

MINUTES OF THE METRO COUNCIL MEETING

December 11, 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 Kvistad convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mr. Mike Burton, Executive Officer, said he wanted to take this opportunity to congratulate the Council on the up coming adoption of the Regional Framework Plan. He noted performance measures which he felt made this a dynamic document. He thanked citizens who were involved and Barbara Herget, Dan Cooper and Larry Shaw Legal Counsel, Andy Cotugno and his department, John Fregonese and Mark Turpel and his staff, Charlie Ciecko and his department. He said that this was truly a hallmark.

4. MPAC COMMUNICATION

None.

5. CONSENT AGENDA

5.1 Consideration meeting minutes of the December 4, 1997 Regular Council Meeting.

Motion: **Councilor Washington** moved to adopt the meeting minutes of December 4, 1997 Regular Council Meeting.

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

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

6. ORDINANCES - SECOND READING

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

Motion: **Councilor Naito** moved to amend Ordinance No. 97-713.

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

Presiding Officer Kvistad opened a public hearing. No one came forward. Presiding Officer Kvistad closed the public hearing.

Discussion: Councilor Naito explained that this was a housekeeping measure and did not make any changes to the location of the boundary, but made it site specific. She said the map had been reviewed in Growth Management.

Dan Cooper said this ordinance adopted as official the quarter section detail maps that had been in DRC for the last 20 years and would be made official by this ordinance.

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

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

Motion: **Councilor McLain** moved to adopt Ordinance No. 97-715B.

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

Discussion: **Councilor McLain** reviewed the ordinance which was required by the Charter and included land use, parks, open spaces, transportation, recreational facilities, water, regional natural hazards, Clark County coordination, management and implementation of the plan. She thanked the Council for the hard and very good work done on this item.

Presiding Officer Kvistad called for further amendments. None were brought forward.

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

Mr. Robert Liberty, Director of 1000 Friends of Oregon and part of the Coalition for a Livable Future, 534 SW Third Ave Suite 300 Portland, OR 97204, felt this was a very important occasion both regionally and nationally. He spoke of the great significance of the day and how people nationwide would be talking about the plan and watching to see if it would work because of the similar needs in their cities and neighborhoods. He said parts of the process were contentious and difficult but now he wanted to express his gratitude for the step taken and the leadership offered. He said there was a lot of work ahead involving the implementation of the Pan. He said the private sector who would be building the future and neighborhoods and individual citizens should also be acknowledged for their effort on this issue. He noted that people in this area of the country think differently than other areas of the United States about their region and what needs to be done to protect it. He said those concerns should be taken seriously for the wisdom and good will they could provide.

Mr. Mike Houck, Audobon Society of Portland and Coalition for a Livable Future, agreed with Mr. Liberty about this being a historic moment and seconded the thanks for the leadership provided. He said this would be the first time anywhere in this country that what happened inside the Urban Growth Boundaries with respect to protecting and enhancing the quality of life was encoded in this document. He thanked the Council for their incredible work.

Mr. Ned Look, Member of the Metro Charter Committee, said because of hard work and attention to legal detail, the Council had created a very credible document which would be a very solid base for the Functional Plan. He called the Council to a “rule of challenge”: to fully educate the general public about the document. He said it would create more direct communication for everyone the way it was set up. He said everyone could be very proud of what Council had done and thanked them.

Presiding Officer Kvistad closed the public hearing.

Councilor Naito commented, echoing her thanks to the Executive Officer and the staff, the local partners, private industry and development, and the citizens of the region who brought ideas and criticisms. She also thanked the Council and said this was an opportunity to step back and take a look at the big picture. She said this document was a recommitment to the concept of the Urban Growth Boundary which was to protect the farm and forest land. She felt it was an exciting challenge.

Councilor Morissette said there had been a lot of work and everyone had a real desire to do the right thing. He expressed his areas of concern as he read, “pages and pages of more and more regulation including:

- density requirements that are too high
- density bonuses in places where maximum high density already exists
- affordable housing regulations that are not practical nor required by our current charter
- any affordable housing units using an incentive are required to remain affordable for 60 years
- adding another new advisory committee requiring extensive staffing to accomplish tasks proposed - this is a real unfunded mandate
- replacement of existing affordable housing that is demolished or used for nonresidential development be replaced with an equal number of new affordable units - the new regulation steps over citizens rights to determine use of their own property
- voluntary inclusionary zoning time frame (18 months) is just camouflage for mandatory inclusionary zoning
- Withholding transportation dollars from cities and counties who are not in compliance with Metro’s plans - another unfunded mandate.
- Policy to support adding a new tax (Real Estate Transfer Tax).
- This list of concerns comes from only the first chapter. Each additional chapter adds more new regulations in on area or another.

He said he was surprised that nobody had spoken up regarding the additional real estate transfer tax. He said he still supported 2040 and densities in the right places but not all parts of this document. He said it was not a surprise that he did not support the Framework Plan as currently written. He said he did support much of the 2040 Concept: The commitment to use land better had allowed and encouraged creative projects.

- High density in the right places is a great idea. Smaller lots on the right land works.
- Going up in the right places is terrific, but the housing type does not match the needs of a significant portion of the market.
- The framework and functional plans push the market too hard: it requires too high a density, in the wrong places and eliminates the possibility of choice in housing types.

He noted that between 10,000 - 12,000 new housing units a year were being built using approximately 1,500 to 2,000 acres. With statistics showing each household was 2.2 to 2.4

people, he explained that we were building the equivalent of a city larger than Tualatin or West Linn or Milwaukie every year. He explained there was about a 2-3 year supply of lots left in the region and the first tier land would not add nearly the needed capacity. He said that would only leave infill and redevelopment and that alone would not give people what they wanted in housing or commercial space. He said the region would run out of land for new construction for both housing and commercial purposes.

His views on Economics:

- He felt the majority of the Council was not solving problems, but instead adding roadblocks to affordable housing and an adequate land supply.
- He believed the Council majority and many local elected officials in the region were causing an economic slow-down.
- He said local officials, including this Council, were fiscally responsible to the citizens of this region.
- He felt Metro's and local government's regulation frenzy would induce an economic turndown motivating business to move to a friendlier economic environment or eliminate expansion of existing facilities.

He said the turndown he was concerned about was bigger than a typical cycle. He said the small amount of land left would cause a lot of problems in the future.

Regarding the Infrastructure:

He felt spending on infrastructure, especially roads, was being ignored and transit was getting the lions share of attention although the roads would still be an important need. He said that although he supported transit as an option, he felt realistically that roads would still move the goods and services and the majority of the population both now and in the foreseeable future. He said it would take time to get the land ready and to build the roads.

On Affordable Housing:

- It takes lead-time to build affordable housing.
- Affordable housing is very important to a stable community
- Affordable housing is a serious concern for more than just low-income families; middle class families are being priced out of homeownership also.
- I care deeply about homes for all income levels. I have build homes for middle class families for more than 23 years.
- I am also proud that I have worked on behalf of HOST and other low-income housing groups.
- I believe the Metro Council majority are intensifying and widening the housing affordability problem.
- He felt Inclusionary zoning was not a solution, a simplified process was.
- Don't make scapegoats out of others because it is politically easy or politically correct.
- Builders of homes and apartments do not cause the problem, just as grocers are not responsible for famine.
- We are rushing to add regional regulations for affordable housing, school siting, environmental education, economic vitality, regional funding and fiscal policies to the framework plan without the same effort that we put into the 2040 concept.

Councilor Morissette closed by saying:

- The ability to solve this problem is here and available without stepping on citizens civil or property rights.

- Regulations have landed us in this situation; removing unnecessary requirements can get us out.
- We can make the goals we endorse the path-of-least-resistance for property owners and builders to follow.
- Example: local governments make projects that meet 2040 concept goals an outright use.
- Our local partners can issue staff recommendations, plats, and permits in days instead of weeks or months.
- Our local partners and we must be able to withstand the outcry of neighbors, special interest groups and sometimes the bias of local bureaucrats if we really want to get affordable housing built. We also need to expand the boundary more in Washington County where the job base and infrastructure exists.
- We need to come to grips with the real need for the Westside by-pass and begin planning for a third bridge to Clark County.
- This region is beyond where we can ignore the impact on the economy caused by non-availability of land and infrastructure for jobs and homes and relief of traffic congestion.
- I am not all gloom and doom, but I believe in my gut that we are headed for a down turn, not a depression, but a down turn that will impact our region.
- This downturn could be avoided with planning that guides not requires, leads not dumps burden on easy targets.
- I know that I have said these things before, but families and our future are being shaped by this plan.
- My expectation for this Council to hear and respond to my concerns based on my experience and expertise is very low,
- But I want to make sure I have done my best to alert this region to what I see as the outcome of the policies the majority of the Council is supporting.
- You just need to look in a mirror and see you are part of the problem, not part of the solution.”

He thanked the Council for their time.

Councilor McCaig said she felt the Plan was swell but it was just a consensus of the moment. She thought the action she and/or the Council would take today was a bit different that just an acknowledgment that the chapters of the plan all came together and Council had done the right thing. She felt it represented a commitment from Council and the region to protect those qualities that we all valued and found special about the region. She felt the plan should not be perceived as perfect or gospel, but rather a moveable feat with opportunities and continuing work to be done for the future. She hoped the adoption meant the Council and the region stood for something and as we moved forward with this vision that we were prepared to use the vision as a beacon to come back to time and time again to remind ourselves of the work and why it was done. She said the plan could change but would represent, now adopted and in stone, that we were going forward with the right direction. She was however, disappointed about a few of the elements of the Plan. She regretted not adding one more park or giving direction to local jurisdictions to do it, not providing one more affordable home to the region. She would have liked a stronger message in that regard. She said the document itself did provide clarity and was a direction to protect the things we all held dear in the region. She said it was the first act out of the Council in the 2040 arena that gave her hope and was a good foundation.

Councilor Washington thanked Councilor Naito for her kind comments. He felt this was a good document and would lead the way nicely. He thanked citizens and others for all the help and good information they gathered. He also thanked the Executive Officer and his staff.

Councilor McFarland said she felt that the Council should be thanking Councilor McLain for taking the lead and working so hard on this document. She thanked Councilor McLain for her very hard efforts.

Presiding Officer Kvistad said this vote was not a politically easy one for him to make. There were one or two things that he found to be a real problem. He felt the affordable housing and replacement ordinances would cause serious problems in the future. He was committed to finding affordable housing but the prescriptive way in which the Framework Plan addressed it would be problematic. He said Council had worked hard to take this process into the community, to bring people to the table. He said that his intention today was to be as positive as possible, and he thought what was here was a positive piece of work and a good solid first step, He said he would be voting in favor of this document and he was very proud of the staff . He thanked Councilor McLain. He felt this was a very historic moment for the agency. He also thanked John Fregonese for his help of the last 5 years in getting to this point. He said the agency would miss him.

Councilor McLain closed saying she appreciated all the comments the other councilors made. We are committed to the product. She said they were making a commitment with this as the policy spine to make this the best possible place to live. She was most excited that it was time for the next step which was implementing the plan

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

7. RESOLUTIONS

7.1 **Resolution No. 97-2559A**, For the Purpose of Adopting the 1997 Inventory of Buildable Lands and the 1997 Housing Needs Analysis.

Motion: **Councilor McLain** moved to adopt Resolution No. 97-2559A.

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

Discussion: **Councilor McLain** reviewed the resolution and noted the sheets she had passed out to the Councilors. She asked Mr. Fregonese to speak regarding this document, what it was and what Council was required to do. She explained Council would then have a week or so to review it before voting on it December 18. She mentioned that Exhibit B was missing because technical work was being done on it.

Presiding Officer Kvistad clarified this item was for discussion only this week and would stay on the table until the final vote at the December 18, 1997 meeting.

Mr. Fregonese, said the housing needs analysis was a required document by state law and designed to be a background document and forecast, not a policy document. He said it established the number, types and price ranges and rent levels of housing units that need to be provided for residents of the Metro area during the next 20 years. He added it also estimated the total number of affordable and assisted housing units needed to be produced.

Councilor Morissette asked if any analysis had been done as to how many units each acre would be holding.

Mr. Fregonese said , reading from the draft, 4.3 was average over the last 5 years.

Councilor Morissette asked how many the 2040 Plan needed.

Mr. Fregonese answered 5.7 and added that the density last year was 5.3 so it was coming up.

Councilor Morissette said he had heard that through the 2040 process, due to the more difficult land being dealt with, the number of acres being consumed was roughly staying the same because the flat easy acres are primarily gone.

Mr. Fregonese said Councilor Morissette was right and most people would be surprised at the average 4.3 and we were going to 5.7. He said the higher density was a result of higher density multi-family and more re-development. In terms of the vacant land consumption we did have a lot of areas that were unbuildable.

Councilor Morissette said it was an important point that the amount of acres being consumed was not dropping dramatically each year because they were much more difficult even though the densities were going up.

Mr. Fregonese said it was not a dramatic change. The Functional Plan did provide for some loosening of the local regulations to allow some of the higher density units to be built. He continued with his explanation of the resolution.

Councilor Morissette asked if Mr. Fregonese had an estimate. Did he think that the UGB had the capacity to take care of all but the last 32,000?

Mr. Fregonese said he thought so although one could never be 100% certain. He continued that the housing needs analysis provided an analysis of the number of new housing units needed by price range and rent level for single family detached manufactured homes, detached small lot single family, manufactured housing and parks, attached single family homes, all of these were required by the state law for us to estimate that. Clearly a lot of these would be ranges. He said the largest increase in the population would be the elderly, would be about 30% of the problem. About 28% would be starter homes. He said the number of housing units was consistent with the Growth Capacity Analysis of the Urban Growth Report. He said specific findings of compliance with all the rules was shown in the document.

Presiding Officer Kvistad asked Councilor McLain if he could make a motion to exclude the fair share elements from the resolution.

Councilor McLain said the amendment would be possible if the rest of the Council would feel comfortable voting on it.

Presiding Officer Kvistad said he would make the motion next week after looking at the document. He moved the item forward to the December 18th meeting.

7.2 **Resolution No. 97-2569**, For the Purpose of Approving Request for Proposals for Hearings Officer Services.

Motion: **Councilor Naito** moved to adopt Resolution No. 97-2569.

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

Discussion: **Councilor Naito** explained the need for the hearings officers.

Councilor Morissette asked Mr. Cooper why a hearings officer had to be a member of the bar and was told that the Metro Code specified it.

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

7.3 **Resolution No. 97-2575**, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Years 1998-99 through 2002-03.

Motion: **Councilor McCaig** moved to adopt Resolution No. 97-2575.

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

Discussion: **Councilor McCaig** urged support of this capital improvement plan. She said it was an opportunity to get a handle on the projects in next year's budget as well as the ones 2-4 years down the road. She went through some of the projects that would be included. She raised questions about a few items included. She raised doubts about the convention center and said she would still support this resolution. She thanked Craig Prosser and Dennis Strachota, from the Financial Planning Division, for their work. She reiterated the shortfalls that would be faced in the next 5 years. She explained this would make very clear where those shortfalls would be. She urged a unanimous vote.

Councilor Morissette said he felt that Councilor McCaig did a great job on this. He said he had concerns about a couple of things contained in it, including the solid waste item. He said he could not support it with those concerns.

Councilor Washington said he was going to support this resolution.

Presiding Officer Kvistad said that passing the capital improvement plan was important for the agency and he would support it today. He said he also had tremendous trepidation and would not support at the budget level any expenditure of money for this solid waste proposal.

Councilor McCaig said it was important to register concerns all through the process. She said the majority of the Councilors had reviewed the \$600,000 and that was why it was still in the plan. She said if there had been a majority, it would have been taken out before it went forward. She said new projects would be looked at mid-year for corrections and amendments.

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

Councilor McFarland asked if individual questions would be dealt with in the budget process.

Presiding Officer Kvistad said the Capital Improvement Plan was a planning document to be used in identifying areas of possibly expending funds. They would have to be voted forward before funds would actually be expended.

7.4 **Resolution No. 97-2577**, For the Purpose of Amending the Contract Between Metro and Ankrom Associated Architectural Services Associated with the Development of a Capital Project at Metro Washington Park Zoo.

Motion: **Councilor McCaig** moved to adopt Resolution No. 97-2577.

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

Discussion: **Councilor McCaig** said this did not require new money but did require amending the scope of work for the architectural firm involved. The six new items were added to coordinate the project more effectively and this would give them the funds to do so.

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

7.5 **Resolution No. 97-2579**, For the Purpose of Amending the Beaver Creek Canyon Greenway Target Area Refinement Plan, to Accept the Donation of a Conservation Easement.

Motion: **Councilor Naito** moved to adopt Resolution No. 97-2579.

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

Discussion: **Councilor Naito** asked Mr. Jim Desmond to bring the map showing the area in question. She said this 30 acres would be a permanent greenspace for the area and would add an area of fish spawning grounds and wooded wildlife habitat. Dr. Michael McKeel had offered a conservation easement to Metro for this piece of property on Arrow Creek, a tributary to Beaver Creek. Under the easement, timber harvesting and construction would be banned to keep it for wildlife and recreation. She said this was the first easement donation under a recently adopted resolution allowing such donations to be accepted. She urged support of the resolution.

Presiding Officer Kvistad opened a public hearing on Resolution No. 97-7579. No one came forward. Presiding Officer Kvistad closed the public hearing.

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

7.6 **Resolution No. 97-2581A**, For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (MCCI).

Motion: **Councilor McCaig** moved to adopt Resolution No. 97-2581A.

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

Discussion: **Councilor McCaig** said there were currently 9 vacancies due to expiring terms and resignations. She recommended reappointing all of the current members who would like to be reappointed.

Aleta Woodruff, MCCI, 2143 NE 95th Place, Portland, OR 97220, wished to be asked for confirmation of the nominees for the next 3 year term, Robert Pung District 1, Position 1, Holly Isaak for District 3 Position 7, Jason Franklin for District 7 Position 20, Jerry Penk for position 23 at Sauvie's Island, an unincorporated area, Bill Merchant Position 25 Clackamas County, and Aleta Woodruff, District 6, Position 18. The other new applicants of which there were now four would be presented to Council in January.

Presiding Officer Kvistad said that Holly Isaak was reappointed from his district and was a tremendous partner and a good worker.

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

7.7 **Resolution No. 97-2582A**, For the Purpose of Establishing an Affordable Housing Technical Advisory Committee.

Motion: **Councilor Washington** moved to adopt Resolution No. 97-2582A.

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

Discussion: **Councilor Washington** reviewed the work of such a committee and urged support for it.

Councilor Morissette said he saw a lot of advocacy groups and government types on the list but none of the people who produced. He said these producers would not be able to make much of an impact in putting something like that together. He believed affordable housing was important but did not see where this would accomplish the goals.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilor Morissette, McCaig and Presiding Officer Kvistad voting nay.

Councilor McFarland asked for a point of privilege. She said Council was aware because Aleta Woodruff was one of the dedicated people who made it work well and gave her a special commendation.

Presiding Officer Kvistad echoed Councilor McFarland's comments.

7.8 **Resolution No. 97-2585**, For the Purpose of Amending Contract #900825 with ESRI for Upgrading the RLIS Software and Computer Hardware.

Motion: **Councilor Washington** moved to adopt Resolution No. 97-2585.

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

Discussion: **Councilor Washington** asked Mr. Bolen to address the council on this issue.

Mr. Dick Bolen, Data Resource Center Manager, said that this resolution amended the contract with ESRI for the RLIS system. He explained this would allow the ability to make purchases at discounted GSA prices. He said this was the next revolution of GIS. This would create a planning information hub for planners to get information they needed as well as planners in local government. Moving towards broader access to information in the region. He said technologically this was a big step for Metro and would be around for a long while. He mentioned a \$22,000 savings provided by these discounts.

Councilor McFarland asked how much was the purchase

Mr. Bolen answered \$151,000. If it was in by December 15, it would be a \$22,000 savings.

Councilor McFarland said that it was already in the budget so it was not new money.

Mr. Bolen said yes, that was right.

Councilor McCaig said this was matter of principle for her. She did not know how this came up, or whose fault it was, but at some point people had to be held accountable for these kinds of items being lost somewhere in the process. She said the December 15 deadline had been apparent for a while.

Councilor Naito said she did not realize it had not gone through the process. She said she would support Councilor McCaig. She said options could not be considered because there was not enough notice of the problem. She said she did not know enough about it to support it.

Presiding Officer Kvistad said he had asked Councilor McCaig to put it forth because he felt \$22,000 was a large enough amount to consider.

Councilor McCaig said that it was not satisfactory to not know where the process broke down. She wanted to know why it happened that the deadline was not met. She said she believed it to be sloppiness. She said she would not be so concerned if it were not the fourth time it had happened that something had not made it to the agenda in time.

Mr. Bolen commented that it was true that this had been before the Council three times. He explained it was a new employee who was confused about where the things were to go that caused the problem and he apologized.

Vote: The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors McCaig, McFarland, Naito, Morissette, and McLain voting nay.

8. COUNCILOR COMMUNICATION

Councilor Morissette commented that we did not have to have a loss in savings if we didn't proceed with the purchase. He clarified that the vote was such because of a process and not to give away a savings of \$22,000. He mentioned a similar situation with USA Waste in solid waste committee that would come before Council on the 18th.

Councilor McFarland spoke to a comment made by Councilor Morissette regarding the transfer of the Jack Gray. She said she had asked them specifically to contact every member of the Council before this came up.

Councilor Naito said she appreciated getting the information, and that the committee chair was informed about it.

Presiding Officer Kvistad reminded the Council that they were hosting a holiday party for the volunteers of Metro after the next meeting. He reminded Council that December 18th would be the final meeting for 1997. January 8th would be the first meeting of 1998.

Councilor McCaig said she would leave a phone number for an emergency situation.

9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:15 p.m.

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Prepared by,

Chris Billington
Clerk of the Council

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