

# A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: March 11, 1999  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

### CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. AUDITOR COMMUNICATIONS
5. MPAC COMMUNICATIONS
6. METRO LEGISLATIVE UPDATE PacWest
7. CONSENT AGENDA
- 7.1 Consideration of Minutes for the March 4, 1999 Metro Council Regular Meeting.
8. RESOLUTIONS
- 8.1 **Resolution No. 99-2759**, For the Purpose of Completing Appointments to the Affordable Housing Technical Advisory Committee: and Confirming the Chair and Vice Chair. Bragdon
- 8.2 **Resolution No. 99-2768**, For the Purpose of Authorizing an Appeal of the Decision of the Land Use Board of Appeals regarding the Metro Designation of Urban Reserves. McLain

9. EXECUTIVE SESSION, HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.

10. COUNCILOR COMMUNICATION

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

*Agenda Item Number 7.1*

Consideration of the March 4, 1999 Metro Council Meeting minutes.

Metro Council Meeting  
Thursday, March 11, 1999  
Council Chamber

*Agenda Item Number 8.1*

**Resolution No. 99-2759, For the Purpose of Completing Appointments to the Affordable Housing Technical Advisory Committee: and Confirming the Chair and Vice Chair.**

**Metro Council Meeting  
Thursday, March 11, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ) RESOLUTION NO. 99-2759  
COMPLETING APPOINTMENTS TO )  
THE AFFORDABLE HOUSING ) Introduced by Executive Officer  
TECHNICAL ADVISORY ) Mike Burton  
COMMITTEE; AND CONFIRMING THE )  
CHAIR AND VICE CHAIR )

WHEREAS, the Metro Council adopted the Amendment to the Regional Framework Plan Section 1.3 Regarding Housing and Affordable Housing Policy (Ordinance 98-769) on September 10, 1998; and

WHEREAS, the Metro Council adopted a Chapter to the Metro Code creating an Affordable Housing Technical Advisory Committee and confirming the appointment (Ordinance 98-769) on September 10, 1998; and

WHEREAS, it is the responsibility of the Metro Council to appoint members of the Affordable Housing Technical Advisory Committee to two-year terms; and

WHEREAS, the representative of Multnomah County local government was not included in the Affordable Housing Technical Advisory Committee adopted by the Metro Council; and

WHEREAS, the representative of the City of Portland was not included in the Affordable Housing Technical Advisory Committee adopted by the Metro Council; and

WHEREAS, staff and members of the Affordable Housing Technical Advisory Committee have not been successful in contacting the second representative (Juanita Hernandez) of the institutions which provides financing to developers of housing and affordable housing; and

WHEREAS, the cities of Multnomah County have made changes to their representative on the Affordable Housing Technical Advisory Committee; and

WHEREAS, the Affordable Housing Technical Advisory Committee has adopted Bylaws on October 19, 1998 (included as Attachment A), stating that the chair and vice-chair shall be nominated by the committee and confirmed by the Metro Council; and that the term of the chair and vice-chair shall be two years; and

WHEREAS, the Affordable Housing Technical Advisory Committee elected Commissioner Diane Linn on November 2, 1998, and Jeffrey Condit on November 16, 1998 to be the chair and vice-chair respectively; and

WHEREAS, the Affordable Housing Technical Advisory Committee Bylaws stated that committee members shall submit names of their alternates for approval by the Executive Officer and confirmation by the Metro Council; and that alternate members shall vote only when their advisory committee member is absent, and shall serve only during the term of their advisory committee member; and

WHEREAS, members of the Affordable Housing Technical Advisory Committee submitted names of their alternates to the Executive Officer; now, therefore

**BE IT RESOLVED:**

1. That the Metro Council appoints Commissioner Diane Linn to be the representative of the Multnomah County local government on the Affordable Housing Technical Advisory for a two year term beginning in October 1998 and ending October 2000.
2. That the Metro Council appoints Commissioner Erik Sten to be the representative of the City of Portland on the Affordable Housing Technical Advisory for a two year term beginning in January 1999 and ending January 2001.
3. That the Metro Council appoints Margaret Nelson (KeyBank's Assistant Vice President and Real Estate Relationship Manager) to be the second representative of an institution which provides financing to developers of housing and affordable housing for a two year term beginning in December 1998 and ending December 2000.
4. That the Metro Council appoints Mayor Roger Vonderharr to replace Mayor Gussie McRobert as the representative of the cities of Multnomah County on the Affordable Housing Technical Advisory for a two year term beginning in October 1998 and ending October 2000.
5. That the Metro Council appoints Commissioner Diane Linn to be the chair of the Affordable Housing Technical Advisory Committee for the term starting November 1998 and ending November 2000.
6. That the Metro Council appoints Jeffrey Condit to be the vice-chair of the Affordable Housing Technical Advisory Committee for the term starting November 1998 and ending November 2000.
7. That the members of the Affordable Housing Technical Advisory Committee can appoint an alternative to serve in their absence.
8. That the Metro Council appoints the individuals listed in Attachment B to be alternate members of the Affordable Housing Technical Advisory Committee positions as shown.

9. That the alternate members shall serve only during the term of their advisory committee member; and can vote only in the absence of their advisory committee member.

BE IT RESOLVED:

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

Approved as to Form:

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

**ATTACHMENT A**

**BYLAWS OF THE AFFORDABLE HOUSING TECHNICAL ADVISORY COMMITTEE**



**METRO AFFORDABLE HOUSING TECHNICAL ADVISORY COMMITTEE  
BYLAWS**

**Adopted October 19, 1998**

The purpose, composition, charge, and appointment and confirmation procedures for the Metro Affordable Housing Technical Advisory Committee included in the Metro Council Resolutions 97-2582A, 98-2630 and 98-2629 (attached) were used to develop these bylaws.

**Article 1  
NAME**

- 1.0. This committee shall be known as the "Metro Affordable Housing Technical Advisory Committee (AHTAC)." Hereinafter referred to as "advisory committee."

**Article 2  
GEOGRAPHICAL AREA**

- 2.0. The area served by the advisory committee shall be the area within the boundaries of Metro and adjacent areas of Clackamas, Multnomah and Washington counties in Oregon. These adjacent areas, (even though they are outside of Metro's present boundaries) are currently, or will be, impacted by the programs of Metro's Growth Management Services Department.

**Article 3  
MISSION AND PURPOSE**

- 3.0. The advisory committee will focus its deliberations on the housing needs of the urban population as stated in the Metro Charter, Metro Regional Framework Plan and Ordinance No. 98-769, and as described in the annually adopted budget for the Growth Management Services Department.
- 3.1. The committee serves strictly in an advisory capacity to the Metro Council. Prior to submitting recommendations to the Metro Council, the committee shall first seek and provide advice and consultation from and to the Metro Policy Advisory Committee. The committee is not a policy making group. Nor does it serve in an administrative capacity. Metro's Executive Officer and the Director of the Growth Management Services Department manage the program's budget, staff and activities.
  - 3.1.1. The advisory committee shall review policies in the Regional Framework Plan, policy implementation strategies, and projects and annual budget requests of the Growth Management Services Department for the Housing Program.
  - 3.1.2. The advisory committee shall conduct such public hearings, as it deems necessary prior to making its recommendations to Metro Council.
  - 3.1.3. The advisory committee shall review and advise Metro on policies and strategies related to developing and implementing the goals and objectives of the housing element in the Regional Framework Plan and its amendments, the Regional Affordable Housing Strategy Plan, the Affordable Housing Functional Plan and other materials related to housing planning developed by the Growth Management Services Department.

- 3.1.4. The advisory committee shall review and advise Metro on policies and strategies related to revenue sources to support the work plan of the Metro Housing Program.
- 3.1.5. The advisory committee shall review and advise the Metro Council on the annual budget requests of the Housing Program of the Growth Management Services Department.
- 3.1.6. The advisory committee shall work very closely with other committees such as the Metro Policy Advisory Committee, Metro Technical Advisory Committee, Joint Transportation Policy Advisory Committee, and other Metro advisory committees, as necessary.
- 3.1.7 The advisory committee shall work very closely with local governments, the non-profit housing organizations, and private sector housing providers to determine the scope of work involved in developing and implementing affordable housing in the Metro region.
- 3.1.8. Recommendations from the advisory committee will be forwarded to the Metro Executive Officer, the Metro Council, and the Metro Policy Advisory Committee by the Director of the Growth Management Services Department and the chair of the advisory committee.

**Article 4**  
**MEMBERSHIP, CHAIR AND VICE CHAIR AND TENURE**

- 4.0. The advisory committee shall be composed of 25 voting members and three non-voting members who will serve in an ex-officio capacity. Nominations shall be made by the appointee organizations and approved by the Metro Council.

Voting Members:

- A. Non-profit affordable housing provider - Clackamas County representative
- B. Non-profit affordable housing provider - Multnomah County representative
- C. Non-profit Affordable housing provider - Washington County representative
- D. For-profit housing provider representative
- E. For-profit housing provider representative
- F. For-profit housing provider representative
- G. Public housing authority - Clackamas County representative
- H. Public housing authority - Multnomah County representative
- I. Public housing authority - Washington County representative
- J. City of Portland representative
- K. Clackamas County representative
- L. Multnomah County representative
- M. Washington County representative
- N. Cities in Clackamas County representative
- O. Cities in Multnomah County representative
- P. Cities in Washington County representative
- Q. Metro Policy Advisory Committee representative
- R. Institutions providing financing to developers of housing and affordable housing representative
- S. Institutions providing financing to developers of housing and affordable housing representative
- T. Residents of affordable housing representative
- U. Residents of affordable housing representative
- V. Residents of affordable housing representative
- W. Business community and major employers representative
- X. Business community and major employers representative

**Y. Land use planning professionals representative**

**Non-Voting Members:**

- A. The Governor's Task Force on Aging representative
  - B. The State of Oregon Housing and Community Services Department representative
  - C. The Federal Housing Administration representative
- 4.1. Initially, the chair shall be the Metro Council liaison and thereafter the chair and vice chair shall be nominated by the committee and confirmed by the Metro Council. The chair shall serve a two-year term.
- 4.2. Advisory committee members shall serve two years. Members shall serve no more than two consecutive terms. To serve a second term members must be re-nominated by the appointee organization and re-confirmed by the Metro Council.
- 4.3. Advisory committee members shall submit names of their alternates for approval by the Metro Executive Officer and confirmation by the Metro Council. Alternate members shall vote only when their advisory committee member is absent. Alternate members shall serve only during the term of their advisory committee member. Advisory committee members shall make every effort to assure participation by their alternate if the member must miss a meeting.

**Article 5  
MEETINGS**

- 5.0. The advisory committee will meet at least once every month (July 1 to June 30), and more often as necessary and/or if requested by the Director of Metro's Growth Management Services Department. Meeting times and locations will be jointly agreed upon by committee members and the Director or Supervisor of the Housing Program. All meetings are open to the public.
- 5.1. Agenda items for committee meetings shall be set by the Director of the Growth Management Services Department. The Director or the Supervisor of the Housing Program will consult the chair of the advisory committee and the prior to finalizing agendas. Committee members may suggest future agenda items to the Director or the Supervisor of the Housing Program.
- 5.2. The Growth Management Services Department and Executive Office will staff the advisory committee and its meetings.

**Article 6  
QUORUM**

- 6.0. A quorum of the advisory committee shall be a majority of the filled voting positions at the time of the meeting, (e.g., if 23 positions are filled and two positions are vacant, 12 members constitute a quorum).

**Article 7  
VACANCIES AND RESIGNATIONS**

- 7.0. If a vacancy occurs in any position, the appointee organization shall be requested to nominate a new member who will serve the remainder of the term. The member must be confirmed by the

Council. The new member shall complete the uncompleted duration of the term for that position. The new member can be re-nominated for only one additional full term by the appointee organization, and re-confirmed by the Metro Council.

- 7.1. Any advisory committee member who intends to resign shall write a letter to the Chair of the committee and the Director of the Growth Management Services Department. Both the reasons for the resignation and the effective date shall be stated in the letter.
- 7.2. Any member with three consecutive unexcused meeting absences (for any reason other than personal and/or family illness) has, in effect, resigned from the committee. Members shall notify the chair to obtain an excused absence. A vacancy will automatically occur and a new member will be re-nominated by the appointee organization and re-confirmed by the Council. The member who occupied the vacant position may reapply.

#### **Article 8**

#### **REPRESENTATION AS COMMITTEE MEMBER TO OTHER GROUPS**

- 8.0. Whenever advisory committee members speak as a member of the committee to other groups, organizations, agencies and individuals they will inform the Director of the Growth Management Services Department or the Supervisor of the Housing Program of the scheduled presentation. This will allow the department to maintain a record of which groups have been contacted and follow up on their expressed interest.
- 8.1. Committee members are, of course, free to speak on any issues and express any opinions as individual citizens, but may not represent the advisory committee members except as described in paragraph 8.0.

#### **Article 9**

#### **CONTACT WITH REGIONAL HOUSING PROGRAM STAFF**

- 9.0. All inquiries from committee members for assistance from staff should go through the Director or Supervisor of the Housing Program. The Director and Supervisor will work directly with, and respond to, committee members' inquiries. Committee members will have many opportunities to meet with department staff at meetings, field tours and special events.

**ATTACHMENT B**

**ALTERNATE MEMBERS OF THE AFFORDABLE HOUSING TECHNICAL ADVISORY  
COMMITTEE SUBMITTED BY THE ADVISORY COMMITTEE MEMBERS**

<b>Position(Representing)</b>	<b>Member</b>	<b>Alternate</b>
1. Non-Profit Affordable Housing Provider— Clackamas County	Diane Luther NW Housing Alternative	Jon Wood Clackamas Service Center
2. Non-Profit Affordable Housing Provider— Multnomah County	Dee Walsh REACH Community Development	Ralph Austin Innovative Housing
3. Non-Profit Affordable Housing Provider— Washington County	Sheila Greenlaw-Fink Comm. Partners for Affordable Housing	Renita Christle Gerard Comm. Partners for Affordable Housing
4. For-Profit Housing Provider	David Bell GSL Properties, Inc.	I. D. (Doug) Draper GSL Properties, Inc.
5. For-Profit Housing Provider	Scott Matthews Trammel Crow Residential	VACANT
6. For-Profit Housing Provider	Doug Oblatz Shiels Oblatz Johnsen	D. Carter MacNichol Shiels Oblatz Johnsen
7. Clackamas County Public Housing Authority	Gary DiCenzo Clackamas Co. Housing Authority	Tim Nielson Clackamas Co. Housing Authority
8. Multnomah County Public Housing Authority	Helen Barney Housing Authority of Portland	Denny West Housing Authority of Portland
9. Washington County Public Housing Authority	Susan Wilson Washington Co. Housing Services	John Rosenberger Washington County
10. City of Portland	Commissioner Erik Sten	Mike Saba City of Portland Bureau of Planning
11. Clackamas Co. Local Government	Doug McClain Clackamas County Planning	Scott Pemble Clackamas County Planning
12. Multnomah Co. Local Government	Commissioner Diane Linn Multnomah County	Ramsay Weit Multnomah County
13. Washington Co. Local Government	Commissioner Andy Duyck Washington County	VACANT
14. Cities of Clackamas County	Mayor Jill Thorn City of West Linn	Mayor Carolyn Tomei City of Milwaukie
15. Cities of Multnomah	Mayor Roger Vonderharr	Andree Tremoulet

County	City of Fairview	City of Gresham
16. Cities of Washington County	David Lawrence City of Hillsboro	Pat Ribellia City of Hillsboro
17. MPAC	Mayor Rob Drake City of Beaverton	Councilor Doug Neeley City of Oregon City
18. Financing Institution	Dave Summers Bank of America	Ed DeWald Bank of America
19. Financing Institution	Margaret Nelson KeyBank	VACANT
20. Residents of Affordable Housing	Liora Berry	Lowell Greathouse Community Action Organization
21. Residents of Affordable Housing	Dana Brown Community Alliance of Tenants	Steve Weiss Community Alliance of Tenants
22. Residents of Affordable Housing	Tasha Harmon Community Development Network	Britt Parrott Coalition for a Livable Future
23. Business Community and Major Employers	Pat Ritz Oregon Title Insurance Company	Mindy Sullivan Oregon Title Insurance Company
24. Business Community and Major Employers	VACANT	VACANT
25. Land Use Professionals	Jeffrey Condit Miller Nash	Phillip E. Grillo Miller Nash
26. The Governor's Task Force on Aging (non-voting)	Commissioner Alice Neely Governor's Commission on Seniors	Jan Tucker-McManus Clackamas Co. Social Services
27. The State of Oregon Housing and Community Services Department (non-voting)	Vince Chiotti OR Housing & Community Services	Margaret Van Vhet Governor's Community Dev. Office
28. The Federal Housing Administration (non-voting)	Tom Cusack HUD	Roberta Ando HUD

## Staff Report

### CONSIDERATION OF RESOLUTION NO. 99-2759 FOR THE PURPOSE OF COMPLETING APPOINTMENTS TO THE AFFORDABLE HOUSING TECHNICAL ADVISORY COMMITTEE; AND CONFIRMING THE CHAIR AND VICE CHAIR

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Date: February 9, 1999

Presented by: Elaine Wilkerson  
Gerry Uba

#### PROPOSED ACTION

This resolution would make the following appointments to the Affordable Housing Technical Advisory Committee (H-TAC).

Recommended for appointment to a two-year term beginning in October 1998 and ending October 2000 are:

1. Commissioner Diane Linn, representative of the Multnomah County local government
2. Mayor Roger Vonderharr, representative of the cities of Multnomah County

Recommended for appointment to a two-year term beginning in December 1998 and ending December 2000 is:

1. Margaret Nelson as one of the representatives of institutions which provide financing to developers of housing and affordable housing.

Recommended for appointment to a two-year term beginning in January 1999 and ending January 2001 is:

1. Commissioner Erik Sten, representative of the City of Portland.

#### FACTUAL BACKGROUND

The Council established H-TAC on November 20, 1997 (Resolution 97-2583B) and included it in the Regional Framework Plan, adopted by the Council on December 11, 1997 (Ordinance 97-715B). The appeal of the Regional Framework Plan provisions by some local governments resulted in a settlement agreement that amended Section 1.3 of the Regional Framework Plan regarding housing and affordable housing. The settlement also added a new chapter to the Metro Code that amended the composition of the H-TAC and confirmed the appointment of initial members to the committee. On September 10, 1998, the Council adopted Ordinance 98-769 that amended the Regional Framework Plan provisions and appointed the initial members of H-TAC.

There were two vacant positions in the list of initial members of H-TAC included in Ordinance 98-769. The positions are for the City of Portland and Multnomah County local government representatives. In addition, staff could not reach one of the financial institution's representatives included in the initial committee list, Juanita Hernandez, and those in the financial community contacted could not locate her.

Commissioner Diane Linn was nominated by Multnomah County Chair, Beverly Stein, to fill the Multnomah local government position. Commissioner Erik Sten was nominated by Mayor Vera Katz to fill the City of Portland position. Mayor Roger Vonderharr of Fairview was nominated to replace Mayor Gussie McRobert of Gresham. Ms. Margaret Nelson, KeyBank's Assistant Vice President and Real Estate Relationship Manager, accepted the offer to represent institutions that provide financing to developers of housing and affordable housing (see Attachment to Staff Report for letters of nomination).

Initially, the chair of the H-TAC was Metro Council Liaison, Councilor Ed Washington. The committee developed and adopted its Bylaws on October 19, 1998. The Bylaws stated the procedures for electing a chair and vice-chair. The chair shall be nominated by the committee and confirmed by the Metro Council.

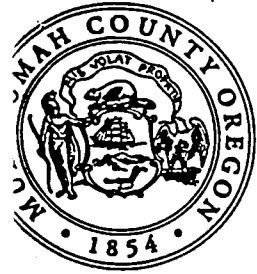
At the meeting of the H-TAC on November 2, 1998, Commissioner Diane Linn received unanimous vote of the committee to be the chair. At the meeting of the committee on November 16, 1998, Jeffrey Condit received a majority of the committee vote to be the vice-chair.

The Bylaws stated the procedures for appointing alternates. The H-TAC members shall submit names of their alternates for approval by the Metro Executive Officer and confirmation by the Council. The Bylaws stated also that the alternates shall vote only when their advisory committee member is absent, and alternate members shall serve only during the term of their advisory committee member, and advisory committee members shall make every effort to assure participation of their alternate if the member must miss a meeting.



**ATTACHMENT TO STAFF REPORT**

*cc: Mike Burton*



## Beverly Stein, Multnomah County Chair

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

September 1, 1998

Jon Kvistad  
Metro Presiding Officer  
600 NE Grand Ave.  
Portland, Oregon 97232-2736

**RECEIVED**  
SEP 3 1998  
EXECUTIVE OFFICER

**RE: Multnomah County Appointments to Metro's Affordable Housing Technical Advisory Committee**

Dear Jon,

I have appointed Commissioner Diane Linn as Multnomah County's representative to Metro's Affordable Housing Technical Advisory Committee. Ramsay Weit, Commissioner Linn's Assistant, will serve as the alternate representative.

Please send all Affordable Housing Technical Advisory Committee materials and meeting information to Commissioner Linn:

Address: 1120 SW Fifth Avenue, Room 1500, Portland, OR 97204  
Telephone: (503) 248 - 5220  
FAX: (503) 248 - 5440  
email: [Diane.M.Linn@co.multnomah.or.us](mailto:Diane.M.Linn@co.multnomah.or.us)

Ramsay Weit can be reached at 248-5137 or [Ramsay.Weit@co.multnomah.or.us](mailto:Ramsay.Weit@co.multnomah.or.us). His address and fax number are the same as Commissioner Linn.

Sincerely,

*Beverly Stein /cnf*

Beverly Stein  
Chair

cc: Commissioner Diane Linn  
Mike Burton, Metro Executive Director



Metro Growth Mgmt.

FEB - 1 1999

January 28, 1999

City of Portland  
Vera Katz  
Mayor

Mr. Gerry Uba  
Metro  
600 NE Grand Ave.  
Portland, OR 97232

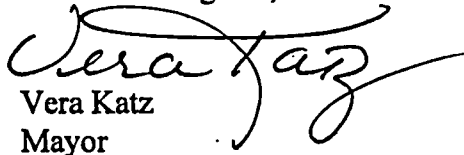
Dear Mr. Uba:

I am pleased to appoint Commissioner Erik Sten as the City of Portland's designated representative to Metro's Affordable Housing Technical Advisory Committee (AHTAC). Mike Saba will continue to serve as the city's alternate.

It is important that the city be well represented at all AHTAC meetings, and I think Commissioner Sten is the most logical choice for this appointment. I have assigned him to oversee the city's Bureau of Housing and Community Development. These responsibilities, along with his considerable interest in affordable housing, should make him a valuable member of the Committee.

I know there are different opinions in our region about the causes of our affordability problem, and likewise there are different opinions about what our solutions should be. This diversity of opinion and experience can be a strength rather than a liability. Portland is very interested in seeing AHTAC succeed. I sincerely hope that we can build a constructive regional strategy for addressing affordability problems with the help of the AHTAC, the Metropolitan Policy Advisory Committee, and the Metro Council.

With warm regards,

  
Vera Katz  
Mayor

cc: Commissioner Erik Sten  
Mike Saba



RECEIVED

NOV 17 1998

CITY OF GRESHAM EXECUTIVE OFFICER  
Office of the Mayor & City Council

November 10, 1998

Mike Burton, Executive Officer  
METRO Regional Center  
600 NE Grand Ave.  
Portland, Oregon 97232

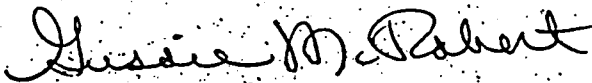
RE: Affordable Housing TAC Members, East Multnomah Co. Cities

Dear Mike:

In order to provide continuity in East County cities representation to the AHTAC, we would like to make the following changes effective November 24<sup>th</sup>. Roger Vonderharr, Mayor of Fairview, the current alternate, will become the AHTAC member and Andree Tremoulet, Community Revitalization Planner, City of Gresham, will become the alternate. These changes have the support of the East County cities.

It has been my pleasure to serve on the startup of this committee. I will follow with interest the region's successful development of an affordable housing strategy in the next year. Please contact Andree Tremoulet at 618-2643 if you have any questions.

Yours truly,



Gussie McRobert  
Mayor

GM:RR

CC: Mayor Roger Vonderharr, Fairview  
Mayor Paul Thalhofer, Troutdale  
Mayor Don Robertson, Wood Village  
Gerry Uba, Metro  
Andree Tremoulet, Gresham

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Mayor

Gussie McRobert

City Council

Bob Moore  
Council President  
Position 5

Jack Gallagher  
Position 1

Glenn McIntire  
Position 2

John Leuthäuser  
Position 3

Debra Noah  
Position 4

David Widmark  
Position 6

Margaret Nelson  
Assistant Vice President  
Real Estate Relationship Manager

RECEIVED

NOV 24 1998



EXECUTIVE OFFICER

KeyBank National Association  
Community Development  
Mailcode: OR-20-CS-0101  
5330 NE Martin Luther King Jr. Blvd  
Portland, OR 97211

Tel: (503) 795-6030  
Fax: (503) 284-8086

November 23, 1998

Mr. Mike Burton  
Executive Officer  
Metro  
600 NE Grand Avenue  
Portland, Oregon 97232

Dear Mr. Burton:

Thank you for asking me to serve on Metro's Affordable Housing Technical Advisory Committee (AHTAC). I have been a loan officer specializing in affordable housing for the past four years. In addition, I have served on the Board of Directors of Community Partners for Affordable Housing (CPAH) for the past three years, and am currently serving as President of that Board. I also serve on the loan committee of the Network for Oregon Affordable Housing (NOAH), a consortium of permanent affordable housing lenders. I believe my knowledge and experience in affordable housing will benefit AHTAC.

I look forward to working with you and hopefully helping increase the availability of housing to low income families throughout the Portland Metropolitan area.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Nelson".

Margaret Nelson

enclosure

Margaret A. Nelson, Relationship Manager  
(503) 795-6030

**EXPERIENCE:**

May 1997 to  
Present

KEYBANK, N.A., Portland, Oregon

Finance the new construction, acquisition, and rehabilitation, of commercial real estate properties throughout Oregon. Specialize in multi-family affordable housing, including Federal and State subsidized housing projects. This entails understanding the source, value, and capital contribution schedules of Section 42 Tax Credit Equity, HOME funds, State Trust Fund money, and other gap financing. Also includes marketing of bank services to the affordable housing community, analyzing projected income, expense and cost estimates, ordering and reviewing commercial appraisal reports and title reports, and negotiating terms and equity pay-ins.

THE ARCAND COMPANY (Tax Credit Syndicator), Portland, Oregon

February 1997  
to May 1997

Acquisitions Analyst

Responsible for coordinating the due diligence process of affordable, multi-family housing complexes. This includes analyzing forecasted cash flows, internal rates of return, tax credit benefits to investors and sensitivity to interest rate and tax credit rate fluctuations. Also responsible for reviewing the adequacy of property insurance, guarantor net worth, market supply and demand and other underwriting standards.

WELLS FARGO BANK, Portland, Oregon

January 1995 to  
January 1997

Relationship Manager, Assistant Vice President

Financed the new construction and rehabilitation of multi-family complexes, mixed use complexes, and single family subdivisions in Oregon, Idaho and Washington. Specialized in affordable housing.

September 1992  
to January 1995

Real Estate Market Research Analyst, Assistant Vice President

Established the first Real Estate Market Research Team in the First Interstate System. This entailed developing a computer database system of real estate sales and leases, and establishing a customer oriented system whereby real estate lenders could quickly obtain data for analyzing credits.

February 1992  
to September 1992

Senior Auditor- First Interstate Bank Audit Division

Auditor-in-charge on the audit of the Investment Division, and Commercial Appraisal Division.

THE FEDERAL RESERVE BANK OF CHICAGO, Chicago, Illinois

March 1986 to  
August 1991

Bank Examiner

Supervised the career development and training of four examiners. Examiner-in-charge on bank and bank holding company inspections ranging in size from \$50 million to \$7.5 billion in assets. Instructed students from the Federal Reserve and other regulatory agencies in a one week school on financial analysis and banking rules and regulations.

**EDUCATION:**

Bachelor of Science, Indiana University, Bloomington, Indiana, December, 1985. Major: Finance.

**MEMBERSHIPS:**

President of the Board of Directors - Community Partners for Affordable Housing (CPAH),  
Member of the Board of Directors - Metzger Park Apartments, LP (HUD Preservation project)  
1995 Member of Board of Directors - Women in Commercial Real Estate

*Agenda Item Number 8.2*

**Resolution No. 99-2768, For the Purpose of Authorizing an Appeal of the Decision of the Land Use Board of Appeals regarding the Metro Designation of Urban Reserves..**

**Metro Council Meeting  
Thursday, March 11, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 99-2768
AN APPEAL OF THE DECISION OF THE	)	
LAND USE BOARD OF APPEALS	)	Introduced by the Growth Management-
REGARDING THE METRO	)	Committee
DESIGNATION OF URBAN RESERVES	)	

WHEREAS, Metro adopted Ordinance No. 96-655E, designating Urban Reserves for the Metro Region; and

WHEREAS, the adoption of the Ordinance was appealed to the Land Use Board of Appeals (LUBA); and

WHEREAS, LUBA rendered a decision on February 25, 1999, remanding the Ordinance to the Council; and

WHEREAS, the LUBA decision interpreted the Urban Reserve Rule for the first time; and

WHEREAS, it is appropriate for the Oregon Court of Appeals to resolve outstanding issues raised by the decision, including questions regarding the status of Metro's adopted and acknowledged 2040 Growth Concept, the interpretation to be given to the Urban Reserve Rule and the level of findings needed to adopt any Urban Reserve decision.

NOW THEREFORE,

The Metro Council resolves as follows:

The Office of General Counsel is authorized to appeal the LUBA decision regarding Ordinance No. 96-655E to the Oregon Court of Appeals.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Rod Monroc, Presiding Officer

Approved as to Form:

ATTEST:

\_\_\_\_\_  
Recording Secretary

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



**MINUTES OF THE METRO COUNCIL MEETING**

March 4, 1999

Council Chamber

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

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:07 p.m.

**1. INTRODUCTIONS**

None.

**2. CITIZEN COMMUNICATION**

**Art Lewellan**, of SE Portland, OR, L.O.T.I., stated he would continue to voice his opposition to the latest segment of the light rail through north and northeast Portland. He did not believe it would produce results and would be very expensive. He believed the effort and money needed to go into the Ross Island Bridge which was in need of major repairs. He said he was not against the south/north lightrail itself, but as it was proposed. He said he still believed the light rail should remain on the east side of the river.

**3. VOLUNTEER UPDATE**

**Lupine Jones**, Manager of Volunteer Services for Regional Parks and Greenspaces, said there was an opportunity to use volunteers of all types in their work. She noted with regional parks, pioneer cemeteries, marine facilities, and over 4,000 acres of greenspaces there was a big need for them. She said it was not only a desire but a necessity for Metro to involve citizens in a meaningful way to keep up with the work. She was excited that a lot of people were interested in volunteering. She told of some volunteer opportunities available in her department and gave a short history of how volunteers were used in Parks and Greenspaces. She noted that hundreds of volunteers put in thousands of hours every year, such as the volunteer naturalist program or the Salmon Festival at Oxbow Park. She said she had been working on the structure of the program and doing a needs assessment since she came to work in September. She told of the positive experiences of some of the volunteers who had made worthwhile contributions and helped themselves as well. She said there were exciting prospects for engaging local people in local issues but realizing it was part of their regional government. She said the new strategies for outreach into those greenspaces started with Cooper Mountain in Beaverton and Canemah Bluff in Oregon City where they were doing localized open houses, tours and work parties. Thousands of invitations had been sent with great response. She quoted her old favorite saying, he who is helping to row the boat has neither the time nor desire to rock it" which she felt was a good way to encourage investing in and supporting volunteerism.

**Paula McCall**, Education Manager/Volunteer Services with the Oregon Zoo, said the Oregon Zoo had the largest volunteer program in the world for zoos. She said the Oregon Zoo had an

adult program of approximately 500 volunteers and they did outreach programs to nursing homes, day care centers and schools. She noted they also had a youth volunteer program. She reported that there were over 1000 volunteers doing short term volunteer programs at the Zoo. She said starting this summer there would be about approximately 300 youth at the Zoo doing everything from helping with the shows to doing contact animal presentations. She reported that they had a community services program which involved corporate or other organized groups coming to the Zoo to do short term projects on the Zoo grounds, like planting and gardening or helping with events. She reported on some new youth programs involving disadvantaged youth. She said they would be going out to the schools to recruit student participants for that and other programs. She announced that the volunteer appreciation banquet would be held on April 19th.

**Councilor McLain** asked for clarification of the dates for the Cooper Mountain and Oregon City events.

**Ms. Jones** responded that April 8 was the evening open house for the Oregon City event with April 10th as the date for the tour and work party, and April 1 for the open house and 3rd for the Canemah Bluffs tour and work party.

**Councilor McLain** appreciated the work Ms. Jones and Ms. McCall had done as volunteer coordinators and invited them to be guest speakers at her class at Glencoe in their pursuit of volunteers.

**Councilor Bragdon** said he had been very impressed with the number of volunteers and the work that was going on. He felt it was important work. He added that there was a trail tour on March 13th at 9 am from the Goose Hollow Inn all the way to Lake Oswego, and April 26th at noon would be a tour of the westernmost part of the Fanno Creek Trail.

## 5. EXECUTIVE OFFICER COMMUNICATIONS

**Mike Burton, Executive Officer**, commented that one of the reasons Ms. Jones' position was created was because there were so many people trying to volunteer in the parks area that they could not handle the load. He said the Zoo would not work without the volunteers. He said the volunteers were part of the Metro outreach program. He introduced the Council to David Moskowitz, the Salmon Recovery Coordinator. He reviewed Mr. Moskowitz's background and qualifications for the position. He felt Metro was fortunate to have him.

**Mr. Moskowitz** said it was good to be at Metro and he believed they would be back before council soon with information.

## 6. AUDITOR COMMUNICATIONS

**Alexis Dow, Auditor**, indicated a copy of the Financial Statement Audit had been passed out to Councilors. She reviewed the management recommendations from Deloitte & Touche. Those recommendations were that purchase orders be prepared on-line more frequently than they were now, that in the budgetary process when there were considerations of combining funds or changing the purpose of the funds that it be discussed with financial services because it would affect the way it was reported in the financial statements. As to accounts receivable, they noted that several of the operating departments had not received an analysis showing the age of their receivables. The new PeopleSoft system would generate the aging analysis. They pointed out

that there had not been a complete physical inventory of Metro's fixed assets in over 8 years and they recommended it should happen biannually. They recommended that retainage should be accounted for for all contracts and not just for construction contracts.

## **7. METRO CENTRAL ENHANCEMENT COMMITTEE BRIEFING**

**Councilor Washington** said the Metro Central Enhancement Committee was a committee that, along with the North Portland Enhancement Committee, set aside 50¢ from every ton of garbage collected at those locations to be used for future projects within the enhancement area. He reported that they had recently awarded \$217,500 in grants to organizations such as the Linnton Neighborhood Association, Neighbors Northwest, Northwest District Association, Saturday Academy, Cathedral Park Jazz Festival, Friends of Forest Park, and James John School, to mention a few. He named the committee members and asked Joe Beeler to report on their decision process.

**Joe Beeler**, representing the Cathedral Park Neighborhood Association, thanked Councilor Washington for his involvement in the committee. He said they awarded 21 grants out of the 30 applications they had received. He noted all of the awards had a matching fund aspect to them and in fact they had directly challenged the Northwest District Association and NINA that they must go to the business sector for matching amounts in order to access their awards. He said the funds would be used for a planting project at the foot of the Fremont Bridge in the I-405 corridor. They also awarded a whole summer of free music at Cathedral Park as well as some safety and environmental awards. He told of one major \$25,000 grant they had awarded to Linnton and north Portland to do a feasibility study to light the St. John's bridge. The highway department was doing a plan to renovate the bridge and he felt lighting the bridge as a symbol for Portland at large was a magnificent idea. He noted that the bridge was the first major piece of architecture for people arriving in Portland by water.

**Presiding Officer Monroe** added that the same person who designed the Golden Gate bridge had designed the St. John's bridge.

**Mr. Beeler** said yes, and it was designed a couple of years before the Golden Gate bridge, and was more attractive. He wanted to mention the \$38,500 grant to finish a \$75,000 feasibility study to purchase and restore the historic St. John's theater as a cultural and educational center. He said it was the only remaining movie theater in north Portland and had been the community living room for 25 years. He said there was a particular affection for the building in that area. He thanked Metro for the funds and the committee for their wise and thoughtful participation. He thanked Katie Dowdall for facilitating the process.

**Councilor Washington** thanked the committee again for their work and special thanks for Ms. Dowdall for her hard work.

## **8. MPAC COMMUNICATION**

**Councilor McLain** said the March 10th MPAC meeting would include work from the Boundary Commission subcommittee, goal setting refinement, public outreach and notice, performance measures, and urban growth boundary code amendments.

## **9. METRO LEGISLATIVE UPDATE**

**Jeff Stone, Council Chief of Staff**, said there was a house and senate companion bill that would delete the counties and Metro from the state voters' pamphlet. He noted two things in Legislative Council dealing with the pool chlorine bill and the conservation easement bill. They did not have numbers yet. He said there were senate bill numbers assigned for lot line adjustments for parks and openspaces, which was currently at the Water and Land Use Committee in Salem. Lastly, he mentioned that the boundary change legislation was currently in Legislative Council.

**Dan Cooper, Legal Counsel**, said this was the bill they had requested to allow the Metro Council to make decisions about the Metro boundary rather than the Multnomah County Commission.

He continued by briefing the council on SB 87. He said he and staff had met with some of the industry representatives interested in the bill to discuss it and what Metro currently did for calculating the land need for employment, industrial and commercial, etc., type uses and described the steps the DRC was currently going through and the survey work they were doing. He said the proponents of the bill were willing to seek amendments to their own bill that would conform the bill to current Metro practice. He understood there had been a public hearing on the bill where the proponents had requested the amendments that day. He said they took no position on the bill but explained what Metro did.

**Presiding Officer Monroe** asked Mr. Cooper about the prison siting and was told there had not been a vote yet.

**Councilor Atherton** asked if there was any discussion about SB 87 and the unfunded mandate it would prescribe.

**Mr. Cooper** responded that they did not support SB 87 and that the position they took was Goal 9, the economic development goal on the books since 1972 was there, and Metro complied with it in all of their work. He said Metro expected to continue to comply with Goal 9. He said if Metro or another local government found themselves in the position of having to spend a lot of money because of this, perhaps the case could be made at that time. He said the way it was now being written, it was still the discretion of the council as to how much money was allocated to planning because the language they seemed to be going with now talked about "reasonable estimates" and "best available methods" rather than hard and fast 5 years of historical data. The planning staff thought it meant they could accomplish it with the same resources they were currently allocated here. He thought that took it out of the unfunded mandate as far as the work Metro was required to do.

**Councilor Bragdon** asked about the gas tax.

**Mr. Stone** did not have the answer to that nor did Mr. Cooper.

## 10. CONSENT AGENDA

### 10.1 Consideration meeting minutes of the February 25, 1999 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of February 25, 1999 Regular Council Meeting.

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

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

## 11. ORDINANCES - SECOND READING

### 11.1 Ordinance No. 99-795A, For the Purpose of Adopting a Code of Ethics for Metro Officials and Requiring Registration of Lobbyists.

Councilor Washington asked Councilor McLain to move the ordinance. He said even though it had been to his committee and they had done the work, it was her ordinance. He asked for a few minutes afterward to apprise the council of some of the things that went on at the meetings.

Presiding Officer Monroe explained procedure. There would be an opening statement by Councilor McLain, a statement from Councilor Washington and statements from any other councilors. Then there would be a public hearing. After that council would have a work session for any amendments that might be brought forward. Then the final vote on the measure would be taken after debate and a close by Councilor McLain.

**Motion:** Councilor McLain moved to adopt Ordinance No. 99-795A.

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

Councilor McLain pointed out that the entire council had written this code even though it had her and Councilor Monroe's names on it. She acknowledged that everyone had done a lot of work and Councilor Park had done an extreme amount of work reviewing past work and the simplified version she and Councilor Monroe had brought, and adding additional work. She noted that Councilor Atherton had brought a lot to the conversation relating to this ordinance. She noted the others had done a lot to make sure nothing was forgotten in the transition from the last few years.

She said one of the goals for the ethics code almost 3½-4 years ago was to make sure this council had some of the highest ethical standards in the state. They had tried to make sure the purpose and policy section showed demonstrated their intent for all Metro officials to operate under the highest ethical standards and treat their office as a public trust. They also felt it was important for key staff members to be involved in this policy. She gave examples of where Metro had higher standards than the state: Metro officials may not solicit or receive gifts from registered lobbyists or their employers and those lobbyists and their employers were not allowed to offer such gifts. Metro officials may not solicit or receive entertainment from the lobbyists or their employers. She noted an exception for events sponsored by non-profits. She noted others, all exceeded state law. She said an element not presently in the code deserved some discussion and that dealt with campaign contributions. She felt it was important to remember that the campaign contribution discussion had been defined over 3 years. Freedom of speech and other constitutional issues were brought up and they had asked for a decision from legal staff who came back with the suggestions that perhaps the basic ethics code was not the place to deal with campaign contributions. She hoped legal staff would be allowed to talk about that memo if there were any questions.

**Councilor Washington** thanked Councilors Kvistad and Atherton for their work and support. He thanked the Presiding Officer and Councilor McLain for their confidence in sending it to his committee and letting them work. He thanked the new councilors for helping put out a good piece of work. He thanked Senior Analyst Michael Morrissey, Jeff Stone and Pat Emmerson, and Dan Cooper of the legal staff for being there for this major piece of legislation. He said he was proud of the way they all worked as well as the end result.

**Councilor Kvistad** noted his amendment concerning the ethics code.

**Presiding Officer Monroe** said they would address those amendments after the public hearing.

**Councilor Atherton** said he appreciated Councilor McLain's discussion concerning recusal and campaign contributions and how those could effect the perception of ethical decision making. He said he had received substantial mail and phone calls, unfortunately much of it was not received before the committee hearing. People were clearly very concerned about this issue. In Oregon officials were required to recuse themselves and not vote if they had a conflict of interest. That meant not only disclose but recuse. He said what had been proposed by Mr. Liberty and Ms. Callison was the thought they could extend the concept to people who had or expected to have business or decisions in their favor at a local jurisdiction and that large money contributions tainted in the public's view the perception that this was an ethical problem. He urged council to think about how important it was for perceptions and how different it was from current requirements for disclosure and recusal. He noted letters from Mr. Tiernan supporting the concept and from Gussie McRobert not supporting it and bringing up other points for consideration. What started out as a straight forward and relatively simple matter had proven to be not so. He said if all of them respected and honored their public affairs they all needed to behave in an ethical fashion.

**Presiding Officer Monroe** reviewed the history of this ordinance. He said to meet the genuine concern he had heard from the public, they had a very comprehensive and yet very workable ethics code before them today that was truly a community effort. He appreciated the hard work that Councilor Washington had done and valued the communication from citizens regarding the matter.

He opened a public hearing on Ordinance No. 99-795A.

**Bill Spidal** 2831 SE Colt Dr., #222, Portland OR 97202, supported Councilor Atherton's amendment to the ethics code. He appreciated that it was a group effort but now the easy part had been done and the division was starting. He felt they should take a vote on Councilor Atherton's amendment it would give the voters in the audience an idea of where they were on the issue. He believed that large contributions affected anyone who was elected to office and it would be naive for anyone to not believe that. He believed the \$100 level of Councilor Atherton's amendment was too low and he would prefer a \$500 limit. He believed the majority of people dealing with Metro, city, county, state, etc., had lost confidence in government because of the amount of money the candidates had to spend to get elected. Because Metro had been involved with the UGB for the last several years, he believed that councilors had to acknowledge that LUBA had raised serious questions about the boundaries. He hoped council would resolve the issue and not appeal it. He believed that under the Atherton amendment there would be some trust that the second growth boundary decision would not be impacted by big dollars.

**Presiding Officer Monroe** commented that he had several conversations with Councilor Atherton concerning this issue and shared his interest in campaign finance reform. He said he supported most of the campaign finance reform legislature that came along during his 12 years in Salem. He had committed to Councilor Atherton that they would look at campaign finance reform but he thought it was separate from the ethics code. He would support Councilor Atherton's efforts to review what to do in this area.

**Mr. Spidal** said as a tax payer he believed that the vote was significant and asked them to have a separate resolution, vote it up or down, and decide whether it was legal then. He believed that they kind of skirted the issue otherwise.

**Liz Callison**, 6039 SW Knightsbridge Drive, Portland, OR, read her letter in support of the Atherton amendment into the record as well as several amendments of her own (a copy of which may be found in the permanent record of this meeting). She felt someone should at least second Councilor Atherton's amendment and show the public the courtesy and respect owed to another councilor and to the more than 30 individuals from all over the region who had faxed and/or e-mailed or telephoned their support of the disclosure/recusal amendment.

**Cynthia Eardley**, 11825 SW Evans, Portland OR 97219, supported disclosure/recusal generally and felt the public did also based on conversations she had with various people. She felt it would be a cleansing, legitimizing effect on local government. She did not feel it would stop growth or the local economy. She read a short letter to the editor from the Southwest Community Connection newspaper and the Multnomah Village Post newspaper regarding support of Atherton's and Liz Callison's amendments to the ethics code. She urged adoption of some version of disclosure/recusal for the ethics code.

**Councilor McLain** wanted to be sure Ms. Eardley and the other testifiers were aware that the amendment as worded did not cover all candidates, only people who were already seated on the council and employees of Metro. She said she could not accept the amendment as worded because she felt it was important to work on it in the right framework, which was elections code so it would cover all candidates. She said there would not be equity or higher standards if all candidates were not covered.

**Councilor Atherton** said to Ms. Eardley that Ms. Callison had brought up advisory committees and the members of those committees had a conflict of interest. He said council had talked about that at committee and decided they would rather not address that issue in the ethics code but it was definitely something they wanted to talk about. He said he planned to bring a letter to council asking MCCI to review the issue.

**Ms. Eardley** felt public conversation on these issues was a good thing. She urged more public participation to improve public relations.

**Councilor Park** recalled Ms. Callison to ask about the intent of the \$100 level. He explained that his was in a somewhat different situation because his campaign had received money from people both inside and outside the UGB. He wondered what she would say he should do because he had contributions and endorsements from people with opposite views.

**Ms. Callison** asked if his contributors had land use issues pending.

**Councilor Park** said given that he currently owned a farm inside the UGB, according to what she was proposing he would have to recuse himself from the people who would not want the boundary moved to be taken in. He said it put him in an awkward situation that he was endorsed by both the Clackamas and Multnomah County Farm Bureaus as well as the Nursery PAC.

**Ms. Callison** said he was referring to political activities and not land use applications and this would only apply to actual land use applicants or contractors who wanted a financial arrangement with Metro through a contract award. The \$100 contribution was the fair tax credit level for the average person to contribute throughout the state.

**Councilor Park** clarified that under her amendment, if a farmer outside the UGB who did not want to come into the boundary contributed to the campaign, a councilor could not vote to keep that farm outside the boundary but would have to recuse himself from voting on the matter.

**Ms. Callison** said yes if the farmer came to Metro for an extension that involved their land.

**Councilor Park** said for their own reasons they did not want to come inside the boundary.

**Ms. Callison** said then they would not be coming in for a land use application.

**Councilor Park** said her amendment would block him from being able to vote to not move the boundary.

**Ms. Callison** thought the person who wanted to stay out would not be making an application for a land use change to bring them into the boundary.

**Councilor Park** said the effect would be the same.

**Ms. Callison** did not see that because the person he was talking about did not have anything financially to gain except indirectly. She was concerned about the actual land use applicant. Public interest groups or farmers who wanted to stay outside the boundary were not affected. She did not think she would have had a problem with the amendment because she did not take money from developers or contractors for her campaign.

**Councilor Atherton** asked Mr. Cooper about someone outside the UGB who was not an applicant but had financial interest in not having a decision to come in.

**Presiding Officer Monroe** said Mr. Cooper could answer but it was out of order because they were debating something that was not before council at this time.

**Mr. Cooper** responded that was true, the motion that had not been made for the amendment he had seen said "applicant for a land use decision". In his view, it would be narrowly held to be quasi-judicial, major amendments to the UGB or locational adjustments. He said under the current process GenStar and Halton were not applicants to land use decisions by Metro. He said the amendment that had not been proposed did not hit them.

**Councilor Bragdon** read a letter from Bob Tiernan into the record regarding the voters' need to know what happens after the campaign (a copy of which may be found in the permanent record of this meeting). He said he moved toward the disclosure approach. He felt the best thing for



democracy would be for people to come to candidate forums and make their decisions based on 30 minutes of listening rather than a piece of junk mail they got or some superficial TV commercial. He said he was willing to be judged on the basis of his work and he was proud of the people who supported him although he did not necessarily agree with them. He felt the more disclosure the better and noted that all of the contributions he had received were public knowledge.

**Councilor Park** read a letter from Gussie McRobert regarding the ethics ordinance into the record. She did not support limiting council actions on land use decisions because of campaign contributions. She felt it was a well intentioned but simplistic idea that failed the test of logic. (A copy of the letter can be found in the permanent record of this meeting).

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

**Councilor Atherton** said he had wanted to listen to what people were talking about and hear from Mr. Cooper and the rest of the council before he decided if he would bring his amendment forward. He said he was persuaded at this moment that there could be unintended consequences and thought it was a more complicated subject than Mr. Liberty and he first thought. He committed to craft and bring forward specific proposals on elections reforms and the use of self financing and third party functions to the table by late this year or early next year.

**Motion to**

**Amend:** **Councilor Kvistad** moved to delete subsection 2.17.030(b), "ceremonial gifts received by Metro officials on behalf of Metro from foreign delegations or similar visitors to the region are Metro property".

**Second the**

**Amendment:** **Councilor Park** seconded the amendment.

**Councilor Kvistad** said this amendment had passed the nod test in committee. He said foreign delegations traditionally brought small token gifts to the person who greeted and met with them. He said there had never been gift items of major value but small courtesy items. He had spoken with Mr. Cooper who said this change was technical and did not change the document. It would allow the delegations to give small token items.

**Presiding Officer Monroe** asked Mr. Cooper if his advice was that this was a technical amendment and would not require a delay in action today.

**Mr. Cooper** said that was correct. He said the ordinance as originally submitted had a much broader prohibition against receiving gifts from anybody. When the amendment was adopted to make the gift restriction only apply to lobbyists and employers of lobbyists this section was no longer necessary. His recommendation to Councilor Kvistad was to delete the section.

**Councilor Park** asked Mr. Cooper whether Section J defined the situation as described.

**Mr. Cooper** said the prohibition against gifts from lobbyists with this exclusion allowed them to take the baseball hat with the company logo or the T-shirt from SOLV. The ceremonial gifts part was written when that exclusion was different. He said it really had the intention of allowing

something otherwise prohibited by the ordinance. The ceremonial gift was an entirely different category.

**Councilor Kvistad** urged an aye vote on the amendment.

**Vote to**

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

**Councilor Kvistad** said he had spent a great deal of time trying to make this a better document. He wanted to be clear about where he was on the issue. He felt it was very similar to Metro's version of the independent council law. It seemed like a good idea at the time but law should be simple and clear and easily followed. This ordinance was none of that and did not enhance the legislative process. He said he had a great deal of respect for the council and knew that their votes were not for sale. He felt this ordinance was an insult to their integrity and basically said given a choice between ethical and unethical behavior without the ordinance they would choose the unethical. He rejected that and found it offensive. He said good public relations did not necessarily make good law. He said he had been told he should not vote against this law because of the way it might be perceived and the political ramifications of it and he should just accept it and move forward. He said he could not do that. He said it was never wrong to do the right thing which was to vote no on this item. He said setting a higher standard was a good, healthy and important thing but writing a law on the false perceptions and from the perspective of punishment or public relations was wrong. He felt they would regret it if they voted this forward. He urged a no vote.

**Councilor Park** respected Councilor Kvistad's opinion but said he would be voting for this ordinance as amended. He was pleased to be part of developing this ethics code which he felt would give the citizens the reassurance and respect they needed, expected and deserved. He also said he would ask the Presiding Officer and Executive Officer to review the current employee ethics code against this particular proposed document and present back to the council a revised administrative ethics code to apply to both Metro staff and council staff. He said when he left office he wanted the public to evaluate his decisions without any cloud of suspicion on his motivations, therefore he supported the ordinance and urged an aye vote.

**Councilor McLain** closed by responding to comments made during the public testimony and discussion. She said they had a thorough conversation regarding non-profit activities and the events at Metro. They felt there was a difference with the non-profit activities and the events that went on at Metro because they were acting in an official capacity. She said they did not give up the responsibility of making that public. She wanted the public to do their own evaluation by having the information in front of them to be able to make about the elected officials. She said to remember the limit of this ethics code was for elected officials and councilors in the Metro building. The original code brought to the committee did cover more of the employees but they believed Councilor Park had a good solution and that issue would be cleaner in a separate document. She reiterated that what they had was higher than state law. She urged an aye vote.

**Councilor Washington** also urged an aye vote from the council.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting no.

**12. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH :LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.**

**Motion:** Councilor McLain moved to give direction to staff to continue their intervener status with LUBA on the Washington County issue brought to council 2-3 weeks ago.

**Second:** Councilor Park seconded the motion

Councilor Kvistad said he was still not clear with the specifics of the appeal. He said he would not vote no but would abstain from voting for that reason.

Councilor Park disclosed that he knew Wes Hills in other forums but not in this particular matter.

**Vote:** The vote was 5 aye/ 0 nay/ 1 abstain. Motion passed with Councilor Washington absent from the vote and Councilor Kvistad abstaining from the vote.

**11. COUNCILOR COMMUNICATION**

Presiding Officer Monroe announced that the vote on the appeal of the LUBA decision would be March 11, 1999. That resolution had come forward at the request of Councilor McLain's committee.

Councilor Bragdon asked if the motion was to file intent to appeal or was the actual appeal.

Mr. Cooper said it was the appeal.

Councilor Kvistad noted the National Association of Regional Councils meeting was coming up the end of the month and he and Councilor Washington would be attending. He suggested if other councilors wanted to go they should look over the packet and check with their staff person to register right away.

Councilor Atherton asked about the LUBA appeal vote next week and whether they would have an opportunity to review the legal issues before then.

Mr. Cooper said they certainly could make that opportunity available.

Presiding Officer Monroe asked if he could also give individual briefings to council if they wanted additional information.

Mr. Cooper said yes he could.

Councilor Bragdon strongly echoed Councilor Atherton's suggestion and said it was not just a question of legal tactics because it was shot with policy issues all through it. He supported the idea of getting together in Executive Session and really talking about it.

Mr. Cooper welcomed it. He knew they all had concerns about it.

**Councilor McLain** pointed out that there had already been an Executive Session on the issue and all the councilors had attended the Growth Committee that week where Mr. Shaw had walked them through the particulars. She welcomed another weekend to go through the 152 page document again. She felt another Executive Session on the issue was a very proactive and positive thing to do.

**Councilor Park** wondered if they would be given an opportunity to learn the scope of the appeal.

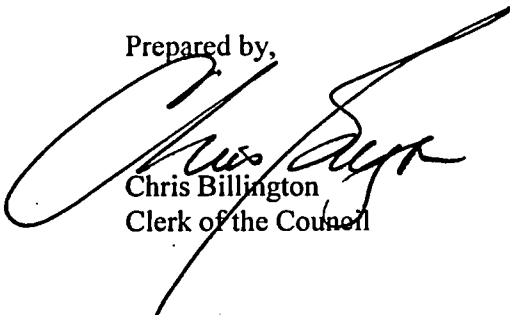
**Mr. Cooper** said they would be on a very fast track and within 2 weeks of the deadline for filing the notice, March 18, 1999, they had to have the brief fully completed, printed, published and delivered to Salem. He strongly preferred to have a thorough discussion in Executive Session as soon as possible to get council input. There would not be a lot of time for the amount of work to be done after that.

**Councilor McLain** responded that Councilors Bragdon and Park's issue was very cogent and important. She noted that the issue was very complicated and took in two approaches which was why they had asked for a little more time.

## 12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:28 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
030499c-01	March 1999	Financial Statement Audit Management Recommendations	TO: Metro Council FROM: Alexis Dow, Auditor	
030499c-02	2/27/99	Email concerning Ethics Code	TO: Metro Councilors FROM: Walt Amacher 743 SW Cheltenham St. Portland OR 97201	Ord No. 99-795
030499c-03	2/23/99	Email concerning Ethics Code	TO: Metro Council FROM:	Ord No 99-795

030499c-04	2/24/99	Voice message concerning Atherton amendment to the Ethics Code	Walt Amacher 743 SW Cheltenham St. Portland OR 97201 TO: Metro Council FROM: Walt Anicker (no address give)	Ord No. 99-795
030499c-05	2/2/99	Email concerning Atherton amendment to Ethics Code	TO: Metro Council FROM: Liz Callison (email: callison@mail, teleport.com)	Ord No 99-795
030499c-06	2/19/99	Email concerning Ethics Code	TO: Metro Operations Committee FROM: Liz Callison	Ord No 99-795
030499c-07	2/3/99	Fax concerning amendments to the Ethics Code	TO: Metro Council FROM: Myles Cunneen 5229 E Burnside St. #123 Portland OR 97215	Ord No 99-795
030499c-08	2/11/99	Email concerning amendments to the Ethics Code	TO: Clerk of the Council FROM: William Elliot (email: marsh@agora.rd rop.com)	Ord No 99-795
030499c-09	2/19/99	Email concerning amendments to the Ethics Code	TO: Clerk of the Council FROM: Cynthia Eardley 1825 SW Evans St. Portland OR 97219	Ord No 99-795
030499c-10	3/3/99	Email concerning proposed amendment to Ethics Code	TO: Clerk of the Council FROM: William Elliot (email: marsh@agora.rd rop.com)	Ord No 99-795
030499c-11	3/2/99	Email concerning proposed Code of Ethics	TO: Bill Atherton FROM: Richard	Ord No 99-795

			Jones (email: BULLDOGJON ES@prodigy.net )	
030499c-12	3/1/99	Email concerning amendments to the Ethics Code	TO: Clerk of the council FROM: M. Scott Jones (email: msjns@hevanet.com)	Ord No 99-795
030499c-13	3/3/99	Email concerning amendments to Ethics Code	TO: William Elliott FROM: M. Jones Scott	Ord No 99-795
030499c-14	2/9/99	Email concerning Ethics Code	TO: Clerk of the council FROM: Renee Daphne Kimball 2224 SE Umatilla St Portland OR 97202	Ord No 99-795
030499c-15	2/22/99	Email concerning Code of Ethics	TO: Clerk of the Council FROM: Susan King (email: smking@tteleport.com)	Ord No 99-795
030499c-16	2/2/99	Voice message concerning Code of Ethics	TO: Clerk of the council FROM: Jim Marsh 2104 SW Spring Portland OR 97201	Ord No 99-795
030499c-17	3/3/99	Fax concerning proposed amendment to Code of Ethics	TO: Presiding Officer Monroe FROM: Gussie McRobert PO Box 310 Gresham OR 97030:	Ord No 99-795
030499c-18	2/23/99	Email concerning Code of Ethics	TO: Clerk of the Council FROM: Dianne Roberts (email: rosewoodinc@juno.com)	Ord No 99-795
030499c-19	3/1/99	Voice mail concerning amendment to Code of Ethics	TO: Councilor Washington FROM: Courtney Scott	Ord No 99-795

030299c-20	3/2/99	Memo concerning amendment to Code of Ethics	.2639 NE Clackamas Portland OR 97232 TO: Metro Council FROM: Bill Spidal 2831 SE Colt Dr #222 Portland OR 97202	Ord No 99-795
030499c-21	2/22/99	Email concerning amendment to Code of Ethics	TO: Clerk of the Council FROM: Bob Tiernan 2700 W Powell Blvd #C-117 Gresham OR 97030	Ord No 99-795
030499c-22	2/2/99	Email concerning amendment to Code of Ethics	TO: Clerk of the Council FROM: Bob Tiernan (email: zulu@teleport.c om)	Ord No 99-795
030499c-23	2/22/99	Email concerning amendment to Code of Ethics	TO: Clerk of the Council FROM: Patty Wisner Lake Road Neighborhood Assoc. Milwaukie OR (email: chick@integrityo nline.com)	Ord No 99-795
030499c-24	3/4/99	Letter concerning amendments to Code of Ethics	TO: Metro Council FROM: Elizabeth Callison 6039 SW Knightsbridge Rd Portland OR 97219	Ord No 99-795
030499c-25	3/3/99	Letter concerning Code of Ethics	TO: Metro Council FROM: Bob Tiernan (email: zulu@teleport.c om)	Ord No 99-795
030499c-26	March 1999	Letter to the Editor "Proposed Metro	TO: Metro Council FROM:	Ord No 99-795

030499c-27

3/4/99

Ethics Code is not  
Tough Enough of  
Southwest Community  
Connection

Fax concerning  
amendment to Code of  
Ethics

.Bob Robinson  
235-5498

TO: Metro  
Council FROM:  
Dorothy Gage  
8000 SW 54th  
Ave Portland  
OR 97219

Ord No 99-795



# Metro

## *Financial Statement Auditor Communications*

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March 1999

A Report by the Office of the Auditor



**METRO**

1999-10358-AUD

**Alexis Dow, CPA**  
**Metro Auditor**

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**Metro**

***Financial Statement  
Auditor Communications***

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**March 1999**

**A Report by the Office of the Auditor**



**METRO**

1999-10358-AUD

**Alexis Dow, CPA  
Metro Auditor**

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METRO

OFFICE OF THE AUDITOR

March 8, 1999

To the Metro Council and Executive Officer:

As part of their audit of Metro's financial statements, Deloitte & Touche LLP is required by professional standards to communicate information concerning certain matters regarding the financial reporting and disclosure process. The accompanying letter addresses these issues.

In their letter, Deloitte & Touche LLP state:

- They have obtained a sufficient understanding of Metro's internal controls to enable them to plan their audit and determine auditing procedures to be performed.
- There were no significant changes in previously adopted accounting policies; however, during 1998 Governmental Accounting Standards Board Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools* was adopted. The effect of this adoption was to decrease beginning fund balances by \$395,992.
- They are not aware of any significant changes in accounting estimates or in management's judgement relating to the two significant accounting estimates reflected in Metro's financial statements - accrued self insurance claims and post-closure costs payable.
- No proposed audit adjustments arising from the audit were determined, individually or in aggregate, to have a significant effect on the financial reporting process.
- They are required to read other information in documents containing the audited financial statements and they noted no material inconsistency or misstatement of fact in their reading of the other information in Metro's Comprehensive Annual Financial Report.

I will be happy to discuss any aspect of this Deloitte & Touche LLP letter with you.

Very truly yours,

Alexis Dow, CPA  
Metro Auditor



December 9, 1998

Ms. Alexis Dow  
Metro Auditor  
Portland, Oregon

We have audited the general purpose financial statements of Metro as of and for the year ended June 30, 1998, and have issued our report thereon dated December 9, 1998, which expresses a qualified opinion on the financial statements because of the limitation on our audit with respect to the year 2000 issue.

Our professional standards require that we communicate with you concerning certain matters that may be of interest to you in fulfilling your obligation to oversee the financial reporting and disclosure process for which management of Metro is responsible. We have prepared the following comments to assist you in fulfilling that obligation.

### **Our Responsibility Under Generally Accepted Auditing Standards**

Our responsibility under generally accepted auditing standards has been described to you in our engagement letter dated May 15, 1998. As described in that letter, those standards require, among other things, that we obtain a sufficient understanding of Metro's internal control to enable us to properly plan our audit and to determine the nature, timing, and extent of audit procedures to be performed. We have issued a separate report to you, also dated December 9, 1998, containing our comments on Metro's internal control.

### **Significant Accounting Policies**

Metro's significant accounting policies are set forth in Note 2 to Metro's 1998 financial statements. During the year ended June 30, 1998, there were no significant changes in previously adopted accounting policies or their application; however, during 1998 Metro adopted Governmental Accounting Standards Board ("GASB") Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*. GASB Statement No. 31 establishes accounting and financial reporting standards for external investment pools and establishes fair value standards for certain investments, including open-end mutual funds, debt securities and equity securities. GASB Statement No. 31 requires that all investment income, including changes in the fair value of investments, be reported as revenue in the Statement of Changes in Fund Balances. In addition, the Statement requires expanded disclosures for external investment pools. Under the Statement, there is no change in the manner in which Metro assigns investment income, including changes in the fair value of investments to funds. The effect of the adoption of GASB Statement No. 31 was to decrease the beginning fund balances by \$395,992 for Metro in total, including its component unit.

## **Management Judgments and Accounting Estimates**

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and on assumptions about future events. Significant accounting estimates reflected in Metro's financial statements include accrued self-insurance claims and post-closure costs payable.

The basis for our conclusions as to the reasonableness of these estimates, as expressed in our auditors' report, is our development of an independent expectation of the estimates to corroborate management's estimates. During the year ended June 30, 1998, we are not aware of any significant changes in accounting estimates or in management's judgments relating to such estimates.

## **Significant Audit Adjustments**

Our audit was designed to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. In addition, we are obligated by generally accepted auditing standards to inform you of any adjustments arising from the audit that could, in our judgment, either individually or in the aggregate, have a significant effect on Metro's financial reporting process. All proposed audit adjustments were reviewed with management and were determined, individually or in the aggregate, not to have a significant effect on the financial reporting process.

## **Other Information in the Comprehensive Annual Financial Report (CAFR)**

When audited financial statements are included in documents containing other information such as Metro's CAFR, generally accepted auditing standards require that we read such other information and consider whether it, or the manner of its presentation, is materially inconsistent with the information, or the manner of its presentation, in the financial statements audited by us. We have read the other information in Metro's CAFR and have inquired as to the methods of measurement and presentation of such information. If we had noted a material inconsistency, or if we had obtained knowledge of a material misstatement of fact in the other information, we would have discussed the matters with management and, if appropriate, with the Council.

This report is intended solely for the information and use of the Council, Executive Officer, Metro Auditor, management, and others within Metro and is not intended to be and should not be used by anyone other than these specified parties.

We will be pleased to discuss this report with you further at your convenience.

Yours truly,

*Debitte & Touche LLP*

## ATTACHMENT B

ALTERNATE MEMBERS OF THE AFFORDABLE HOUSING TECHNICAL ADVISORY  
COMMITTEE SUBMITTED BY THE ADVISORY COMMITTEE MEMBERS

<b>Position(Representing)</b>	<b>Member</b>	<b>Alternate</b>
1. Non-Profit Affordable Housing Provider— Clackamas County	Diane Luther NW Housing Alternative	Jon Wood Clackamas Service Center
2. Non-Profit Affordable Housing Provider— Multnomah County	Dee Walsh REACH Community Development	Ralph Austin Innovative Housing
3. Non-Profit Affordable Housing Provider— Washington County	Sheila Greenlaw-Fink Comm. Partners for Affordable Housing	Renita Christle Gerard Comm. Partners for Affordable Housing
4. For-Profit Housing Provider	David Bell GSL Properties, Inc.	I. D. (Doug) Draper GSL Properties, Inc.
5. For-Profit Housing Provider	Scott Matthews Trammel Crow Residential	Rob Hinnen Trammel Crow Residential
6. For-Profit Housing Provider	Doug Oblatz Shiels Oblatz Johnsen	D. Carter MacNichol Shiels Oblatz Johnsen
7. Clackamas County Public Housing Authority	Gary DiCenzo Clackamas Co. Housing Authority	Tim Nielson Clackamas Co. Housing Authority
8. Multnomah County Public Housing Authority	Helen Barney Housing Authority of Portland	Denny West Housing Authority of Portland
9. Washington County Public Housing Authority	Susan Wilson Washington Co. Housing Services	John Rosenberger Washington County
10. City of Portland	Commissioner Erik Sten	Mike Saba City of Portland Bureau of Planning
11. Clackamas Co. Local Government	Doug McClain Clackamas County Planning	Scott Pemble Clackamas County Planning
12. Multnomah Co. Local Government	Commissioner Diane Linn Multnomah County	Ramsay Weit Multnomah County
13. Washington Co. Local Government	Commissioner Andy Duyck Washington County	VACANT
14. Cities of Clackamas County	Mayor Jill Thorn City of West Linn	Mayor Carolyn Tomei City of Milwaukie

15. Cities of Multnomah County	Mayor Roger Vonderharr City of Fairview	Andree Tremoulet City of Gresham
16. Cities of Washington County	David Lawrence City of Hillsboro	Pat Ribellia City of Hillsboro
17. MPAC	Mayor Rob Drake City of Beaverton	Councilor Doug Neeley City of Oregon City
18. Financing Institution	Dave Summers Bank of America	Ed DeWald Bank of America
19. Financing Institution	Margaret Nelson KeyBank	VACANT
20. Residents of Affordable Housing	Liora Berry	Lowell Greathouse Community Action Organization
21. Residents of Affordable Housing	Dana Brown Community Alliance of Tenants	Steve Weiss Community Alliance of Tenants
22. Residents of Affordable Housing	Tasha Harmon Community Development Network	Britt Parrott Coalition for a Livable Future
23. Business Community and Major Employers	Pat Ritz Oregon Title Insurance Company	Mindy Sullivan Oregon Title Insurance Company
24. Business Community and Major Employers	VACANT	VACANT
25. Land Use Professionals	Jeffrey Condit Miller Nash	Phillip E. Grillo Miller Nash
26. The Governor's Task Force on Aging (non-voting)	Commissioner Alice Neely Governor's Commission on Seniors	Jan Tucker-McManus Clackamas Co. Social Services
27. The State of Oregon Housing and Community Services Department (non-voting)	Vince Chiotti OR Housing & Community Services	Margaret Van Vhet Governor's Community Dev. Office
28. The Federal Housing Administration (non-voting)	Tom Cusack HUD	Roberta Ando HUD

Councilor Rod Park

Amendments to Resolution No. 99-2768

“For the Purpose of Authorizing an Appeal of the Land Use Board of Appeals Regarding the Metro Designation of Urban Reserves”

March 11, 1999

Amendment 1.

NOW THEREFORE,

The Metro Council Resolves as follows:

The Office of General Counsel is authorized to appeal the LUBA decision regarding Ordinance No. 96-655E to the Oregon Court of Appeals: in support of consistency with Metro’s acknowledged RUGGO’s and 2040 Growth Concept, with regard to the nature of and extent of required findings and in support of Metro’s position on severability.

Rationale: The appeal of the LUBA decision is appropriately limited to support for Metro’s adopted land use policies and to seek clarification on technical issues. The appeal should not get into areas which challenge the policy basis of state law, which protects farm and forest lands by directing urban growth to exception lands.





**METRO**

**Urban Reserve Appeal  
Statement before the Metro Council**

**Mike Burton  
March 11, 1999**

As you know, at the Growth Management Committee meeting on Tuesday, March 2, 1999, I urged the committee to recommend to the full Council that Metro undertake an appeal of the LUBA decision on the Urban Reserve process.

While I stand by that recommendation, I want to go on the record as to my reasons.

As you are also well aware, in my recommendations to the Council on September 3, 1996, I put forward 14,000 acres of land for consideration. In that recommendation I stated:

Of that 14,000 acres, I recommend that only 800 acres of natural resource land be included. The only reason I advocate for any natural resource land is because those specific 800 acres already are surrounded by urbanization. It makes sense, and meets state requirements for exceptions, that those acres be placed within urban reserves.

I would also stand by that original recommendation. But the Council set aside my recommendation, as is their prerogative.

The LUBA decision points to errors Metro made procedurally in designating certain areas without finding that no other option existed as required by law. However, I believe that it is Metro's responsibility to manage urban growth and the urban growth boundary in this region.

My support for an appeal of the LUBA decision is based on the need to clarify Metro's role and responsibilities in managing growth in the region.

Metro's Charter states in part that Metro shall address:

"...management and amendment of the urban growth boundary... and protection of lands outside the urban growth boundary for natural resource, future urban or other uses...:

Because Metro has also taken responsibility for managing urban growth by the designation of urban reserves, then this procedure becomes part of the overall management process.

I believe that the designation of urban reserves provides protection – for an extended period of time – of resource lands beyond what we anticipate will be needed for growth for 30 years. Urban reserve decisions certainly should be reached with care and deliberation and should meet the components of a “comprehensive plan” or in Metro’s case, the Regional Urban Growth Goals and Objectives (RUGGOs) and the Regional Framework Plan – in other words, 2040.

Without carefully applied standards and criteria that Metro has designated, then under state law, this body would have had to designate far more land as urban reserves and then, indeed, would have had to bring far more of those lands into the urban growth boundary than the Council actually has done.

Let me divert a moment here. I am constantly amazed at how complicated all this business is. Even for those of us who digest this as part of daily regimen often find it hard to swallow. So pity the poor citizen and the media. The confusion begins with a misunderstanding of what an urban reserve is and what the urban growth boundary is.

The LUBA decision was misinterpreted by much of the media. One headline read, “Metro Expansion Plans Foiled.” Of course, the headline should have read, “Metro Protection Plans Foiled,” given Metro’s role and the role of urban reserves as the region grows.

You know what we are about. I’m not certain the public truly understands and that is partly because this process is so complex. It should be a careful process. It should require us to protect resource lands, and it also should require that everyone involved submits and follows rigorous plans that insure proper urban design.

In light of the LUBA decision, I believe this body should proceed to ask for clarification on these points:

- The application of 2040;
- The relationship between urban reserve findings and comprehensive plans; and
- The interpretation of key urban reserve rule requirements.

This does not imply any endorsement of specific areas that were included in your decision. Indeed, once clarification has been reached on the above points, then those standards can be applied to these reserves and the outcome may be quite different.

We need to receive clarification on the broad application of our regional vision, concept and plans. That will enable us to work with our local government partners on the implementation of our goals.



**METRO**

**Executive Officer Recommendation  
Urban Reserves  
Sept. 3, 1996**

The issue of urban reserves is being brought to you today as one more important growth management milestone that is mandated by state law. That state law, which has guided Oregon faithfully for nearly 30 years, requires that Metro designate urban reserves as part of our growth management responsibility. The recommendation I am bringing forward to you today is based on those factors imbedded in state law that clearly emphasize the protection of agricultural and natural resource land.

Before I get into my actual recommendation, bear with me while I utter what will become a constant (perhaps somewhat tiresome) refrain: **Urban reserves are not the same thing as the urban growth boundary.** There's been considerable confusion among the public about those two related, but distinctly separate, growth management decisions. So one of my goals for the next few months is to reiterate, remind and re-emphasize: **Urban reserves and the urban growth boundary are not the same thing.**

Urban reserves form the long-range (30 to 50 years) land supply for the metropolitan area. They are outside the current urban growth boundary, and their purpose is to identify which lands eventually may become urbanized. The urban growth boundary provides for a 20-year land supply within the metropolitan area. If, at some point, the Metro Council decides to expand the UGB, the acres would be selected from areas that are within the urban reserves.

I continue to strongly support the commitment from local governments that there is no need to expand the UGB at this time. I also continue to advocate for as small an urban reserve as possible, with a resounding emphasis on keeping natural resource lands out of urban reserves.

In addition, I urge the Council to act quickly on the urban reserve policy decision. To continue Oregon's long-standing history of forward-thinking and planning ahead, this region needs to begin the work associated with urban reserves. I am speaking primarily of the need to do master planning within the urban reserve areas that are selected. It is my continued belief that not a single acre should ever be brought inside the urban growth boundary unless it has been master planned to meet the 2040 growth concept standards.

**Small urban reserve recommended**

The Metro Council directed last December that 23,000 acres be studied for suitability as urban reserves. My recommendation today is based on an analysis of that 23,000-acre urban reserve study area.

I am recommending that the Metro Council adopt 14,000 acres of urban reserves. Of that 14,000 acres, I recommend that only 800 acres of natural resource lands be included. The only reason I advocate for any natural resource land is because those specific 800 acres already are surrounded by urbanization. It makes sense, and meets state requirements for exceptions, that those acres be placed within urban reserves.

Also part of my recommendation is to re-designate 575 acres of land within the urban reserve study area from residential to employment uses. This would provide a better balance of jobs and housing, primarily in Clackamas County where there is more housing than jobs.

### **Basis of recommendation**

My recommendation as Executive Officer is based upon five major factors, which, again, are mandated by state law. The five factors, as required by the state's urban reserve rule, are:

1. Orderly and economic provision for public facilities and services
2. Maximum efficiency of land uses within and on the fringe of the existing urban area
3. Environmental, energy, economic and social consequences
4. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority
5. Compatibility of the proposed urban uses with nearby agricultural activities

The weighting of those factors, however, is a critical policy decision facing the Metro Council. In my recommendation, I have chosen what I consider to be the most logical use of those factors, which is to assign them an equal weight of 20 percent each. Since two of the five factors involve agricultural lands, this method provides significant consideration to the preservation of farm and forest lands.

### **The role of urban reserves**

There are a number of strong, compelling discussions that point to the value of urban reserves. The acres that will be designated as urban reserves will serve an extremely valuable role in the region's long-term livability. Some of the reasons for having urban reserves include:

#### **(1) Urban reserve designations are required by law**

Urban reserves are required by state law. In addition, urban reserves are directly or indirectly required in several important Metro documents. For example, the Metro Charter requires that Metro protect lands outside the urban growth boundary for "natural resource, future urban or other uses." Metro also made a commitment in the Regional Urban Growth Goals and Objectives (RUGGO's) to designate them, and Metro's Code (Chapter 3) already makes provisions for the implementation of urban reserves.

#### **(2) Urban reserves protect resource lands**

Urban reserves protect farmland by indicating which areas adjacent to the current urban growth boundary are likely to be urbanized at some point in the future. Farmers whose land is not designated as an urban reserve can continue agricultural uses confident that investments in new stock and machinery are likely to

be recouped. Wise designation of urban reserves -- including jealously guarding every acre of agricultural land -- is the single most important step to take toward saving and preserving this region's valuable natural resources

### **(3) Urban reserves control speculation**

One of the major economic benefits of urban reserves is that they reduce the amount of land speculation. Bear in mind that while there always will be land speculation -- that's the nature of that business -- designating which land is likely to become urbanized will go a long way toward squelching that speculation. By not designating urban reserves, all land outside and near the UGB are subject to speculation. That is particularly unfortunate for good agricultural sites, which should be used for continuing agricultural uses rather than being swallowed into the urban area.

### **(4) Urban reserves support rural reserves**

Urban reserves support rural reserves. Rural reserves, or areas in which Metro assumes no urban development within the foreseeable (30 to 50 years) future, can be better supported if it can be demonstrated that lands already have been designated for long-term future urban land needs. Without a rural reserve designation, rural land that has no business being urbanized at some point would be in danger of being brought into the urban growth boundary.

### **(5) Urban reserves support master planning for the 2040 growth concept**

As I stated in my recent recommendation on the functional plan, which is now before the Metro Council, I believe that not a single acre should be brought into the boundary unless it has been master planned to meet 2040 standards. Urban reserve designations and master planning go hand-in-hand. I believe that, regardless of how many acres the Council ultimately designates as urban reserves, each acre should be master planned in accordance with the 2040 growth concept. Master planning in designated urban reserve areas will allow easier transitions into urban development and help build livable communities throughout the region.

### **Urban reserves should be decided now**

Urban reserves, when adopted, will establish where future expansion can or cannot happen. It is entirely possible, however, that urban reserves could remain outside the present UGB and not be developed for another 15 years or so. It is crucial that we not wait until the last acre inside the boundary is used. We must continue our long-standing Oregonian tradition of thinking and planning ahead.

Another strong argument for designating urban reserves now is that state administrative rules required that urban reserves be designated by December 1993. Metro has obtained two extensions to allow the 2040 process to be completed. The growth concept is now adopted, and it is time for Metro to complete the work required by state law.

## Conclusion

As the Growth Management Committee and the Metro Council consider urban reserves, I would like to add some final thoughts.

I urge the Council to make its decision carefully and to consider all opportunities to protect resource lands. While we are bound by state laws and policies that have encouraged this approach, we must continue to help ensure that our region, as well as Oregon, remains different from other metropolitan regions around the country.

In addition to preserving natural resource lands, Metro should continue to support and maintain a compact region. This means designating the minimum amount of urban reserves necessary to meet expected need. If too much land is placed in urban reserves, the reality is that we cannot retrace our steps. We cannot "subtract" land from the urban area once it has been placed in urban reserves.

I also recommend that whatever acres within the 23,000-acre urban reserve study area that are not selected as urban reserves be placed into the category of rural reserves -- further protecting them from both urban and rural sprawl.

The analysis and technical information developed by staff contain a great deal of essential information for master planning. The cost of services, the amount of buildable lands, and assumed densities are all included. As soon as the Council decides on urban reserves, it is my recommendation that the Council should, in conjunction with our local partners, prioritize those areas that should be master planned in the immediate future. Only then will the region be assured that we are well on our way to achieving the 2040 growth concept.

It will be noted that most of the urban reserves in my recommendation are within Clackamas County. The reason is that most of the growth projected to occur will be in Washington and Clackamas counties. Our technical analysis shows that Washington County already has a substantial amount of buildable land inside the urban growth boundary that will accommodate new growth. Clackamas County, on the other hand, contains relatively little.

As an example of Clackamas County's need for buildable land, Clackamas County has filed a petition for an addition of urban reserves near Sunnyside Road in an area that is included in my recommendation.

My final point is that I fully recognize the difficulty of the decisions facing the Council on urban reserves. There are a few cases, such as those in the Cornelius/Forest Grove area, where there are strong arguments for inclusion in urban reserves. I chose to base my recommendation on specific, numerical criteria -- and therefore did not include the Cornelius/Forest Grove area -- but am acutely aware of the need for an industrial designation of land near Cornelius. Some land near there should be given close scrutiny to determine whether the area should be given an exemption.

Thank you for your consideration of my Executive Officer recommendation. My staff and I continue to be available to assist the Council in its policy-making deliberations.