

MINUTES OF THE METRO COUNCIL MEETING

November 13, 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 2:08 p.m.

1. INTRODUCTIONS

Councilor Naito introduced Kay Jones, a student from Lake Oswego HS. She was shadowing Councilor Naito for the day.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. MPAC COMMUNICATION

None.

5. CONSENT AGENDA

5.1 Consideration of Metro Council meeting minutes of the November 6, 1997.

Motion: **Councilor Morissette** moved to adopt the Metro Council meeting minutes of November 6, 1997.

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

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

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 97-713**, For the Purpose of Adopting Lot Specific Maps of the Regional Urban Growth Boundary.

Presiding Officer Kvistad assigned Ordinance No. 97-713 to Growth Management Committee.

Councilor Morissette asked to verify that the goal and objective of being site specific was not to divide people's properties.

Councilor McLain responded that this issue was more of a housekeeping issue to review the maps.

Dan Cooper, Legal Counsel, said this ordinance would take specific quarter section maps and adopt them to show the urban growth boundary

6.2 **Ordinance No. 97-716**, For the Purpose of Granting a Yard Debris Processing Facility License to Grimm's Fuel Company, Inc. to Operate a Yard Debris Processing Facility and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-716 to Regional Environmental Management Committee.

6.3 **Ordinance No. 97-717**, For the Purpose of Granting a yard Debris Processing Facility License to City of Portland Leaf Composting Facility and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-717 to Regional Environmental Management Committee.

7. RESOLUTIONS

7.1 **Resolution No. 97-2573**, For the Purpose of Appointing Arnold Rochlin, Joe Beeler, and Daniel Anderson to Three Expiring Terms on the Metro Central Station Enhancement Committee.

Motion: **Councilor Washington** moved adoption of Resolution No. 97-2573.

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

Discussion: **Councilor Washington** reviewed the purpose of this committee. He asked the committee members to come forward to be introduced.

Katie Dowdall, Community Enhancement Coordinator, said that Mr. Anderson would be representing Northwest District Association and Mr. Beeler would be representing Friends of Cathedral Park Neighborhood Association. They would be serving a 2 year term.

Mr. Anderson said they were ready to take responsibility.

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

7.2 **Resolution No. 97-2574**, For the Purpose of Authorizing the Executive Officer to Execute Two Intergovernmental Agreements with the City of Portland to Manage Properties in the Tryon Creek Linkages and Forest Park Expansion Target Areas.

Motion: **Councilor McCaig** moved adoption of Resolution No. 97-2574.

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

Discussion: **Councilor McCaig** indicated this was a continuation of other intergovernmental agreements. She said the Tryon Creek part involved 5 different pieces of

property, about 25 acres, and the Forest Park part totaled about 93 acres and 11 properties. She reported that both properties had significant city parks adjacent to the properties so it made good sense to approve this resolution.

Councilor McFarland asked if this resolution had been heard in committee recently.

Councilor McCaig said yes, 2-3 weeks ago in Regional Facilities Committee.

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

Presiding Officer Kvistad noted the Regional Framework Plan schedule which showed possible amendments which may be offered during today's meeting. He noted that November 20th was a tentative work session at 12:30 p.m. He hoped there would be amendments brought forward at both meetings. December 4, 11, and 18 had been reserved for final votes and/or the Housing Needs Analysis vote.

Presiding Officer Kvistad said that the Council would be considering Chapters 3, 4, and 5 at today's meeting.

Councilor Naito said she went through these chapters and had supplied the Council with notes concerning primarily wordsmithing. She wanted to explain some of the hard to understand parts including Chapter 3 on Parks. She said Chapter 4 on water had quite a few changes needed. Chapter 5, natural hazards, was a joy to read. The Clark County chapter had a few changes. She felt that the amendments provided clarity. She suggested starting the chapters out with an overview and moving into procedures and policy, then putting the background material at the end of each chapter would make them more readable.

Councilor McLain said the idea of policy-analysis-background had been with staff about a month and a half and Chapter 1 was already in this style. Mr. Cooper had indicated that it was not problem and he would be happy to comply with this idea.

Councilor McCaig looked for guidance on which document to utilize for the discussion processes.

Presiding Officer Kvistad said the white binder was the latest information available.

Councilor McLain said that Meg Bushman had gone through each binder to ensure that there was no duplication and each version was complete.

Meg Bushman, Council Analyst, said that the Office of Legal Counsel had created a revised document.

Councilor McCaig clarified that the new base document was not substantively different than what they received on Monday.

Councilor Naito said the introduction was much better and a joy to read.

Ms. Bushman said the introduction, Chapter 1 and 3 were the same as Monday's document.

Councilor Naito said she went through Chapter 1 and had given recommendations directly to General Counsel.

Councilor Morissette asked Mr. Cooper if the vote taken at October 23 to change the variables and set the UGB expansion at approximately 4500 acres was a land use decision.

Mr. Cooper said that the October 23rd vote was not the final land use action by the Metro Council, it was establishing the process that was going toward the ultimate movement of the Urban Growth Boundary.

Councilor Morissette summarized that there was potential that these variables could be revisited at a later date.

Mr. Cooper said the Council could always revisit whatever it wanted to but he felt the decision made on October 23 could not be appealed because it was not a final land use decision.

Councilor Morissette asked if the Framework Plan required by the Charter would be a land use decision.

Mr. Cooper said the Framework Plan was a land use action but it could not be appealed because it was subject to review and acknowledgment by LCDC for compliance with the goals. There was a possibility of appeal on some portions that would be different procedural issues.

Councilor Morissette said Council was in a very difficult position because some of the information had not been received until that morning. He said he had some amendments that were not yet formalized that he would be bringing forward. He said he would like the Council to have the opportunity to review these before they were voted on at the November 20th meeting.

Presiding Officer Kvistad reminded Council and the public that general written testimony should be received by 5:00 p.m. today because of the complicated nature of the Regional Framework Plan.

Councilor McCaig said she did not have chapter two and asked if the Presiding Officer was requesting amendments on this chapter also.

Presiding Officer Kvistad that the bulk of the document had not changed. He said testimony would be accepted on the changes.

Councilor McCaig summarized that the flexibility existed for the new items.

Presiding Officer Kvistad said yes.

Councilor McLain thanked the Council and staff who had been working diligently over the last eight months. She put into the record the responses from the Growth Management survey. She started the review with Chapter 3, Parks, Natural Areas and Open Space.

Councilor Washington asked of the proper time and place to deal with the 1,000 acres that were designated as open space.

Councilor McLain said that as she continued with the review, this would be one of the emerging issues.

Councilor Morissette said the action the Council took was to say that the land set aside was at a rate much faster and more than what the housing needs report had said, it wasn't in the Urban Reserves that the 1,000 acres were set aside for parks.

Councilor McLain said Councilor Morissette and Washington's comments were recognition that the parks development was faster than the former rate and the 1000 acres were needed to keep up with the rate of the growth report study.

She continued that the summary at the beginning of Chapter 3 had been done by staff as an update. Therein was the Metro Charter with specific language to be addressed in this chapter. Protection of land outside the UGB for natural resources, future urban or other uses, parks, open spaces, recreational facilities. She said it was important to keep that goal in mind as the chapter was reviewed. She mentioned the 3 major areas where the suggestions came from were the original draft from last summer, recommendations made by the Metro Policy Advisory Committee and the Greenspace Technical Advisory Committee. She said the emerging issues included reinventorying the 1989 natural area update, updating the 1988 regional wide parks inventory, identification of regional systems components, implementations of policy and financing strategies to protect the regional system, implementation of policies relating to the management of publicly owned portions of the regional system, the identification of regional trail system, implementation of policies related to citizen participation and the financing of the protection and management of the regional system.

The second subset was what Metro would be assisting local governments in. There were some main ideas, one was identifying the criteria that local governments would address in determining their level of service standard, identifying regional goals for Parks and Open Space, working to establish a supplemental fund source for Parks and Open Space acquisitions, operations and maintenance.

The next bullet listed was assisting with the development of master plans for the Urban Reserves to assure adequate provision for Parks and Open Spaces in areas to be brought into the UGB for urbanization, and assuming responsibility for the development and regular update of regional wide urban forest canopy inventory. An additional new policy was opportunities for cultural resources interpretation of regional parks.

She felt that Metro's role in provision of local parks, natural areas and recreation facilities were extremely important. The two schools of thought were advocating more regional control in creating the level of services for local parks, open spaces and natural areas, and advocating for more local control over setting the actual level of services.

Councilor Morissette said he would restrict his comments to Councilor McLain's recommendations on outstanding issues. He commented that he did not see how it could be mandatory to have parks within half a mile with 20% of the land set aside. He felt it should be a goal but not mandatory. He advocated for local control as opposed to a regional perspective.

Councilor Naito said an operational fund source for the Park would be established and she thought they would be coming across some funding issues. She felt it should be taken on a chapter to chapter basis. She asked if there was something in mind here and asked for more clarity on this issue.

Charles Ciecko Regional Parks and Greenspaces Director responded to Councilor Naito's question. He thought that the intent was to set a policy course directing staff and local parks

providers to explore the funding options and to address that in the development of the functional plan.

Councilor Naito said she would prefer that it would say work to establish adequate funding and not specify a supplemental fund source. She felt one of the difficulties with mandating of a certain percentage and the set aside, while she certainly agreed with it as a goal, was the quality of the park was an issue as opposed to location. She felt while there should be regional cooperation, some of the local jurisdictions knew best where the significant areas were.

Councilor McLain said she would like to bring to Council's attention to the policy section in Chapter 3 that already said the type of facility which should be considered. She said the "half-mile" had been removed and some of the other issues to address the type of facility. She said time was needed to refine the levels of service elements.

Councilor Naito said she did review the MPAC language and felt comfortable with their language.

Councilor McLain said that she knew that Councilor Morissette had some amendments.

Councilor Morissette clarified that if a vote was taken on this, he had a problem with the regional control part.

Councilor McLain said they will revisit all chapters as a complete unit after reviewing them one by one.

Presiding Officer Kvistad said time allowing, the Council would go back to general discussion today.

8. REGIONAL FRAMEWORK PLAN PUBLIC HEARING.

Presiding Officer Kvistad said today the Council would be holding a public hearing and possibly taking action on Chapters 3, 4 and 5 of the Regional Framework Plan. He asked for a motion to substitute Ordinance 97-715A including the general counsel's November 12th exhibit A and the November 13th JPACT recommendations, Chapter 2.

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

Motion: **Councilor McLain** moved to amend Ordinance No. 97-715 to version A.

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

Discussion: **Councilor Morissette** said he might not agree with all of the changes but had no problem substituting the item.

Councilor Naito agreed that there might be items she would not agree with but agreed with the substitution.

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

Presiding Officer Kvistad opened a public hearing on Ordinance No. 97-715A.

Chuck Martin, Alliance of Portland Neighborhood Business Association, Portland, OR spoke on behalf of the changes made yesterday to Chapter 1, Policy 1.5 on economic vitality. He endorsed these recommendations.

Councilor McLain said Mr. Martin was referring to the MPAC recommendation that was voted on. The language was accepted in a modified form and MPAC staff would be forwarding that to Council today.

Councilor McCaig asked when the Council would have the MPAC materials.

Councilor McLain said they would deal with it on a chapter by chapter basis.

Jeff Cole, 2533 NW Marshall #303 Portland OR 97210 talked about 2 major areas, multimodal arterials, page 23, where his concern was the great gap between what was referred to in "older sections" and what was being built now. He encouraged Council to develop whatever sponsorships of design competitions dealing with more compact urban growth. His other area of concern was regarding implementation of Section 1.4, the regional school site acquisition fund. His concern was that new development would not present an undue burden on existing taxpayers.

David Cottenware, Southeast District Adv. Council, 4610 SE Belmont, Portland, OR 97209 said he was representing the Southeast Advisory Council. His main concern was the housing business. He asked if Council had anyone checking on the impact to senior housing needs. He said there was a need to deal with it now.

Presiding Officer Kvistad asked if Mr. Cottenware was talking about availability or affordability.

Mr. Cottenware said both.

Angela Wilson, Environmental Justice Action Group, 550 NE Fargo, Portland OR 97212 said her organization focused on environmental and economic equity for people in the northeast Portland community. She said her concerns were similar to Metro's. She said the region had an affordable housing problem and there were many families with 2 working parents who could still not afford to buy a home. She referred to Mr. Cottenware's testimony about the lack of affordable housing for seniors as a special burden. She believed inclusionary zoning needed to be adopted in the Regional Framework Plan. She urged looking at other tools to ensure safe and affordable housing such as Real Estate Transfer tax and revision in housing lot sizes. She felt Councilor Washington's proposal of an affordable housing technical advisory committee was a step in the right direction.

Kelly Ross, Home Builders Association spoke on inclusionary zoning. Their association obtained Hobson Johnson Associates to review the impact of the proposal.

Councilor McFarland asked if it was not mandatory did Mr. Ross feel it would happen at all.

Kelly Ross responded it would depend on the characteristics of the program but that if it were structured right with significant incentives and benefits to builders to produce that price range of housing, it would happen.

Jerald Johnson, Hobson Johnson Associates, 610 SW Alder, Suite 910 Portland OR 97205 said they looked at the literature and did some basic economic analysis to get a flavor for what the issues were. One of the main things found with the inclusionary zoning was that certain unintended consequences resulted, one of which was a tax on new development. The implications of that would be a rise in housing prices and a decrease in land prices. Another issue found was the inherent problem in the attempt would be harming the folks that were intended to be helped. For every one better off there would be 4 worse off as a result. The overall Portland market had an affordability problem. All the net benefits of inclusionary zoning could be offset by a 0.28% increase in housing prices.

Councilor McLain asked what model was being utilized when they were doing inclusionary zoning and if it included incentives.

Mr. Johnson responded that they didn't look at an incentive based model, rather a mandatory 20% of units model. A third way would be density bonuses but that was not necessarily right for the Portland area.

Councilor Washington asked which city model was used.

Mr. Johnson said basic urban economic theory was used.

Presiding Officer Kvistad recognized some local government partners in attendance and asked for their testimony.

Commissioner Dan Saltzman said he would like to answer any questions about Chapter 3 rather than testify.

Commissioner Gretchen Kafoury read a statement into the record underscoring the importance of the steps now being taken and the impact of affordable housing for the region. She said she believed there was a need for required inclusionary zoning throughout the region to make sure housing was available for middle income families. She stressed 3 reasons why it would be important to do this now and boldly. One, we needed the infusion of additional resources. We could not continue to subsidize all of the lower income and affordable housing we needed. Two, disbursement, there was a disadvantage when you concentrate poverty. Third, now was the time to take this step while the economy was incredibly strong. There were many who were not benefiting from the increased growth and wages and it was time to request some contribution from the development community to help during this important boom economy.

Don Carlson, speaking for Commissioner Tanya Collier, 1120 SW 5th Ave Suite 1500 Portland OR 97204 noted the memo from Commissioner Collier and read the testimony supporting the including language into the Framework Plan giving emphasis to the regional approach to affordable housing into the record. (A copy of this memo is included in the permanent record of this meeting.)

Commissioner Charlie Hales, chair of MPAC subcommittee on schools issues said the issues were much bigger than the local government. He said there was a need for regional governments to deal with the issues of affordable housing and providing schools. He referred to a packet given to Council and explained some of the points therein. He summarized that Metro should, under item x.1 in policy, have a coordination responsibility that dealt with differing local governments which were both affected by and which affected the outcome of school planning. More specifically, they wanted the regional plan to declare schools as public facilities, the same as fire

stations, parks, streets and sewers for purposes of local planning. He said they also suggested the Urban Growth Boundary additions not be approved until Master plans, which provided for adequate land for school facilities, were completed. The third point he made was regarding a serious financial issue. He said they felt Metro had the convening responsibility to get the parties together to look at how that financial problem could be addressed. He suggested a regional school site acquisition fund would be a good option.

Presiding Officer Kvistad asked if Commissioner Hales was suggesting that Council would take an advisory vote in terms of MPAC.

Commissioner Hales said they were not recommending that schools be required to do comprehensive plans or be subject to review under Metro's authority.

Presiding Officer Kvistad clarified that schools were not a charter mandated area of interest for Metro and asked if that meant Metro would be requested to take on that role at some time.

Commissioner Hales said that was correct. He said it was a recommendation not only from the citizens and the local officials who served on MPAC but the school districts also were enthusiastic about it.

Councilor Morissette asked Commissioner Hales about the school siting proposal. He read "school facilities plans are required to be developed through the Urban Reserve plans as specified by Metro code. Additions to the Urban Growth Boundary may be approved by Metro (some small words he couldn't read) following the completion of master planning which provide for adequate land for school facilities in addition to other requirements." He said he approved of the words "buying school sites" and asked how the Urban Growth Boundary could be moved to keep the required 20 year supply of land if you didn't have enough money to buy the school sites.

Commissioner Hales said there were a number of options which included local governments having school site dedication requirements or school districts would option land so they could later pass a bond measure. Another option would be to coordinate with Parks in the land search.

Councilor Morissette asked what would happen if the dedication site or the money was not available and was required.

Commissioner Hales recalled an extensive history of school and park providers working without a dedication requirement nor any particular capital fund long before the City of Portland annexed some areas.

Councilor Morissette editorialized that he could see problems, however well thought out the financial component was, if the need was present without the dedication requirement or the money.

Commissioner Hales seconded Councilor Morissette's concerns. He said the status quo was much worse.

Councilor McCaig said she did not doubt the validity of the school siting piece argument. She wanted to tell of her struggle regarding the \$300,000 the current service level would be short next year and the significant additional cuts at the Zoo. She related that in the last 6 weeks they had been hearing the economic vitality issue which was significant and had impact of the plans for the future. Now there were schools and affordable housing. She asked how all of this additional work

could be done and where would the line be drawn as to Metro's being able to fulfill their mandated responsibilities.

Commissioner Hales said that this was a very fair concern. Support for the package was not contingent on Metro making a financial commitment. He felt the requirement for coordination even without the financial commitment would be useful. He felt it was a very useful solution even if all the ways and means wouldn't work.

Councilor McLain said to Councilor Morissette that the small words were...."additions to the Urban Growth Boundary may only be approved by Metro following the completion of master planning which provide for adequate land for school..." They took out the "only" after Metro and put it before B so Councilor Morissette could cross out those little words he couldn't read.

She felt it was important that Mr. Hales be recognized as leading part of the conversation last night regarding finance and prioritizing the functional plans being suggested for this regional framework plan. She said Commissioner Hales wanted to be sure Council started with the recognition that it was a necessary coordinated issue.

Commissioner Hales said that was correct. He suggested that if Metro would ask, the advisory committee members would be willing to put their heads together and come up with some advice regarding, the priority order for what to include in the framework plan.

Councilor Morissette thanked Councilor McLain for providing the wordage. He said his concerns were now larger because it said "if you can't provide it you can't move it" wouldn't that be a problem?

Mr. Cooper said they had more work to do.

Larry Beutler, Environmental Education Association of Oregon, PO Box 5176 Oregon City OR 97045 said he would defer to Mr. John LaCavalier's opening statement.

John LaCavalier, John Inskip Environmental Learning Center, 19608 S Molalla Ave Oregon City, OR 97045 noted a fax that had been sent on this day regarding Section 8.10. He said he had testified regarding education and expressed his disappointment with what seemed to be the current situation not being a reality for the time frame. He hoped there would be a chance for reconsidering but he acknowledged that the time frame was tight. He said he and Mr. Beutler and Pat Willis had taken a look at the existing language of 8.10 and rewritten it to clear up some syntax and helped bring forward some issues. He noted some other goals and objectives in the packet, followed by specific strategies. One big change would be without chapter status for education there should be an education representative on each of the committees.

Councilor Naito asked what was envisioned for the annual state of region conference.

Mr. LaCavalier said specific educational opportunities like parks, transportation, land use, water resources to bring educators together to find a way to better move the process forward.

Councilor Naito said she agreed with the concept but maybe the Framework Plan should be more general and leave specific implementation of broader policy.

Mr. LaCavalier said yes. He felt it went back to the frustration of wanting the opportunity to have a policy advisory committee. He said an educational resource policy advisory committee

could have been working for the past year on specific action items that could meet those goals and objectives.

Larry Beutler reintroduced himself and reiterated John LaCavalier's testimony. He said his organization encouraged cooperative community based education to get students involved in their communities. The language proposed would be a strong move to encourage that kind of education. He felt it was important to be involved from the very start and urged adoption of the language.

Domonic Biggi, 16113 SW Shelton Beaverton OR 97007, Washington County Planning Commission, member of board of Beaverton Area Chamber of Commerce and board member of Agri-Business Council, was testifying today on behalf of his family's small Beaverton business, Beaverton Foods and some business issues. He said one of the challenges facing his business was trying to grow and still stay in the Beaverton area where he wanted to stay. There was no land available to build a new plant, nothing set aside for industrial or light industrial use. He said the land available there was too small for the business to use. He said the state of Oklahoma had recently offered his father 10 acres free to move to Tulsa with his business. They had been in Beaverton for 3 generations and did not really want to go but it was getting tougher and tougher to be a business person in this environment.

Susan Cadell, Beaverton and Hillsboro Chamber of Commerce, Cornell Oaks Corp. Center, Beaverton, OR 97006 said she represented people with serious concerns about maintaining the solid job base that fueled the region. She said these companies had been reporting reduced expansion projections due to the small amount of industrial land available for large users and smaller firms to expand into. It was her concern that this important part of the puzzle not be ignored.

Pat Willis, manager of Jackson Bottoms Wetlands Preserve, Hillsboro OR responded to John LaCavalier and Larry Beutler's testimony to what was now chapter 7, and reemphasized the importance of education in the planning process. He said he would be willing to work on an advisory committee to that end.

Leeanne MacCall, President of League of Women Voters Columbia River Region, 2620 SW Georgian Place Portland OR 97201 read her letter supporting affordable housing and inclusionary zoning into the record. (A copy of the letter can be found with the permanent record of this meeting).

Chet Orloff, Director of the Oregon Historical Society, addressed Chapter 3, Regional Parks and Greenspaces. He had one additional amendment to propose which was to add cultural resources and cultural education. He noted the Lewis and Clark Bicentennial was coming up. He said he would share his notes on the subject with Council.

Larry Bissett, 516 SE Morrison St., Portland OR 97204 Buckman Community Association, noted that they had submitted written testimony and spoke on only one of the issues due to time limitations. He said they were strong advocates of mass transit, supported light rail as a system, and found it a very solid achievement that the light rail runs all the way from Hillsboro to Gresham. His concern was that a large part of the Portland population was not served by the light rail system as it was now configured. He didn't see any possibility for light rail to adequately serve the large part of the population in the future. They felt the central city streetcar system along with the light rail system would be very effective. He recommended Metro consider such a

system. He said the streetcar system could be built for about one-fifth the cost of light rail. This technology was now available where it was not a few years ago.

Councilor Washington asked what the system was called.

Mr. Bissett said that they called it the lighter light rail. He explained it was a streetcar system very much like a light rail system but enormously economical due to its lighter weight.

Richard Meyer, 921 SW Morrison, Suite 544 Portland, OR 97205, said he represented the Association of Oregon Community Development Organizations, which included 55 community based local not for profit businesses across Oregon that build affordable housing and the partnerships needed to accomplish that task. He said there were 22 CDCs in the Metro service area. He wanted to say that statewide and in the metro area, housing was in crisis, a growing problem causing problems in other areas as well. He said this fair housing issue demanded responsible regional public oversight. The fair housing issue was directly connected to the transportation problems, health problems, job and other issues. He urged strong provisions requiring inclusionary zoning, replacement ordinances, long term affordability and staff resources necessary to make housing an important element in Metro's planning.

Councilor Morissette said as a builder he saw the escalation of land prices. He said if the majority decided that a compact urban form was the way to go to the degree they were proposing it, he couldn't do it with the land prices. He said it was not a builder issue, it was a society issue.

Mr. Meyer said the housing industry could build housing but they don't or won't. The housing subsidy for upper and middle income people in the United States was one of the largest subsidies there was. He said twice the HUD budget was spent in the home mortgage deduction.

Councilor Morissette added there was a need to collectively try to conquer the problem. He felt inclusionary zoning was not going to solve the problem at all. He said lot price has much to do with the high cost of housing.

Mr. Meyer said he agreed with Councilor Morissette's collaborative approach. He thought it would be a mistake to blame affordable housing problems on government or good planning. He said everything worked together to make land more valuable.

Marjorie Phillips, Sabin Community Development Corp. and a resident of NE Portland, 2517 NE 25th Portland OR 97211 said she worked as a liaison and knew she did not need to tell the Council about the affordable housing crisis. She said it was critical to take courageous action to include strong language in the regional framework plan and the necessary tools like inclusionary zoning to address the problem in a regional basis. She said regional goals were needed. She said an underlying reason for the affordable housing problem was that wages had not kept pace with housing costs. She said living wage jobs needed to be encouraged. She urged a strong policy statement around inclusionary zoning.

Brian Bainsen, Southeast Uplift Neighborhood Program, 3534 SE Main St. Portland OR 97214, read testimony supporting a regional approach to management and growth that was approved by Southeast Uplift (a copy of which may be found in the permanent record of this meeting along with copies of personal letters from members of Southeast Uplift neighborhoods).

Jeri Sundvall, Workers Organizing Committee/JWJ PO Box 12292, Portland OR, and a single working mom explained the function of Jobs for Justice. She reported a need for subsidized

housing and talked about the stigma of living in low income housing. She related that most of the people in the housing work over 40 hours a week as home health care workers, temp workers, hotel workers and janitors still needed the subsidized housing. She urged support of the proposals of the Coalition for a Livable Future.

Jane Leo, Portland Metropolitan Association of Realtors, 5100 SW Macadam Ave Portland OR 97201 urged adoption of MPAC majority opinion on affordable housing. She was concerned that the discussion on affordable housing had become one of inclusionary zoning as if that were the only way affordable housing could be created. She reported they were opposed to mandatory inclusionary zoning because of the economic affect it had on other homes being built in the community and on the price of land, that the costs were being passed through to other home buyers in the area which perhaps pushed them out of being a homeowner. There was also a concern that if it was too difficult for the builders to build in the community they would move outside of Metro's jurisdiction to work.

LeRoy Patton, Vice Chairman of the Fair Housing Council of Oregon, 560 SW 6th Portland OR testified to the need for increasing access to housing by increasing awareness of and compliance with the laws and protections that individuals get involved with from illegal housing discrimination. He said fair housing laws protected everyone. He said nearly all complainants to his hotline reported discrimination in some aspect of renting. He asked Council to consider that the lack of affordable housing impacted certain protected classes with lower incomes with no way to get out of the situation. He said inclusionary zoning and replacement ordinances were needed.

Terry Parker, 1527 NE 65th Portland OR 97213 said density had become an issue of how many housing units could be squeezed into a certain piece of property and how much money could be made on it. He said we should stop building housing units and start building homes. With a yard, where kids can play with parental supervision rather than community supervision. He said the needs of families were not being met in the cities so families were moving to the suburbs. He said the question today was one of framework: would we continue the high cost of building housing ghettos for the future or would we build a place where all people who lived here could follow their dreams and call it home.

Tim Nesbitt, Executive Director Oregon State Council of Service Employees, 212 SE 18th Ave., Portland OR 97214, highlighted the major points in his letter regarding the disparity of the property tax impacts of measure 50 within the tri-county area which he submitted into the record. (A copy of which may be found in the permanent record of this meeting).

Steven Ward, 3243 NE Sandy Portland OR organizer with the Service Worker's Local 49, spoke about issues directly related to the regional urban growth goals and objectives, for the Coalition for a Livable Future's proposal to amend Chapter 1 Policy 1.5 and the concern with family wage jobs. He said his organization represented primarily health care and janitorial workers. Many of them barely make the minimum wage. Many of them were hardworking immigrants. He suggested some of the tax subsidies to large companies should be tied to making living wage jobs and benefits to all of its workers including subcontracted janitors and other service workers. He recommended Metro take a lead role in establishing regional standards to lift service workers into living wage jobs. He also touched on the local government subcontracting systems such as janitors, parking lot attendants, health care workers, temp workers and others. He reported that the company that cleaned the Metro building was proposing a 2 year freeze on their wages. He asked Council to call the company and request that they pay their employees a living wage.

Susan Remmers, Executive Director of Oregon Action, 3009 NE Emerson, Portland OR 97211 spoke to Councilor McCaig's comments about where resources would come from to do all the work at hand. Ms. Remmers urged working together to solve the problems of economic vitality. She felt livable wages included access to health care and the capacity to have a quality of life. She said there were organizations and community based organizations working on these very issues. She suggested we must look farther down the road and determine what actions we were taking today would impact the next 20-30-40 years in our area.

Jean Eilers, AFL-CIO, 1125 SE Madison, Portland OR 97214 said the new leadership of the AFL-CIO had placed an emphasis on the involvement of the local union members through their local central labor councils and regional economic development as part of an initiative called union cities. She said the NW Oregon Labor Council had passed a resolution regarding support of working with community allies and economic development strategies that established community standards for local industries and public investment. In addition she said they supported the concept that economic opportunity, neighborhood revitalization and concentrations of poverty were matters of regional concern. She urged Metro to monitor regional and subregional indicators of economic vitality including the balance of quality jobs and job compensation, identifying job creation and job compensation needs through the region, promoting economic development opportunities and fair wage and benefit standards which benefit workers throughout the region, and involving organized labor in ongoing efforts to address issues related to the economic well-being of this region.

Lois Wanker-Tolbert, 20425 SW Stafford Tualatin OR 97062 on behalf of Wanker's Corners-Stafford property owners said there had been a lot of activity on her area since they were brought into the Urban Reserve. She reported that a 13 acre park had been made by the Tualatin River and the schools had acquired some additional property there for expansion and parking. Another 20 acres was acquired by a single family owner and a 10 acre and a 5 acre parcel had been acquired by a church among others. She said they were afraid there would be nothing left to plan with. She said the cities and the county's response was no growth in this area even with all this going on. She asked that maps be highlighted to show people how little was actually left.

Mike Houck, Audobon Society and Coalition for a Livable Future, 5151 NW Cornell Rd Portland OR 97213 supplied oral and written testimony in the past but attended because some action taken by MPAC last night had impact on some of that testimony. He pointed out that there was an issue in Chapter 5 Hazards relating to the use of levies as a flooding mitigation technique. He felt they were trying to move away from that kind of mitigation and he had some language to replace it. Secondly, he wanted to tack on the issues on education as a separate chapter as did others who testified tonight. Regarding water supply MPAC specifically referenced the Willamette River as a future water source. Recommended citizens in Clark County to solicit additional input on Chapter 6. He would be talking to Clark County staff. He supported the language the coalition provided on economic vitality. He strongly supported inclusionary zoning as one tool. He added that we needed to figure out the financing. His greatest concern was natural resources had lagged behind the developmental efforts.

Teletha Benjamin, 6033 NE 21st Ave Portland OR 97211 said she had read some of the conclusions of Myron Orfield's study and had concerns specifically related to the increased poverty in less influential areas of the region, the lack of affordable housing in all parts of the region, the trends and shifts in property values and the subsequent tax bases for the entities involved and the polarization of the affluent areas and the less influential. She appealed to Council to have mandatory inclusionary zoning and felt it was important that an incentive be an expectation. She said what often happened when an incentive is ceased or diminished was that

you revert back to where you were in the beginning. She concurred with the recommendation of the Coalition for a Livable Future in relationship to the economic vitality.

Edward Trompke, HAZTAC, 5285 SW Meadows Portland OR 97281, attorney representative with Tarlow Jordan and Schrader, HAZTAC was formed in 1997 by the Council and reports to the Council. The first task the group took on was to review and offer revisions to Chapter 5, the Natural Hazards chapter, of the Regional Framework Plan.

Scott Porter, HAZTAC, 20665 SW Blanton St Aloha OR 97007, spoke of the process HAZTAC went through in developing their recommended revisions to Chapter 5. A subcommittee was appointed to review Chapter 5 including the public comments. They also met with Metro staff in reviewing those comments. They reviewed and analyzed comments of Robert Olson Associates Consultant, the Oregon Department of Geology and Mineral Industries, Coalition for a Livable Future by Mike Houck, Oregon Emergency Management Office of the Department of the State Police and the Tualatin Valley Economic Development Corporation. These comments were then reviewed with the HAZTAC committee as a whole. A number of the comments were in conflict, the committee chose not to incorporate those comments into the plan. The focus of the plan was to be on natural hazards mitigation as opposed to man-made hazards mitigation. They also recognized many of the man-made hazards were already under the planning responsibility of other federal and state jurisdictions. Once pertinent comments were incorporated into the revision, the draft was then taken to Metro staff and Council, received some additional recommendations for changes, this package was then taken back to the HAZTAC Committee as a whole. This package was then presented to the Council. HAZTAC met earlier in the week and felt there was a need for one additional change which was to draw a better linkage between Chapter 5 and 6, have a paragraph referring the natural hazard mitigation with Clark County.

Mr. Tromkey said there were several substantive areas revised in Chapter 5. First, HAZTAC better defined the relationship between Metro and federal, state and local governments. Chapter 5 reflected Metro's role in coordinating and offering leadership in providing compliance for such things as FEMA insurance. It came to the committee's attention that there was a mud-slide and mud-flow insurance, unknown to local governments. HAZTAC would have staff provide that information and qualification materials to local governments so that insurance could be available. The new section on Clark County coordination was also added. In respect to the policies, Metro's role was to educate and encourage local governments to utilize resources available to them both through Metro and from other sources. The chapter regarding earthquakes was changed to discuss the utilization of maps. There were great maps available through Dogomy and Metro regarding earthquakes however they didn't provide information as to what the risks were. MACMED, another Metro committee, had suggested the kinds of land uses which may require earthquake analysis and those which wouldn't require analysis. They generally made economic sense as well as disaster planning sense. For example, single family houses didn't require an analysis where dense multiple family housing would require an analysis. That made economic and disaster planning sense. The portion on landslides was revised to address the fact that technically landslide areas could be made more stable by development. The portion had been written to prohibit development in landslide prone areas and instead a site by site analysis should be encouraged by Metro for local governments and developers when looking at landslide prone areas. In reference to the flood plain hazard, the use of levies in the chapter was limited to areas where only minimal or nominal upstream or downstream damage would result and generally be restricted to densely populated areas or areas where existing levies may need to be replaced in the future. HAZTAC did not see its function as a technical advisory committee to rule out any type of feasible mitigation of damage which could protect lives and property.

Mr. Porter said they believed the rewritten draft of chapter five was a substantially improved document which provided a comprehensive framework for natural hazards mitigation within the region. It was not an action plan but rather an broad summary of the mitigation opportunities which Metro and the local governments could pursue to significantly lessen the impacts of future hazard events. As intended they believed that Chapter 5 now sought to provide the guidance necessary for the development of the more specific regional natural hazards mitigation plan which would begin to address hazard mitigation on a more strategic level.

Presiding Officer Kvistad asked that copies be made available to Council.

Councilor Morissette noted that he had another meeting at 5:30 p.m. and needed to leave. He passed out several amendments to Council indicating that he was not planning on debating his amendments at this meeting but if Councilors would like to discuss these, he would be available over the next week to do so.

Lawrence Dark, President of the Urban League of Portland and Chairman of the Columbia Willamette Area Health Education Center, 10 N Russell, Portland OR 97227, said the Urban League of Portland was a comprehensive agency which also worked with the Coalition for a Livable Future. Within the Urban League they had a youth service center, the second largest employment department in the State of Oregon, an education department including an alternative school, and a seniors department. The League got to see many of the people that were included in the work the Council was doing. He wished to give the Council some suggestions as they did their work on the Regional Framework Plan. The mission of the League was to strengthen African Americans and all who strived toward economic self reliance and social equality. They believed what Metro's planning was doing matched closely with the League's mission. They hoped in the Metro plan that the Council ensured that people in the inner city had an opportunity to benefit. There was fear that the region might escape being like places such as Detroit but might become like Paris France where the wealthy lived in the inner city and the poor lived on the outer rim. He lived in Northeast Portland, three years ago there was a house on the market for \$80,000, it was now on the market for \$160,000. The people who worked the Urban League of Portland and the clients they saw could not afford to live in the neighborhood that they served. He noted a newsletter which he submitted into the record where there was an article about housing discrimination. Too often people think discrimination only effects the poor, the article spoke of an upper class woman who experienced it. By having the second largest employment department, the League was concerned about jobs and job skills. As jobs were being created, they were being created further out and transportation was becoming a major issue for the people the League was trying to serve. It was the League's hope that the Council might help them with transportation issues, if TriMet could find ways to be more flexible with hours, then these people who were trying to reach economic self sufficiency would be able to achieve that goal. They hoped that the Council would use their authority and power that the people of this region had given them to make economic development more equitable.

Alan Hipolito, Director of Environmental Programs at the Urban League, 10 N Russell Portland OR 97227, as well as an attorney in private practice, said in his capacity as Director of Environmental Programs he lent his support to the Coalition's positions on affordable housing as well as the proposed amended policy 1.5 on economic vitality. These policies would mark a significant move towards achieving justice for many in the Urban League community and their interest was indicated by the marked diversity of the public attendees at this meeting. He spoke specifically to some of the constitutional concerns that had been raised in connection with mandatory inclusionary zoning. He agreed with Mr. Shaw that the issue was uncertain and that there was no conclusive answer as to whether inclusionary zoning based on median income

constituted an exaction. Clearly if it were not an exaction, the more burdensome tests of Nolan and Dolan would not apply. Thus, he read three definitions of exaction for the Council, one of which was taken from a law review article entitled, "Exaction, linkages and regulatory takings, the developers perspective." One, exactions typically fell into three categories: dedication of land, money in lieu of land or impact fees. Two, the exaction concept was very simple, the developer in return for the privilege of developing land and thus realizing a profit from government approval, agreed to donate to government an amount of land or money. Three, an exaction was a common technique for state and local governments to off set the public impact of increased development frequently requiring a developer to provide essential services to a new community and dedicate a portion of their property for schools, parks or other recreation purposes. Even the Dolan case distinguished between the type of actions he had just discussed and ordinances similar to inclusionary zoning. The majority made two key distinctions, first, earlier cases involved essentially legislative determinations classifying entire areas of the city whereas here the city made a judicative decision to condition petitioners application for a building permit on a particular parcel. Second, the conditions imposed were not simply a limitation of the use the petitioner might make of her own parcel but a requirement that she deed portions of her property to the city. Applying these distinguishing factors, Mr. Hipolito believed that regional inclusionary zoning fit in with the earlier cases distinguished from the action in Dolan. First, it would be an essentially legislative determination classifying the entirety of the region and second, it was simply a limitation of the use that the developer might make of their land, thus, it was against the standards of these earlier cases Lukas Pen Central that inclusionary zoning must be measured to see whether it could withstand takings analysis. He was sure that Mr. Shaw would agree that there was little uncertainty that inclusionary zoning would avoid a takings claim under the standards of those cases. In closing, he once again addressed the issue of uncertainty. He agreed with Mr. Shaw, there was no conclusive answer as to whether inclusionary zoning constituted an exaction. But to him, however, uncertainty did not call for sitting on one's hands. Uncertainty was the catalyst for leadership. leadership that our communities demanded the Metro Council provide. Let other regions fail to meet the needs of their less unfortunate because the appropriate solutions were unfamiliar or untested. We in this region knew we could and must do more.

Councilor McCaig said it would be very helpful if the Council had a copy of the information Mr. Hipolito provided.

Lara Recko, representing the Outer Southeast Community Project and the Marshall Caring Center, PO Box 725, Portland OR 97207, two large community coalitions working in outer southeast Portland addressing issues of poverty said she was here in support of the position of the Coalition for a Livable Future to amend Chapter 1, policy 1.5 the economic vitality. She spoke of the enormous challenges that were facing the families particularly in outer southeast Portland and through Multnomah County. Many of the collaborative partners they worked with in the project and in the Marshall Caring Community worked on a daily basis with families in the community who were poor and working poor families. The obstacles the families faced were many and included such things as access to affordable housing, transportation, living wage jobs, access to health care and childcare. Many of the breadwinners of these families worked in low wage jobs without benefits. These jobs were increasing. Manufacturing jobs in Multnomah County decreased 2.6% from 1990 to 1995 while service industry jobs increased 9.4%. The fastest growing job sector in the region in terms of total numbers of jobs created was the low wage personal services sector. The average wage in the low wage service sector was less than \$15,000 annually. According to the 1990 census data, the outer east Gresham and southeast districts of Portland contained the highest percentage of people living below the federal poverty level in Multnomah County compared to the other service districts. 27% in outer east Gresham district and 23% of the people in the southeast district lived below the poverty level. As poverty

increased in particular subregions the demand for services increase. She saw this on a daily basis as her office was located in Southeast Works, the new outer southeast work force development career and training placement center. Low income communities faced declining tax revenues to cover these services and added to this scenario was the loss of food stamps and other subsidies through federal cutbacks and we had a formula for more crowding and stress within households, more homelessness and hunger, more demands on schools and more neighborhoods distressed in general. It didn't add up to livability for our region. She was urging the Council to adopt economic development, community revitalization and concentrations of poverty as an area of the Metro Charter through the Framework Plan. If this language was not included in the plan about poverty and economic development it couldn't be considered a comprehensive plan because it was leaving a huge sector of people in our community, poor people who were often left out of the process simply because they were poor. Secondly, she urged the Council to evaluate the need for living-wage jobs throughout the region and the effectiveness of local governments in addressing the issue of quality jobs. This could include a look at the targeting of local economic development funds and the quality of jobs created by companies receiving public subsidies or public contracts. In addition, to evaluate the effectiveness of state moneys used to subsidize businesses located within the Metro region.

Louise Cody, 1515 SE 151st Ave Portland, OR 97233 spoke about density. Density had become a major goal of the City of Portland. Frequently the livability had been sacrificed. Some of Portland's neighborhoods had been targeted for far more than their share of the new growth. A park was sold and converted for a housing development. Fifty Douglas fir trees were clear cut for new housing. Streams were filled with silt from new development and flood plains and wetlands were planned for housing. The Regional Framework Plan, if it could protect natural areas, rural and urban streams, flood plains and wetlands from this frenzy of development and density, was to be praised. If we sacrificed the livability of areas within the Urban Growth Boundary, people would move outside it. One of the goals of Regional Framework Plan was safe, stable neighborhoods. Portland's outer southeast and east county neighborhoods had a rapidly growing crime problem. Citizen participation had also been one of Metro's goals. This was vital to livable neighborhoods. The City of Portland had deprived her neighborhood, Centennial, of this goal by violating the Centennial neighborhood/ outer south east plan zoning amendments which were adopted by City Council. The Portland Planning Bureau placed higher density on the comprehensive map, ignoring the approved zoning amendments. There were many problems they saw in zoning for higher density apartments in Portland. One of these was constantly overlooked – providing a small play area or open space on site for high density apartments was not required by the Portland City Code. They had, in outer southeast, been advocating for this for many years. In outer southeast, they had park deficient areas. Children in apartments must play in the street or parking lots. They were choking in traffic due to inadequate road infrastructure, an example of which was Powell Boulevard in east county. They had two lanes of traffic and often there was no left turn lane and traffic backed up for miles. High density zoning and transportation were often unrelated. Our neighborhood had apartments permitted in single family areas away from major transit and near schools where the traffic generated could endanger young children. Metro supported accessory rental apartments. The City of Portland was considering removing the home ownership for these accessory rental apartments. The question was: Does encouraging accessory rental apartments without home ownership produce stable neighborhoods. Affordable housing needed to be spaced throughout the region and not used to create and maintain low-income neighborhoods where economic viability was sacrificed.

Shirley Carter, 8935 N Chautauqua Blvd. Portland OR 97217 spoke on affordable housing. She was here for affordable housing. She had been in the north Portland area for the last 29 years and she had just kept a close watch on what had been happening in her neighborhood and had been

very much interested in keeping a close eye. She was there when the gangs came in. She watched her property depreciate \$20,000 and now she watched her neighborhood get back in the upswing. In the Williston northeast area, you could not hardly find a run-down house or shack because people from all over the United States, especially one main state we all knew and started with a 'C'. They had snapped up these old shacks, remodeled them and resold them immediately. She saw one house in North Portland that, within a three-month period, was resold three times. The first owner just painted it. The next owner put on shutters and painted them. The next person bought it and had stayed. She was sure the price of that house kept going up each time it was sold. She purchased a run-down house and she started to fix it up. A senior citizen living next door consequently saw her property value go up and also her taxes. This was a concern for her neighbor because all of us would be senior citizens one day. This was not just in the State of Oregon but nation-wide. They were being taxed for the urban growth of these houses that were being fixed up going from \$80,000 to \$142,000. The senior citizen who lived in the same block wouldn't be able to stay in that house because she would be taxed out of it. Seniors were misplaced, pushed aside and abused financially because they could not afford to keep up because they were on that fixed income. Something needed to be done for our seniors. They could not keep up with the taxes; something must be done on either a sliding pay scale to their fixed income so they didn't worrying all of their retired life "Am I going to be able to stay in my home? Am I going to be taxed out of it?" This was what was happening to a lot of them and she saw them in her neighborhood. Her neighbor, a senior citizen, fortunately had the resources to keep up with the taxes. So many others didn't. In affordable housing, there should be a directory which listed all these resources. Each county should have a directory created where local housing was accessible where a person could choose to live not where they were forced to live.

Councilor Naito said that there was a state-wide deferral program where taxes may be deferred if the property owner's age was above a certain level. The taxes was not due until such time as the property was sold.

Ms. Carter responded that many seniors were not aware of this program.

Betsy Toll, Green Earth Education Project, 3726 NE 16th Portland OR 97212 said the range of the comments on the issues that the Council had to attend to was daunting. The process of developing the Regional Framework Plan was also daunting and she thought the points of hindsight was important to consider. When we looked at the impact of change on the landscape here over the past 50 to 100 years, it was easy to see what the trajectory was that we were on and the impact that the development had had on the landscape as it had been. As we were projecting forward to the next 50 – 100 years, she thought we needed to change that trajectory. It had been in the news lately that we were hoping that in the next 50 to 100 years, we would know if Governor Kitzhaber's salmon recovery plan might work. The best we could say was 'gee, we sure hope so' because if it didn't we would have lost them forever. She suggested profound caution in terms of the impact of our activities on the land was incumbent upon the Council as they were developing this plan. It was very clear that in an incredibly short amount of time, we were able to do irrevocable damage. One could say that perhaps the loss of salmon was that not an issue except that numerous life-forms here were dependent on salmon. The entire system and the entire fabric was weakened when the natural support system that we had was weakened. The habitat for animals, sources for clean air and water were critical to our well-being, whether it was the Greenspaces that dot our neighborhoods that we all knew, loved and utilized or the larger wooded areas that surround the urban area, protecting and preserving these to prevent further weakening of the entire ecosphere was critical to the long-term well being of ourselves, our children, our grandchildren and generations beyond that. We were not just obligated to those who would inhabit this area in the next 50 years. She thought having the vision to proceed with

caution and to err on the side of caution so that habitat for other life forms was preserved, so that flood plains were protected, so that we did not experience the devastation that we often experienced. It was critical to the process that the Council was doing. She commended the Council on their patience, tolerance in the consideration of these issues.

Alec Ramsey, 3726 NE 16th Portland OR 97212 Thank you the Council for letting her speak, she said she was ten. Her little brother here, Marshall, was six. She would like to say that the job the Council was doing was really important and the decision the Council was making would shape the future for the next 50 years. She also thought that greenspaces and clean water were important. She hoped when she was 20, 30, 40, 50, even 60 the water would still be Bull Run water. She hoped that we still had productive farmland, salmon, spotted owls, marbled murelets and other species of animals. She thought that all of these were very important and lots of the Council would be dead by the time these were in action but she wouldn't and neither would Marshall. She suggested the Council take this into consideration. It was important.

Tasha Harmon, Coalition of a Livable Future, 2627 NE Martin Luther King Jr. Blvd. Room 202 Portland OR 97214 commended Metro Council. The Council was hanging in through an extraordinary and time-consuming and argumentative process. She thought that real progress was being made towards creating regional policies that would move us towards a better future in terms of affordable housing and a variety of other things. She could not, as a person with a fair amount of economics training, let the homebuilders consultant go unanswered. She would like to rebut a couple of things that were said at the beginning of his testimony. She believed that Mr. Johnson asserted at the beginning that any tax on new development which was how they characterized inclusionary zoning, not a characteristic with which she particularly agreed with, both decreased land prices and increased housing prices. We had heard continuously in this region that the reason that the private development community could not afford housing was that land prices were too high. This begged the question of where the money in that gap was going. She did think, as we had asserted all along, that inclusionary zoning was the only tool that was in the package in front of the Council that had the power to really decrease. We continued to assert that this indeed was the case and that it was a crucial reason to limit mandatory inclusionary zoning because without those clear expectation up front and region wide, that effect would not happen and without it, yes, all of us were going to have real trouble meeting the affordable housing goals that we wanted to meet. She would not spend lots of time on this. She could have done a blow-by-blow rebuttal but one of the things that I think is continually asserted about inclusionary zoning is that it was going to shirk costs on to other people somehow. That was a big problem and it was not going to serve the people that it needed to serve because it was going to drive up everybody's housing prices. The policy, as it sat in front of the Council, as it had been proposed by the Coalition and others for the last year-and-one-half, asked the private development sector to build smaller homes as part of what they built and to sell them at prices that were affordable to people at 100% of area mean income without the benefit of public subsidy. This was not impossible in this market and Will White and she would be working to provide the Council with numbers in the next week which would demonstrates this. She wanted to keep coming back. This was a pretty basic proposal. It was not a tax or zoning law. It was the same as saying to a property owner 'you could not build a gas station. It was the same kind of decision and had the same kind of effect on land values, on assessed values and on people's decision making. She also just wanted to say that she had not heard Mr. Johnson's numbers before; the prediction that we would produce 2000 units per year of affordable housing with inclusionary zoning and he was right: it was not going to solve the whole problem but we desperately needed those units and they were not going to happen without a mandatory policy. Finally, she just wanted to say again that we had not proposed inclusionary zoning with no

offsets. We had proposed inclusionary zoning with a density bonus with a bunch of regulatory flexibility and other incentives that could make this work on the ground.

Martha Gies, 2109 NE Rodney Ave, Portland OR 97212 came today to speak on behalf of some people who were not able to come themselves. They were the very poor. This summer, on a contract with Northwest Pilot Projects, she spent four months trying to find housing for the 58 tenants who were evicted from the Roosevelt Project when the HUD subsidy expired on that building and the owner decided to sell it to a boutique hotel chain rather than to the City of Portland or to another landlord who would continue to operate it as affordable housing for elderly and disabled people. She wanted the Council to know how a mass eviction like that affected people who were that poor and that vulnerable. One man, for instance, broke out in shingles. He was a two-term veteran of Viet Nam and he suffered from a condition of degenerative arthritis from having been exposed to Agent Orange. He had had two cervical disk fusions at the Veteran's Hospital and he wore a huge metal brace that kept his neck intact. When these mass eviction notices were sent out, this caused a great anxiety. He was scheduled to have that brace removed at the beginning of September. After he got the shingles which, as she understood it, was a nervous disease, the team of physicians had to delay the scheduled procedure and he was still wearing the brace. When we talked about disability, one woman was so confused and upset that she slit her wrists and wound up in the hospital. Of course, there were many people in the building that were simply elderly and did not necessarily have additional disabilities but there were people who were simply poor and they were living on modest Social Security checks. They did not want to be burdens to their families and they were also subject to anxiety. We had one woman die during the process of relocation. She told the Council these stories simply to give them a better sense of what devastation when we disrupt these communities of fragile individuals so that they would understand that we require permanent affordability, full buildings into which we sink huge tax credits and public subsidies. Otherwise, we were just adding to the numbers of homeless. There were five more building that were due to expire downtown in the City of Portland in the year 1998. There were approximately 5,000 units across the State of Oregon next year. Recently the press had devoted much attention to the police sweeps of the homeless camps and the simplest way of dealing with homelessness was not to jail people but to provide simple, basic, clean, decent housing. No one was homeless because they wanted to be. The press had been treating them as though homelessness was a criminal act recently. Another policy that would help solve the housing shortages for very low income was a replacement ordinance which would require the developers to replace houses that were gentrified or areas that were gentrified. She would just urge the Council, in addition to inclusionary zoning which, she thought, a lot of people had dramatically demonstrated was necessary, these two ordinances replaced an ordinance and permit subsidy.

Deputy Presiding Officer McFarland explained that the disease shingles was caused by the same virus that caused chicken pox which sequestered on the ends of nerves when the immune system was damaged and certainly the kind of stress that Ms. Gies described did damage the immune system. This condition, according to the Deputy Presiding Office, was often extremely painful.

Ed Starkie, Halton Company, 325 NW 22nd Portland OR 97210 said in an amendment to 1.0.9 in the Regional Framework Plan, the special needs category was removed as a criteria for admission of urban reserve lands. He would asked the Council to consider reinstating that for the following reason: There were areas in the Metro area which had virtually no first tier urban reserves and, in fact, had what he would think of as very great special needs when it came to such things as affordability and jobs / housing balance. These areas would not have to do anything to correct those special needs because they could claim that they did not have any land to do it on

and they would be right. As a result, places which did have the first tier urban reserves would have to take up the slack for the rest of the urban area and some of the goals at which we were looking in terms of Goal X compliance, there were municipalities that would not have to deal with them. He saw that as a fairness issue. If you were looking at Lake Oswego and he had testified about this before. When he looked at a three-mile radius around Lake Oswego, based on an intersection somewhat below there, something less than half of the people who had jobs within that radius, could afford to live in Lake Oswego. In terms of the jobs / housing balance and affordability, people with median incomes with jobs that were \$27,000 of average income, could not afford to live anywhere near where they worked. These people were obviously commuting. The ability to have a range and mix of housing that could allow those people to live somewhere near their jobs did not exist there because they only had fifty acres of first tier urban reserves.

Councilor McLain asked Mr. Sharkie if he was considering what those communities had in the way of potential insight of the Urban Growth Boundary as well as just on the condition of having or not having urban reserves.

Mr. Sharkie replied that when you look at the magnitude of the affordability problem in Clackamas County in particular, and assigned places like Lake Oswego based on the affordability requirements for the whole county, there was no way that you could take hundreds of acres of housing. If you simply based it on the idea that somebody who had a reasonable living-wage job, you were still talking about thousands of people. Out of 56,000 workers that we studied, we were talking about 13,000 households that could not afford housing near where they worked. That was a lot of people and a lot of acres. He did not think 50 acres was going to do it. Within their own boundaries, Lake Oswego had approximately 138 acres.

Councilor McFarland said it would help if they tried.

Councilor McLain commented to Mr. Starkie that she was considering also air rights and considering redevelopment and infill which were also part of the total plan.

Mr. Sharkie said he had looked at Lake Oswego's planning some time ago. It was unlikely, given the land price there, the ability to produce affordable housing using air rights or infill or anything else, was virtually nil. One of the things stated by Tasha Harmon was that exclusionary zoning lowered the land prices. Mr. Sharkie stated that in a market where people were making diseconomic decisions there was probably not much drop in land prices. In Lake Oswego, people were buying 5000 square foot lots and building 2500 to 3000 square foot houses on them.

David Yandell, Oregon State Police, Office of Emergency Management, Cottage Way, Salem, OR addressed Chapter 5 natural hazards. He was Operations Manager for the department of State Police and the Office of Emergency Management. He appreciated the opportunity to appear before the Council this evening and share some brief input concerning Metro's Regional Framework Plan, specifically Chapter 5 which pertained to natural hazards. Prior to 1990, many would tell you that Oregon led a charmed life when considering the lack of activity in disaster response. Since 1990, earthquakes, drought, wild fires, floods, land slides had all contributed to a new-found appreciation for emergency management and the need for an improved approach to emergency preparedness. Throughout the country, the states, working in conjunction with FEMA (Federal Emergency Management Agency) worked on an all-hazard approach to emergency management planning using four phases. They were mitigation, preparedness, response, and recovery. The first phase was mitigation and also the most important. She tended to want to start with a Webster's definition and 'mitigation' was defined as 'to cause to become less harsh or hostile; to make less severe or painful; to alleviate'. Mitigation required that we

identify the hazards we faced and study the impacts or ripple effects they may cause. In recent years we had learned the hard way through catastrophic events nation-wide that lives and property could be lost with serious financial implication when little or no mitigation planning took place. As Chapter V of your plan conveyed so well, the hazard mitigation process required extensive coordination and close partnerships between emergency managers, managers familiar with the disaster response business and other professionals skilled in land use planning, engineering, transportation, the environment, economics and the list went on and on. Metro served a vital role in bringing together all jurisdictions and disciplines within the Tri-County area necessary to realize a viable natural hazard mitigation program. Metro was the glue that held the process together. Hazard mitigation was becoming a cornerstone to emergency management planning as witnessed by an increased number of federal programs which focused on mitigation measures: the Corps of Engineers, beyond dikes and levies, were looking to alternative, non-structural opportunities such as flood-proofing and buildings as well as acquisitions of flood prone properties, the Natural Resource Conservation Service, flood plain easements in lieu of rip rap and armor in stream banks, Small Business Administration providing low-cost loans to home owners to restore flood-damaged homes, with up to 20% additional dollars for mitigation like elevating the structure, the National Flood Insurance Program, increased costs of construction clause to help elevate homes that were covered by the National Flood Insurance Program, flood mitigation assistance programs, the new FEMA mitigation program was predisaster funded to help reduce the risk of a national flood insurance program on insurable structures through mitigation planning, technical assistance and project grants. All of these federally-funded programs were linked to Executive Order No. 11988 that made it very difficult or impossible to rebuild certain public facilities in flood plains if they were previously damaged by flooding. Most recently, FEMA rolled out their disaster resistance community program. This program was based on predisaster hazard mitigation. The State of Oregon and its local communities had a long way to go to make hazard mitigation a part of our day-to-day planning process. Current activities were tied to the earthquakes of the early 1990s and the flood events of 1996-97. Once work was completed, the existing may lack the resources and energy to move forward on their own. At the last legislative session, the State of Oregon Emergency Management Association (OCEMA) and the State Office of Emergency Management worked together in a partnership to introduce House Bill 3680, the Oregon Comprehensive Emergency Management Act. The bill consisted of four distinct components: 1) the creation of a Governor's Emergency Management Advisory Council; 2) a Mitigation Grant Program which would be ongoing; 3) a State of Oregon Disaster Reserve Fund; 4) a standardized emergency management program throughout the State of Oregon which essentially would serve as the engine to drive the program. Initiatives such as OCEMA and the work currently being done by entities such as Metro would help keep the Hazard Mitigation Program in Oregon at the forefront of our state's ability to meet our emergency preparedness objective. In closing, on behalf of State Director Myra Lee the Office of Emergency Management applauded Metro and their partners in the work they were doing in addressing an important element of public safety system in this state. Truly, the decisions the Council made would impact the safety and well-being of the people they served tomorrow.

Raymond Hites, Land Use Chair for the Lentz Neighborhood Association, 8827 SE Holgate Blvd. Portland OR 97266 discussed flood mitigation measures. One thing he noticed looking through these mitigation measures that were suggested was that they were all pretty much within the flood plain area. That was only half the problem. Flood plain management was actually something that had to be done watershed-wise if it was going to be effective. Development outside the flood plain could increase runoff into streams through increased impervious surfaces, decreased evaporation as well as transpiration from vegetation. It could also increase the speed of runoff. He thought the basic policy had to be that postdevelopment must not exceed predevelopment runoff. This rule of thumb also applied to the rate of runoff. The reason this was

so important to the Lents Neighborhood was because of development that was happening up on the hills around Johnson Creek and also Pleasant Valley which was projected to be brought into the Urban Growth Boundary. Measures that could be used would include limits on impervious surfaces and that would include streets; encouraging cluster and planning of developments; requiring a minimum of landscaping of developments; and, perhaps the most important, trees. Trees used much water. They allowed a great deal of water to evaporate. There needed to be limitation of surface material during construction. Whenever a bulldozer was going over an area, it was compacting the soil or the duff (vegetation) layer was being removed. In some instances, that was the layer that held the water. As much as possible, the use of dry wells for ground water recharge was encouraged along with Eco-roofs. On site storm water detention was critical. As a last resort, regional water detention facilities could be employed. The point was that we could not just put all the emphasis on the flood plain itself. That flood plain would just increase if that was where you put it. People who were not in the flood plain suddenly would find they were in the flood plain unless we handled storm water and flood plain management watershed-wide.

Councilor Naito stated that the draft she had read on the previous evening did have some storm water language.

Mr. Hites replied that he had noticed that item in the water quality section of the Regional Framework Plan. He emphasized that this was a safety issue – bad quality water entering people’s home – this was a public health issue. He emphasized that this also concerned loss of property which would also increase the likelihood that these measures would be implemented, not only for the warm and fuzzy environmental reasons but also for economic reasons.

Peter Keyes, University of Oregon, 301 SW Lincoln Portland OR 97201 had previously written Metro Council an extended letter about affordable housing issues and the Regional Framework Plan. In that letter which he sent in October, he spent a lot of time criticizing the Homebuilders Association and the realtor’s positions as to their thinking that expanding the Urban Growth Boundary would cause a trickle-down of lowering land prices and making housing affordable. He was pleased to see that Metro Council did not buy this and use it as an excuse to justify blowing out the Urban Growth Boundary. He also thought that the Association’s position on what would achieve affordability was rather disingenuous and, he think, really rather cynical. He was a professor at the University of Oregon where he had been teaching in housing for many years. He also taught affordable housing courses. He had been a member of the home-building industry as a designer for over a dozen years and had both affordable housing and market-rate housing projects. Rather than criticizing the Home Builders Association position, which, he thought, did not have much merit, what he would like to do was focus on the positives of what they could accomplish. They were the ultimate pragmatists. Home builders reacted to the circumstances put in front of them and they figured out how to work within those constraints. We had heard some testimony here today that implied that if you raise the bar of inclusionary zoning, the homebuilders were just going to give up and move to Salem and build houses there. This was not going to happen. Home builders could respond to any of the parameters that were set for them. The value of something like inclusionary zoning was that it really did level the playing field. If it was done on a region-wide basis, it had an effect on all developments going forward and it was not any one jurisdiction or it was not any one home builder who was being asked to bear the brunt of the affordable housing burden. He thought that there was some good historical examples to show how this could happen. One of his colleagues, Amy Miller, who was with Portland Community Design, related how, when she was in San Francisco, they designed guidelines for San Jose. The homebuilders jumped up and down and screamed that they would never be able to respond to these and they would never be able to build this density or this type of housing. The City government passed these regulation and within months, the homebuilders responded with

innovative approaches to site design, zipper locks and many other things that had become standard since then were pioneered by being forced into that position by public policy. He thought what we were trying to say was, 'maybe if we pass these regulations, the home builders would not be able to do business as usual and we might actually force them to do something creative.' He was involved in the design of a project in Eugene where he built 44 low-income single family detached houses. They sold them for \$52,000 to \$72,000 and these were houses that were 750 square foot, two bedrooms up to 1440 square foot four bedrooms. The amount of total subsidy in this project which mainly came from the county road fund, was less than 15% of the total budget. What he was simply saying was that by having economic experience, we were forced to build smaller houses, more efficient houses, houses that did not have garages and houses that actually could be affordable given the market constraints of the people we were targeting. He would urge the Council to look at fair-share targets for the region as well as inclusionary zoning as a way of trying to force some innovation into the home building industry to respond to at this point.

Presiding Officer Kvistad responded to several comments made during the public hearing. He said that when markets were open, as they were today, it was not the 'big guys' who would suffer. It was the small home builder that would lose his business. All Metro Council members had different focuses. It had been a long ride and the Presiding Officer stated his belief that it was the 'little guys' who would be hurt.

Mr. Kies responded that no impact would be felt by the smaller builders because there was a threshold of redevelopment size that was written into it before any of the inclusionary zoning requirements would go into effect. People having only two or three others working for them were not building 20-unit projects.

Presiding Officer Kvistad stated that it was the accumulative effect of all these things together – home builders had never said that prices would go down. They had said, however, that they were all trying to get a handle on price inflation as well as stabilize markets. Very few people stated that unless the Urban Growth Boundary was moved to Salem or high-tide at Seaside, that much effect would be exerted on prices of lots. Everyone talked about price mitigation and that was the key item.

Councilor Naito stated her agreement. She asserted that if the Metro Council was to adopt an inclusionary zoning policy, the market would respond promptly. They would pass on those costs right away. If they incurred additional costs, they would be transferred to the costs of other units. Her issue, as an attorney, was in looking at some of the constitutional challenges that would be raised against Metro. There was no question in her mind that if the Council did not frame a policy that was an incentive-based one, at the very least, Metro would be in litigation. She stated a desire to balance the value of the units we may achieve with this to the policy of taking that sort of action when there were so many other things Metro could do as well. She stated her support of incentive-based inclusionary zoning policies although, in our market, with the density that Council was already pushing, she had questioned how much would really be achieved with that technique. She stated her belief that there were home builders who would want to take a test case before the Supreme Court.

Mr. Kies responded that we could not depend on the non-profit sector to produce all the affordable housing we needed at this point. We must find some way to get the private sector involved in producing it and inclusionary zoning was valuable in that it tweaked the market. It was a way of stimulating the market to respond to produce housing for those price ranges that it was not producing now. If we did not do that, what then did we do? What was going to have any

effect on the affordable housing market in this region? If we did not do something soon, it would be out of control and it would be gone forever. We would be like San Francisco.

Councilor Washington stated that he appreciated all the input and information supplied. He had presented a resolution to Metro Council. Everything that was discussed on this date was in that resolution.

Presiding Officer Kvistad issued one last call for people who wished to testify on this issue. No individuals were forthcoming.

Presiding Officer Kvistad closed the public hearing.

9. COUNCILOR COMMUNICATION

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 6:35 p.m.

Prepared by,

Chris Billington, Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
111397crfp-01	11/07/97	Regional Framework Plan Schedule	TO: Metro Councilors FROM: Presiding Officer Jon Kvistad	Ordinance No. 97-715A
111397crfp-02	11/07/97	Council deliberations on Chapters 3, 4, 5 and that portion of chapter 8 that is now dedicated to environmental education, of the Regional Framework Plan	TO: Framework Plan Participants FROM: Susan McLain, Jon Kvistad	Ordinance No. 97-715A
111397crfp-03	11/05/97	Clipping from Willamette Week – Metro Council’s Regional Framework Plan Public Hearings	TO: Willamette Week FROM: Council Outreach	Ordinance No. 97-715A
111397crfp-04	11/01/97	Clipping from Oregonian – schedule of meetings	TO: Oregonian FROM: Council Outreach	Ordinance No. 97-715A

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111397crfp-05	11/13/97	“Growth Management” is a Euphemism for Disaster	TO: Metro c/o Susan McLain FROM: Lynora Saunders, 13790 SW Knaus Rd., Lake Oswego, OR 97034	Ordinance No. 97-715A
111397crfp-06	11/04/97	Re: Congratulations for building the majority that held the expansion of the urban growth boundary to 4500 acres	TO: Susan McLain FROM: Louis H. Herkenhoff, 3896 SW Third St., Gresham OR 97030	Ordinance No. 97-715A
111397crfp-07	11/13/97	Coalition for a Livable Future - Metro Regional Framework Plan Proposal to Amend Chapter 1, Policy 1.5	TO: Metro Council FROM: Coalition for a Livable Future	Ordinance No. 97-715A
111397crfp-08	11/04/97	Coalition for a Livable Future - Proposed Amendment to Metro Regional Framework Plan	TO: Metro Council FROM: Leslie Kochan, 282-2911 or Christopher Juniper, 233-7137	Ordinance No. 97-715A
111397crfp-09	11/04/97	Affordable housing in Gresham; danger of creating ghettos	TO: Presiding Officer Jon Kvistad FROM: Gussie McRobert, Mayor	Ordinance No. 97-715A
111397crfp-10	11/05/97	Objection to segregating people by income in “project” housing but instead would prefer inclusionary zoning; hypocrisy behind zealous cry for Fair Share	TO: Jon Kvistad FROM: Gussie McRobert, Mayor	Ordinance No. 97-715A
111397crfp-11	11/06/97	Affordable Housing Seminar, Nov. 2, 1997	TO: Metro Councilors FROM: Councilor Ed Washington	Ordinance No. 97-715A
111397crfp-12	No date	Regional Framework Plan - What’s New	TO: Metro Council FROM: Growth Management	Ordinance No. 97-715A

111397crfp-13	10/23/97	Metro Regional Framework Plan - Chapter-by-Chapter Review	Staff TO: Metro Council FROM: Growth Management Staff	Ordinance No. 97-715A
111397crfp-13	10/30/97	Framework Plan Discussion	TO: Metro Council FROM: Susan McLain	Ordinance No. 97-715A
111397crfp-14	11/13/97	HAZTAC - Revisions to Chapter 5, Natural Hazards of the Framework Plan	FROM: Edward H. Trompke and Scott Porter, Presenters	Ordinance No. 97-715A
111397crfp-15	11/13/97	Reference to Coordination with Clark County in Chapter Five	TO: Metro Council FROM: Metro Naural Hazards Technical Advisory Committee (HAZTAC)	Ordinance No. 97-715A
111397crfp-16	No date	Houck's suggested replacement language for Chapt. 5 Hazards	TO: Susan McLain	Ordinance No. 97-715A
111397crfp-17	11/13/97	Testimony of Tim Nesbitt, Executive Director, Oregon State Council of Service Employees - Re: Metro Framework Plan	TO: Metro Council FROM: Tim Nesbitt	Ordinance No. 97-715A
111397crfp-18	No date	Regional Framework Plan: Environmental Education	TO: Metro Council FROM: David A. Pagni	Ordinance No. 97-715A
111397crfp-19	11/17/97	Proposed changes to your draft resolutions	TO: Metro Concilor Ed Washington	Ordinance No. 97-715A
111397crfp-20	11/12/97	Regional Framework Plan Comments	TO: Jon Kvistad FROM: Commissioner Roy Rogers, Chair, Washington County Coordinating Committee, 155, North First Ave., Ste. 300, Hillsboro, OR 97124	Ordinance No. 97-715A
111397crfp-21	No date	Morissette amendment	TO: Metro	Ordinance No. 97-715A

		proposals--legal counsel will compose specific language - Proposals are based on the November 10, 1997 document	Council FROM: Councilor Morissette	
111397crfp-22	11/13/97	Proposed amendments to the existing language in section 8.10 of the RFP	TO: Metro Council FROM: John LeCavalier, Larry Beutler, Pat Willis	Ordinance No. 97-715A
111397crfp-23	11/11/97	November 13th Metro Council Hearing	TO: Jon Kvistad, Chair Metro and Metro Council FROM: Mike Houck	Ordinance No. 97-715A
111397crfp-24	11/12/97	Draft Regional Framework Plan	TO: Metro Council	Ordinance No. 97-715A
111397crfp-25	May - September, 1997	Metro Growth Management Survey - Citizen Comments	TO: Metro Council FROM: Metro Growth Management Services	Ordinance No. 97-715A