro's jurisdiction had come to the table to support a new way of doing transportation business and to support the 2040 plan. He said this RTP was not complete; it was only a proposal of which to build toward the 2040 concept. Everything in the plan had gone through the 2040 filter and would move Metro closer toward that goal. He said money was always a question and no one knew that there would be a ballot measure this May. He said the people needed to put pressure on the legislature.

Councilor Kvistad thanked the transportation staff, the members of JPACT, and all the partners who had contributed to the plan. He urged an aye vote.

**Vote:** Presiding Officer Monroe and Councilors Park, McLain, Washington, and Kvistad voted aye. Councilors Bragdon and Atherton voted no. The vote was 5 aye/ 2 nay/ 0 abstain, and the motion passed.

**Councilor Kvistad** addressed the presence of the cameras in the chamber. He said people from around the region consistently said they did not have enough information about what Metro does. He noted that the Tualatin Valley cable was in the chamber, but no one from *The Oregonian* was present. He said it was unacceptable for decisions of this magnitude to be left uncovered by the newspaper. He thought it reflected poorly on the newspaper and on the reporter assigned to cover Metro affairs.

8.3 **Resolution No. 99-2880**, For the Purpose of Authorizing an Intergovernmental Agreement with the City of Portland concerning the Civic Stadium and Center For the Performing Arts.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 99-2880.

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

**Councilor Washington** reviewed the purpose of the amendment by reading the staff report into the record. (The staff report can be found in the agenda packet that is part of the meeting record.)

**Councilor Park** asked Mr. Cooper to verify that this amendment in no way affected the ability of the east county cities to continue their negotiations on how they were dealing with the Civic Stadium and the City of Portland.

**Mr. Cooper** said this would not affect that conversation.

**Vote:** Presiding Officer Monroe and Councilors Atherton, Bragdon, Kvistad, Washington, Bragdon, and Park voted aye. The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed unanimously.

## 9. **CONTRACT REVIEW BOARD**

9.1 **Resolution No. 99-2872**, For the Purpose of Providing an Exemption from Competitive Bidding Requirements for a Request for Proposals for Construction Management/General Contractor Services for the Oregon Convention Center Expansion Project.

**Motion:** **Councilor Atherton** moved to adopt Resolution No. 99-2872.

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

**Councilor Atherton** explained that this resolution would allow Metro to exempt competitive bidding for expansion of the Convention Center in favor of a construction manager/general contractor process. This did not mean there would be no competitive review of the Request for Proposals (RFP) for this service. He said for large, complex public projects, change orders could



cause problems for the project and drive costs up. He said using a construction manager/general contractor arrangement could avoid these problems. He urged an aye vote.

**Councilor Washington** believed this was the same process that was used on Hall "D" at Expo.

**Presiding Officer Monroe** opened a public hearing on Resolution No. 99-2872. No one came forward to testify, so he closed the public hearing.

**Vote:** Presiding Officer Monroe and Councilors Atherton, Bragdon, Kvistad, McLain, Washington, and Park voted aye. The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed unanimously.

**Presiding Officer Monroe** adjourned the Contract Review Board and reconvened the Council meeting.

## **10. COUNCILOR COMMUNICATION**

**Councilor Kvistad** wished the Council a good holiday from himself and from his family. He noted that Metro spent \$20,000 to \$30,000 putting notices in *The Oregonian*. He asked Mr. Cooper to investigate whether those notices could be placed instead on the Internet.

**Presiding Officer Monroe** said state law required notification in a newspaper of major circulation.

**Councilor Bragdon** thanked the Presiding Officer and everyone on the Council for a good first year.

**Councilor McLain** said it had been pleasant to work with six other people who took their work seriously and who worked diligently.

**Councilor Atherton** said he had prepared an elections code which would be considered next year.

**Councilor Park** said the past year had been a learning experience for him. He had not known what to expect before he came. He said passing the ethics code had been a high mark. He thanked the staff for putting up with the changes that happened every year. He appreciated staff's hard work on behalf of the Council. He looked forward to the New Year.

**Councilor Kvistad** said he had ended every year by saying, "Go Ducks," as they faced a bowl game and this year he could also say, "Go Beavers," as they also faced a bowl game.

**Councilor Washington** said he had conducted interviews with five people for director of REM. He said three finalists had been selected and forwarded to Mr. Warner. He wished everyone a happy holiday season. He thanked Jeff Stone and Chris Billington for their hard work, as well as the rest of the Council staff. He expressed his respect for his fellow Councilors and thanked them for their dedication.

**Jeff Stone**, Chief of Staff, said three legislators, Max Williams, Bruce Starr, and Deborah Kafoury had toured Metro that day. He said their questions had been illuminating. He publicly expressed his appreciation for Metro's generous policy of allowing family leave. He said his

daughter, now four months old, was doing well. He appreciated having been able to spend the time with her. He wished everyone a happy holiday season.

**Presiding Officer Monroe** said he appreciated the Councilors' dedication to their work this year. He praised the Council staff and said it was the best it had ever been. He praised Jeff Stone and Chris Billington for their roles in holding it all together.

**11. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 6:40 p.m.

Prepared by,

Chris Billington  
Clerk of the Council