

MINUTES OF THE METRO COUNCIL MEETING

November 6, 1997

Council Chamber

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

Councilors Absent:

Presiding Officer Jon Kvistad called the meeting to order at 2:02 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellyn, LOTI Designer, 3205 SE 8th #9 Portland OR 97202(Brooklyn neighborhood), has been working on a light rail project proposal. He noted how the three tier proposal fit together, Aorta, Metro and LOTI systems.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. MPAC COMMUNICATION

This item was moved to a later time in the agenda.

5. CONSENT AGENDA

5.1 Consideration of Metro Council meeting minutes of the October 23, 1997.

Motion: **Councilor McLain** moved to adopt the Metro Council meeting minutes of October 23, 1997.

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

Discussion: Councilor Morissette and Presiding Officer Kvistad requested the minutes be amended in the following manner.

Councilor Morissette asked that the words "I do not support the majority because we need a larger expansion than this will lead to" be added to his comments on page 13. He stated that doing so would be more clear about his intent.

Presiding Officer Kvistad noted that when he was relating his talks with the OMSI people, he had mentioned a joke they had made about Keiko and maybe "free OMSI" tee shirts were in

order. The minutes reflect something about waiting for our "free" OMSI tee shirts. We need to make corrections to that line.

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

6. ORDINANCES - SECOND READING

6.1 **Ordinance No. 97-714**, For the Purpose of Enacting a Policy to Allow Metro to Purchase and Accept Conservation Easements to Promote the Protection of Regionally Significant Natural Resources, Adding the Policy to the Metro Code, and Declaring an Emergency.

Motion: **Councilor Naito** moved to adopt Ordinance No. 97-714.

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

Discussion: **Councilor Naito** reviewed Ordinance No. 97-714 and urged its approval by Council.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 97-714. No one came forward. Presiding Officer Kvistad closed the public hearing.

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

7. RESOLUTIONS

7.1 **Resolution No. 97-2531A**, For the Purpose of Authorizing an Amendment to the Lease Agreement between Metro and the City of Portland Bureau of General Services for the Community Policing Center Located in the Metro Regional Center.

Motion: **Councilor Naito** moved adoption of Resolution No. 97-2531A.

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

Discussion: **Councilor Naito** said that this was a Resolution that would waive the rental fee for the community policing unit and the district attorney's office located in the Metro building for a period of one year, July 1, 1997 through June 30, 1998, which totaled about \$30,000. She said these funds had been cut from the City of Portland's budget and local businesses were committing dollars to pay half of the costs of those offices. She anticipated by the end of the year all business owners in the area would contribute to keeping the offices open for the safety of the area. She urged support of the Council.

Councilor Morissette said that he did not support this resolution. He felt that it was not Metro's responsibility and the cost should be borne by the people that were using it.

Presiding Officer Kvistad asked if anyone from the public would like to speak.

Councilor McLain said that Councilor Naito pointed out that Metro's contribution was only \$15,000. It was a combined solution with all parties involved. She said she would be supporting the issue.

Councilor McCaig said that she opposed this in committee. It was Councilor Naito's work that found a compromise that would meet the needs of the agency and all involved. She said it was difficult to find consistency when money was found for OMSI when Multnomah County and the City of Portland were both cutting law enforcement positions. She felt that it was a good solution.

Councilor McFarland said she would be supporting this resolution because she believed that having this police presence saved in untold problems in the area. She felt the police entity was worth a great deal to Metro. She felt it would be self destructive to do otherwise.

Presiding Officer Kvistad said he had concerns that Metro was funding this when it was a City of Portland bureau but he had given his commitment to MERC and the business leaders. He was supporting it.

Councilor Naito said she felt that the debate on some of the policy issues had been healthy. She felt it was important to continue the program. She urged support.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Morissette voting nay.

7.2 **Resolution No. 97-2539B**, For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department.

Motion: **Councilor McCaig** moved adoption of Resolution No. 97-2539B.

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

Discussion: **Councilor McCaig** gave a brief overview of the Resolution and the work that had brought it this far. She said there was not unanimous support as some people would like it to go a little further, but some conclusions had been made. First, the committee added a context statement to the document to describe intent and make it very clear about the goal of protecting the resource. Second, the committee clarified the role of the master plan in the Greenspaces master plan to make sure those terms were used consistently and applied them in reviewing some of the applications. Lastly, they inserted language that clearly stated nothing they were doing superseded any state or federal regulations dealing with environmental issues. The committee recommended leaving the term significant impact as the appropriate language and what was intended. She urged support.

Councilor Morissette said he had read this resolution many times and had some advice to offer. He read "...prohibit the development of utilities, transportation projects and other non-park uses within the corridors or on sites which are located inside the Metro owned or managed regional parks, natural spaces...". He commented that was pretty strong. He read further..."reject proposals for utility easements, transportation rights of way and leases for non-park uses which would result in significant unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities...". He asked if it was Councilor McCaig's opinion that if an individual bought a piece of property at the end of a street where it was potentially landlocking future land slated for development and growth, that would have a significant impact by putting a road through that park area to get to the undeveloped part. He said this could inadvertently stop future development and he was worried about that.

Mr. Dan Cooper, Legal Counsel, said he did not specifically recall addressing this issue with Councilor Morissette.

Councilor Morissette said he might not have made the point specifically that way but parcels with no other way to get roads to them had the potential to landlock future property.

Mr. Cooper said that the answer may be yes.

Councilor Morissette said then he could not support this.

Mr. Cooper said the problem Councilor Morissette was describing usually existed ahead of time and if a parcel was landlocked, it was before Metro had acquired the piece that landlocked it. He mentioned some legal issues that one might have to deal with in the process. They said they were complicated issues but the policy did have some anomalies that may lead to a case by case review.

Councilor Morissette said in conclusion this resolution had not gone far enough to make him feel comfortable about it.

Councilor McCaig said the intent of the policy was to protect the resource. This was not meant to make it easier to develop.

Councilor Morissette said he was not talking about developing park land. He was talking about the inadvertent takings by restricting the flow of the natural progression through the process of landlocking because you put a block in the middle of it. He wanted to see that people in areas adjoining the park were not hurt inadvertently. He felt there was a potential for this to happen with this policy.

Councilor McCaig followed up that they had worked to make it clear that the Council would be the final arbitrator and this would provide guidance to the Open Spaces staff and some criteria for applicants. All of those decisions would ultimately come before Council. It gave a process for an application to be reviewed.

Presiding Officer Kvistad asked about Exhibits 6, 7, and 12 and if adjustments could be made to a Master Plan in the event that a situation such as that occurred.

Mr. Cooper said yes, the Master Plan can be changed by the Council.

Presiding Officer Kvistad said that the resolution did not say you could not have rights-of-way or easements, it just limited them to the minimum amount of invasion in terms of an open space.

Councilor McLain said it was her understanding was “water quality resources areas” had its own context as part of the Title 3 Model Ordinance work. Her concern was whether the “water quality resources” had enough definition without the context of Title 3 Model Ordinance language.

Mr. Cooper said he thought the sentence clearly identified the Council’s intent for this Resolution not to override the separately adopted policies that Metro intended to be binding on local governments and itself.

Councilor McLain said her concern was the definition of the “water quality resource area” because she could see another argument if we restrict in some way an easement because the

definition of water quality resource area was not seen as a legal term or a defensible term without the context of Title 3 Model Ordinance in some way connected to it.

Mr. Cooper said he felt that this did not set up any rights for any private parties to have easements. It explained the process to go forward.

Presiding Officer Kvistad opened a public hearing on this resolution.

Amanda Fritz said the final issue that was not resolved to everyone's satisfaction was the notice issue. She felt it could be worked on outside this ordinance and this was a good thing.

Presiding Officer Kvistad closed the public hearing.

Councilor Morissette added that private property owners didn't have standards to meet and that was what this was. This laid out requirements to meet the need and he felt it was a good thing but wanted to make sure it was not so strong as to inhibit the ability for people to accomplish things that made sense. He said there were many areas already in legislation on how to protect things like this and he could see all kinds of opportunities for misinterpretation in this ordinance.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Morissette voting nay.

7.3 **Resolution No. 97-2563**, For the Purpose of Authorizing the Executive Officer to Execute an Intergovernmental Agreement with North Clackamas Parks and Recreation District to Manage Properties on Mt. Talbert Purchased by Metro.

Motion: **Councilor McCaig** moved adoption of Resolution No. 97-2563.

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

Discussion: **Councilor McCaig** urged approval of the ordinance and offered to answer any other questions about it.

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

7.4 **Resolution No. 97-2564**, For the Purpose of Confirming the Appointment of Jennifer Sims as Director of the Department of Administrative Services.

Motion: **Councilor McCaig** moved adoption of Resolution No. 97-2564.

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

Discussion: **Councilor McCaig** explained that Doug Butler's departure made this vacancy that Executive Officer was recommending Jennifer Sims for. She would hold this position in addition to her present one. Councilor McCaig felt it was a good thing for Jennifer and Metro.

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

7.5 **Resolution No. 97-2568**, For the Purpose of Authorizing the Executive Officer to Transfer \$200,000 in Bond Measure 26-26 Multnomah County Local Share Funds to the City of

Gresham for the Purchase of Property and to Execute an Intergovernmental Agreement with the City of Gresham for Management, Maintenance and Operation of Same.

Motion: **Councilor McFarland** moved adoption of Resolution No. 97-2568.

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

Discussion: **Councilor McFarland** said this codified what Multnomah County's share in the bond measure would be used for. She said the Hogan cedars on the property had been threatened by development and the City of Gresham bought the area to keep them intact. She explained they were a variety that could not be found anywhere else. This would help reimburse for that property and Metro would be a co-owner of the property. She recommended making this transfer of funds.

Councilor Morissette verified that this would not shift any money and this was designated for Multnomah County to use that money as they saw fit.

Councilor McFarland it was not exclusively designated for Gresham and asked Mr. Ciecko to speak.

Mr. Charles Ciecko, Parks and Greenspaces Director, said local governments had to specifically identify a project prior to the bond measure. Multnomah County had identified the acquisition of the Hogan cedars property. He said this was teaming up to share acquisition costs.

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

7.6 **Resolution No. 97-2571**, For the Purpose of Approving the 1997P Lease/Purchase Financing Whereby SAWY Leasing Corp. Lease/Purchases Certain Equipment to the Metro Growth Management Services Department Pursuant to a Lease/Purchase Agreement; and Authorizing the CFO or Her Designee to Execute the Lease/Purchase Agreement and Such other Documents and Certificates as May be Necessary to Carry Out the Transactions Contemplated by the Aforementioned Agreement.

Motion: **Councilor McCaig** moved adoption of Resolution No. 97-2571.

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

Discussion: **Councilor McCaig** said this was part of the master leasing agreement with the Special Districts Association and their agent. She said it allowed Metro to pay less of an interest rate for leasing certain kinds of equipment and materials, thereby getting more for the money in a variety of areas within the agency. She said it was specifically for \$256,000 within the Growth Management Department to lease a specific computer and related equipment. She said this was not new money, it just authorized this to go forward.

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

4. MPAC COMMUNICATION

Judie Hammerstad, Vice Chair of MPAC and Commissioner, said that MPAC passed on the affordable housing recommendations but were evenly split. She said this particular issue was going to be extremely difficult to implement because not many of the tools they had to work with

were likely to result in very many affordable units. She said the majority recommendation was a permissive recommendation, not regulatory. She said it gave local governments options to deal with the problem, it did not include inclusionary zoning but required adopting a fair share target. She said there were still things that needed to be worked out and there was not time before the Council made their decision. She said they were looking at other ways to provide affordable housing and felt they should be held to monitoring it and insuring an adequate supply of land. She said the majority recommendation was to allow local governments to reach their own conclusions about how to do that.

James Francesconi, Portland Commissioner, said some good things had happened on both sides of the housing issue. He acknowledged it was a regional problem. He felt Metro could be an effective tool on dealing with the problem. He said land price was a critical factor in housing costs. He felt non-profits were very valuable but private sector must be involved to make it work. He stated that inclusionary zoning was one tool in the toolbox that was needed to address this difficult problem. He said everyone had collective responsibilities to meet the housing need including the private sector which was where inclusionary zoning fit in.

Councilor Morissette said he agreed with Commissioner Hammerstad. He had been talking about the affordable housing issue a lot. The majority had chosen to restrict the amount of land in the urban reserves. He said the recent vote on the UGB would continue the process of rising land prices because of limited supply of land. He felt inclusionary zoning was not the solution, it was increasing the land supply.

Commissioner Francesconi said that he always thought that Councilor Morissette's primary interest was providing more affordable housing. He said where they disagreed was the Councilor had been a little too narrow in the cause, i.e. under the Councilor's analysis, Blueprint 2000 or the ability to waive SDCs was not needed. He felt that was a little inaccurate.

Councilor Morissette responded that for someone who was working in the City of Portland, he found it by far the most complicated and cumbersome city anywhere in the region to work.

Commissioner Francesconi said that if you only focus on land prices all you do is worry about expanding the land. He felt it was important, but not the focus. Secondly, assuming inclusionary zoning had been adopted ahead of time, you would have a mandatory policy where the public and the decision makers would have minimum guarantees.

Councilor Morissette said that he had never said the UGB was the only reason for affordable housing problems, a good market also helped cause that. He felt the Urban Reserves was not the right place to do the inclusionary zoning that had been proposed.

Commissioner Francesconi asked if the Urban Reserves was not the place to build starter and low-moderate priced housing.

Councilor Morissette said that the philosophical debate was set based on the general value of the community. That was hyperinflated because the supply of land had been limited rather dramatically. He felt the ever inflating land prices were caused by lack of land.

Commissioner Francesconi said if you expanded the urban growth boundary and did not put any moderate income housing in the reserves, everyone had better duck for cover.

Councilor Morissette said that he had already ducked.

Commissioner Hammerstad thought a number of factors were going to influence the affordability of housing, time being one of those. She felt it would be a mistake if the master planning did not include a variety of housing. She felt it was extremely important for local governments to have the tools with which to deal with this problem.

Councilor McLain clarified that her vote on the Urban Growth Report was not a vote for not doing anything about affordable housing nor was it a vote that didn't recognize that speculation of land prices was something we had to deal with as we tried to find a toolbox of strategies to make sure we had affordable housing in all of the different types of communities. She noted that MPAC had agreements and a regional solution was very important. She said she heard agreement from Councilor Morissette and Commissioner Francesconi that fair share targets were a reasonable part of the toolbox but needed refinement.

Councilor Naito asked Commissioner Francesconi if mandatory inclusionary zoning was recommended region wide, not just in the urban reserves.

Commissioner Franseconi yes, it was. The recommendation said in parentheses that the amount should be higher in the Urban Reserves. He felt it was a tough thing because of land prices inside the reserves. He said then the arguments from Councilor Morissette took on a whole different meaning.

Councilor Naito said for the record that all of the members of the Council appreciated all of the hard work that MPAC had put in.

Councilor Washington thanked MPAC members for coming. The work he had been doing was to make sure every facet presented was understood so a decision could be made. He felt the housing affordability was a far bigger issue than the land. He said he appreciated the additional information.

Presiding Officer Kvistad said that the one thing that he was concerned was that last week's vote destroyed the concept of affordability outside of density.

Councilor Washington said that everything that MPAC had in the majority and minority report was on the table. Was there consensus? Not yet. He said trying to get a product that this region could use was the goal. He said the vote was done.

Councilor Morissette said that the vote was done but when he made the comments about accountability, he felt there would be more pounding on the issue. He felt regulation was not the way to deal with the problem.

Commissioner Hammerstad said they also passed on the Parks chapter for the Regional Framework Plan. She said the changes made there were rather minor and more discretionary, leaving more decision making to the local governments.

Councilor Washington thanked Commissioner Hammerstad for coming today.

Presiding Officer Kvistad said this general discussion was very helpful and what they had intended by putting the MPAC discussion on the agenda.

Ms. Peggy Lynch said that MPAC had not sent the Council a specific recommendation concerning schools but she wanted to give a heads up as Council began discussion on the Regional Framework Plan. MPAC had recommended that there be a schools section in the plan but the specifics of the language was being worked on. She said the most staggering statistic was that by 2015, 70,000 children would be attending the area schools.

Presiding Officer Kvistad asked Ms. Lynch if they had talked about school footprints as well as siting.

Ms. Lynch said it had been talked about over the past months, but it was not specifically part of the recommendations.

8. COUNCILOR DELIBERATIONS

8.1 Ordinance No. 97-715, For the Purpose of Adopting the Regional Framework Plan.

Councilor McLain summarized the work that happened in the October 30th Council Work Session and the November 4th Growth Management Committee.

Councilor Washington passed out an informational packet on the Monday work session concerning housing.

Councilor Morissette said he was not prepared to go through in great detail the specific proposals today, but asked when they would get the recommendations so they could react to them.

Councilor McLain said that that discussion was also had in the Growth Committee. She believed that this would come in a form where the draft from the summer would come and as the amendments came forward, a document with all of the suggested amendment language. She guessed it would be 3 weeks for the full complete packet.

Councilor Morissette said that prior to the Council voting, there would at some point be a document in whole.

Councilor Naito touched on the proposal regarding the possibility of having a region wide density incentive mandatory inclusionary zoning policy. She mentioned the California model that was studied by legal counsel as being worth exploring.

Councilor Washington said that the housing packet he passed out was informational only.

Councilor McFarland said it had been brought to her attention that low income housing and affordable housing may not always be the same thing. She mentioned that some housing was priced out of the range of people who were not low income also. She said she was under the impression that low income and affordable housing were not the same.

Councilor Washington appreciated Councilor McFarland's comments. In his discussions he had rarely heard the low income but rather affordable housing which covered a wide range.

Councilor McLain said the UGB and Urban Reserve sections of Chapter 1 were reviewed by committee and the B version of this should be in Councilor boxes. She went over some of the points in that version. She said a version of Chapter 2 Transportation had been approved by

JPACT and MPAC on September 18 though further amendments would be brought back to MPAC and JPACT at next week's meetings. TPAC will also be going to MPAC. Title 6, Functional Plan amendments, were also there but would not be considered at this time though they were parallel in process. Chapter 3 was finished and Council could start the review of that. She reviewed other chapters and their progress. She felt that Chapter 8 might be discussed further today.

Councilor Naito recommended that the last work session was very helpful and Council should go forth and do the work. She felt it was not productive without the amendments to work on.

Councilor McLain reacted to Councilor Naito's comments. One of the areas that was ready was Chapter 3, Parks. She suggested that on November 13 or 20 that Council could start with Parks and any other area Council felt ready to work on.

Councilor Morissette said he would like to review the document in whole and requested that Councilors made their amendments in time for copies to be studied before the meeting.

Councilor McLain said that would be about 3 weeks away.

Presiding Officer Kvistad announced that November 13th at 5:00 PM would be the last time that the Council would be accepting written public testimony on the Regional Framework Plan.

Councilor McCaig clarified that all written testimony needed to be to the Council no later than November 13th at 5 PM and that the public hearing was not going to start at 5 PM.

Councilor McLain said that MPAC was working on a special meeting for December 3rd. She asked that the amendments and public testimony processes not preclude the MPAC work on that date.

Presiding Officer Kvistad said that what he had been hearing from Councilor McLain that the November 20th date was not going to happen.

Councilor McLain said that was correct and she thought that they would have work sessions on November 13th and 20th that would allow for the work on December 3rd.

Presiding Officer Kvistad said that they had been planning for the November 20th. November 13th would still be the last date to accept written public testimony. The Growth Management would set the new schedule, the tentative calendar by November 7th.

Councilor Naito interjected that the Council needed to begin their work. She felt that they should set their target as November 20th. She said additional information from the 3rd could be considered after that but that Council needed to move forward and work through some of the issues.

Presiding Officer Kvistad said that the dates had been slipping due to the complicated issues involved. He felt Council needed time to make their own decisions.

Councilor Morissette said he would like to limit his comments to relevant things other than amendments. He wanted to make sure a whole bunch of amendments would not be brought that didn't make it through the process.

Commissioner Hammerstad suggested what MPAC had tried to address what they absolutely had to for Council to be able to adopt it. She suggested putting placeholders so the job could be done right and after the first of the year be allowed to come back and work on them after the first of the year.

Presiding Officer Kvistad said that not stopping work was the right thing.

Mr. Cooper reminded the Council that this being an ordinance, there needed to be votes on the amendments prior to the final vote.

Presiding Officer Kvistad said that was one of his concerns.

Councilor McLain said she did not think there was any disagreement that they would stop work. A work session was planned for November 6th, 13th and 20th at Council meetings. Amendments could be voted on at those times.

Presiding Officer Kvistad called for additional comments on the Regional Framework Plan.

9. COUNCILOR COMMUNICATION

Councilor Morissette mentioned that there was a rate review meeting at 5:30 PM this evening that everyone was welcome to attend.

Councilor Washington said he had a Parks meeting at the same time so he could not attend.

Councilor McCaig clarified that they were keeping the 20th as the deadline and what the Council didn't get done there by necessity would move over. We should have our amendments, our work, our comments done by the 20th.

Presiding Officer Kvistad asked the Council if they would be ready for a work session on the 13th at 12:30 PM.

Councilor Naito said if a work session was going to be set she would prefer to have exactly what will be on that agenda so she could be prepared.

Councilor McCaig said she would not be attending as she had a prior commitment. She said she had not reserved the date and wondered if she had missed notice of the session.

Councilor McLain suggested that a work session would be on Chapters 3, 4 and 5.

Presiding Officer Kvistad said he would find out exactly what would happen and put notices in Councilor boxes for feedback tomorrow. He felt everyone should be in attendance so the work session should wait for scheduling when everyone could attend. He said the work session would begin with the chapters recommended by Councilor McLain.

Councilor McCaig offered to phone in for the meeting.

Mr. Jeff Stone, clarified that at the last session a work session had been discussed but nothing was agreed on.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:19 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
110697c-01	none	LOTI, The three elements of the LOTI proposal	TO: Metro Council FROM: Art Lewellyn, LOTI Designer	none
110697c-02	11/5/97	Letter to Transportation Secretary Frederico Pena concerning LOTI	TO: Transportation Secretary Frederico Pena FROM: Art Lewellyn	none
110697c-03	11/6/97	Memo summarizing councilor comments on the Council Work Session of 10/31/97 and the Growth Management Committee on 11/4/97 on the Regional Framework Plan	TO: Susan McLain FROM: Michael Morrissey	Ordinance No. 97-715
110697c-04	11/5/97	Letter to Jon Kvistad concerning inclusionary zoning	TO: Jon Kvistad FROM: Mayor Gussie McRobert	Ordinance No. 97-715
110697c-05	11/6/97	Memo and packet of information on Affordable Housing Seminar, 11/2/97	TO: Metro Council FROM: Councilor Ed Washington	Ordinance No. 97-715