

MINUTES OF THE METRO COUNCIL MEETING AND WORK SESSION

October 3, 1996

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:06 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Burton noted the map in the Chamber. This map concerned the unincorporated area between Portland and Beaverton that was in Washington County and some area already annexed into the City of Portland. This was an issue that had been going on for over a decade. This was a matter that The Supreme Court had essentially directed the Council to make a decision on in resolving the issue between the two comprehensive plans. There was a preliminary settlement agreement which would hopefully, after a series of additional meetings with the jurisdictions, be able to make a final call on that. The elements were on the settlement agreement. He stated the further he got into it, the messier it was. He commented that both phone calls and letters would be received because not everyone would be happy with the proposal but he felt they had done the best they could.

Presiding Officer Kvistad asked Mr. Burton about the map, if the area in red was accepted and if the color blue was what was proposed.

Mr. Burton replied that the red indicated the areas that would be in Portland's Urban Services Boundary area and the blue would be in Beaverton's Urban Services Boundary.

Councilor McLain thanked Mr. Burton for his hard work on this project.

4. CONSENT AGENDA

- 4.1 Consideration of the Minutes for the September 26, 1996 Metro Council Meeting and Work Session.

Motion: **Councilor McLain** moved for the adoption of the minutes of September 26, 1996 Metro Council Meeting and Work Session.

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

Discussion: **Councilor McFarland** stated she would not be voting due to the fact that she was not present for that particular meeting.

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed.

5. ORDINANCES - SECOND READING

- 5.1 **Ordinance No. 96-653A**, An Ordinance Amending the FY 1996-97 budget and appropriations schedule for the purpose of transferring \$117,000 from the General Fund Contingency to the Construction Account of the General Revenue Bond Fund for Building Improvements necessary to Accommodate Additional Office Spaces Needs of the Open Space Program and the Transportation and Growth Management Departments and Declaring an Emergency.

Motion: **Councilor McCaig** requested this Ordinance be moved back to Finance Committee.

Presiding Officer Kvistad stated with that Motion and with consent of the Finance Committee Chair, it would be moved to the appropriate Committee.

- 5.2 **Ordinance No. 96-647A**, For the Purpose of Adopting the Functional Plan for Early Implementation of the 2040 Growth Concept.

Discussion Overview: **Councilor McLain** noted the amendment packet that each Councilor received. She commented there were numbered amendments with table of contents, definition and title for the amendments. There were some not discussed at the work session and she thought it might be a good idea for the Councilors that were proposing those to start through and explain them.

Presiding Officer Kvistad suggested to go in the order in which they were in the packet unless there was a suggestion to changing that order. They would be moved by the person whose amendment it was, it would require a second and then a discussion would follow the motion, then move to a vote on each individual amendment. He commented this

process may take one or two meetings but, would move through as much of these as possible.

Councilor McLain stated that sounded fine but reminded the Presiding Officer that Councilor Morissette was promised, since he would not be attending the next meeting, they would try and deal with his amendments at this time.

Presiding Officer Kvistad acknowledged that was correct. He commented he had three quick amendments that he thought would be fast discussion and then would go into Councilor Morissette's amendments.

Motion: **Presiding Officer Kvistad** moved Amendment 1, to make a change in the language that would alter the name of it from Urban Growth Management Functional Plan to Metropolitan Development Plan. This would change the section titled The Meaning of the Regional Functional Plan Adoption to How Cities and Counties Will Carry Out The Metropolitan Development Plan. He further stated this request came from a specific item that was received from Mr. Robert Liberty from A Thousand Friends who requested this be made as an amendment and that he was making it on his behalf, unencumbered by his personal views.

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

Discussion: **Councilor McCaig** asked about the process for amendments. She thought that last week the Council would only take those Titles, where it was thought there would be no substantive changes and they would move through those first and that they would hold the remaining Titles until all of the amendments were in so that the Council would have an opportunity to review the Title and it's amendments in total. She asked if they were doing something different than that.

Presiding Officer Kvistad replied something different than that was being done. If there was an area that was open, it was hoped, they would move those areas first in total, but since they did not have all of the amendments together they could not move an entire section until they had gone through all of the material that had come through and all of the Council members had had the opportunity to review them.

Councilor McCaig interjected that was the discussion they had and she would go with this but thought it was crazed only because she thought there would be an opportunity for further amendments by Title that would contradict existing amendments and potential actions out of the body.

Councilor McLain commented that Councilor McCaig's request was trying to be met. She stated she pulled Title Four off of the list because she was still working on it. As far as she knew there were not any

competitive Title Four amendments but even if there were, she pulled it because she knew it was very controversial.

Councilor McCaig stated that one of the reasons she brought it forward was she understood that she was doing work on Title One.

Councilor McLain replied she had it there along with the rest of the ones.

Presiding Officer Kvistad stated they were trying to deal with all of the amendments so there would be overlap as best as they knew. By going through the amendments, by the Council Members, right out of the box, they set those aside, then the next ones that came forward would be from the round of Public Testimony that came forward once everyone had had a chance go through the packet that had been submitted.

Councilor Morissette stated he had just gotten some of the changes that Councilor McLain had submitted and he was not comfortable voting on some of the newer ones that he had not had a full opportunity to review. He did not have a problem with asking them to vote on his amendments because he had not made any changes.

Presiding Officer Kvistad replied that when they were brought up and seconded that would be part of the debate, if there was no second on them or if someone would like further discussion. He stated he had three very minor amendments to go over.

Vote: The vote was 3 aye / 4 nay /0 abstain. The motion did not pass with Councilor McLain, Councilor Washington, Councilor McCaig and Presiding Officer Kvistad voting nay.

Motion: **Presiding Officer Kvistad** moved Amendment 2 Employment and Industrial Areas Map Change.

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

Discussion: **Presiding Officer Kvistad** stated Amendment 2 and 3 dealt with the Progress Quarry site, which was on the periphery of the Murrayhill Town Center that was oriented toward current designs for town center. Amendments 2 and 3 dealt with the change from it being the existing quarry to designation within the employment area and Amendment 3 if it were to pass would move it into the Plan's southerly extension of Murray and puts it on the design map as part of that Town Center.

Councilor McCaig stated she felt the Council should not waste people's time if the Council was not going to be supporting the amendment unless there was a reason of some note. She did not understand the process of bringing up the amendments that the Council was not supporting.

Presiding Officer Kvistad replied that on the first amendment he was not expecting a second and was planning to move right on. Since it was seconded that was the reason there was a vote and that took him by surprise as well.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Kvistad declared Amendment 2 was unanimously adopted.

Motion: **Presiding Officer Kvistad** moved Amendment 3 Boulevard Design Map change.

Seconded: **Councilor McLain** seconded the motion

Discussion: **Presiding Officer Kvistad** commented this amendment would include the planned southerly extension of Murray Boulevard which connects the 110-acre Progress Quarry site to the rest of the Murrayhill Town Center.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Kvistad declared Amendment 3 was unanimously adopted.

Motion: **Councilor McFarland** moved McFarland Amendment 1, Title 1 Housing and Employment Accommodation.

Seconded: None

Discussion: **Councilor McLain** stated the amendment she put in on Title 1 was a competing amendment. The amendment put forward had actually been related to in a different way and she wanted to ask Councilor McFarland how she would like her to proceed.

Councilor McFarland stated she put the amendment in because of concerns of the Mayor and she hoped that she would be there to speak to the modifications that were included in Councilor McLain's amendment to this. She asked Councilor McLain if that adequately addressed her concern.

Councilor McLain replied that it did.

Councilor McFarland withdrew the motion for this amendment.

Motion: **Councilor McLain** moved Amendment 2, Title I, Requirements For Housing and Employment Accommodation, Title 8, Compliance Procedures, Title 10, Definitions.

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

Discussion: **Councilor McLain** stated this amendment was drafted by the legal staff and they were asked to look through Title 1, 8 and 10 for consistency as well as for language issues.

Dan Cooper commented this was a result of a process that Mr. Shaw and himself went through with other interested attorneys to see if clarification could be done on the language as it had come out of the Growth Management Committee. There were separate amendments that were proposed to deal with anything that looked like a potential policy issue. This version was the closest they could get for clarity purposes only.

Councilor McLain mentioned she read through those amendments and found it consistent with the Growth Management Committee and felt comfortable with it.

Councilor McCaig requested time to read it.

Councilor McLain noted she was ready to vote on it but if they needed time to read it, it was up to them to decide.

Councilor Morissette requested time to look through it as well. He felt it conveyed a lot of changes in the Plan and would like a chance to thoroughly review it.

Presiding Officer Kvistad asked this be moved to October 10, 1996 agenda, however, did not want to hold up the process. He asked Councilor McLain if she would be willing to move this amendment to the next meeting.

Councilor McLain replied one of the reasons this item was moved to this date was to accommodate Councilor Morissette who would not be present on the October 10, 1996 Council meeting.

Councilor Morissette replied he could vote on it, but he felt he did not have enough facts to be able to make a good decisions to support it.

Presiding Officer Kvistad recommended, with the consent of the maker of the motion, to move this to the meeting on the 10th and asked if it would be prudent to act in his absence on this item.

Councilor Morissette replied the last thing he wanted to do was to hold up the process. He noticed, in going through the table at the end of the document, that as long as the chart still showed that The City of Portland was still planning on 70,000 housing units and that was still being used as the calculation of growth, he felt very little of what was there would cause him to change his vote, even if he liked a lot of the changes.

Presiding Officer Kvistad stated since two of the Councilors had requested more time on this item, it would be moved to the Agenda for the October 10, 1996 meeting. If at that point there were still Councilors with concerns there would be another meeting after the 10th where amendments would still be taken.

Councilor McLain replied she would support it being moved to the October 10th meeting but wanted it to be understood that Mr. Cooper, Mr. Shaw and herself did what they thought was asked, which was get all of Title 1 to the meeting so Councilor Morissette would have an opportunity to vote on it. She commended Mr. Shaw and Mr. Cooper for their work.

Councilor Morissette commented he did not have ample time to review the material. He felt his comments were relevant and felt there was inference that the Councilors had not been doing their work by the fact that they hadn't reviewed this document. He stated he had been diligently working to keep up with the process that was being put forward.

Presiding Officer Kvistad reiterated that was why this item would be moved to another agenda, to give everyone time to go over it and make sure they were comfortable before voting on those amendments. It was his understanding that everyone had the time to read them or were comfortable. He wanted to make sure that everyone understood what this was because of the regulatory nature of the document. He further stated that this would be moved to an action item for the October 10th meeting.

Motion: **Councilor McLain** moved Amendment 3, Title1, Section 3, Design Type Densities.

Seconded: None

Discussion: **Councilor McLain** reviewed the amendment, this amendment would react to some of the Public Testimony received from some of the local jurisdictions. Some of this information was brought up by Mr. Fregonese at the last Work Session. She stated she was sponsoring Title 1 because it responded to Portland, Gresham and Hillsboro on some issues on Design, Densities, Numbers and the way the wording was in Title 1. The persons per acre issue had been a language issue that some had concerns with because they did not know what that meant and they were used to dealing with units. There were some issues with Portland on the fact that some of the numbers were lower than some of the actual densities some of the jurisdictions were able to put forward. Portland for example, considered them to be artificial maximums. These numbers were being taken from the Section that was marked Design Type Density Recommendations and there they were quoted as being recommendations to the cities and counties as average densities.

On Section 3, Design Type Boundary Requirement was still set up by making sure that the comprehensive plans did clarify their 2040 Concept and their boundaries. It seemed to take care of all the concern that came forward on Title 1. It would allow more flexibility for the cities.

Presiding Officer Kvistad stated, being no second on this amendment, they would move forward to item 4.

Motion: **Councilor McLain** moved Amendment 4, Title 2, Maximum Parking Ratios.

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

Discussion: **Councilor McLain** stated this amendment had been problematic, as far as some of the jurisdictions were concerned, for some of the issues on parking. There had been a couple of suggestions that were made. In the parking area there were minimum and maximums that were arranged by zone, Zone A and Zone B. Some of the jurisdictions were suggesting to take out Zone B. She said she was not willing to do that because she felt it did not keep in the spirit of the actual Title, which was trying to encourage a different type of parking consideration. This would encourage and strengthen the language. It still would maintain the two levels of parking and the minimum / maximum concept, and recognize the jurisdictions that had a longer way to go from getting service. She felt there was a true commitment to move toward this Parking Title goal.

Councilor Morrisette asked John Fregonese if his understanding of this amendment meant loosening the requirements of the B category, so if there was no service they could avoid some of the prescriptive requirements of that area.

John Fregonese, Metro Growth Management Services replied that was correct. He reviewed three requirements, this would allow a jurisdiction to go from Zone A and Zone B if there was no transit service. In addition, Zone B was just a recommendation so it was not a mandatory maximum in Zone B.

Councilor Morisette stated he was still unsure. He noted some concern from the retailers, about how could they live up to those standards when they had no service.

John Fregonese replied that 20 minute service for this region was high quality, it was 20 minutes in the peak hour. It would put the limit in the areas that had 20 minute service but not in the areas that did not.

Councilor Morisette reiterated that this would allow flexibility where there was no service, to meet some other requirements that would allow more flexibility.

John Fregonese stated where there was service there would be required parking maximums. It made the current draft of the Functional Plan looser in areas that did not have transit service and would not have any required maximums.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Kvistad declared the motion passed unanimously.

Motion: **Councilor Morissette** moved Amendment 1, Goal 10 Policy.

Seconded: **Presiding Officer Kvistad** seconded the motion.

Discussion: **Councilor Morissette** commented that in State Law which the Plan had to adhere to, there was some language in Goal 10 that talked to the Balancing and Housing. He felt the goal for original law back in 1973 was that citizens would have an opportunity to choose the housing at a rate commensurate with ability to pay. He stated this was where average citizens would get the same choices as people more affluent to the market. He wanted to make sure that this boundary would allow types of choices for housing that would cause people not to drive from Salem to Portland to try and get what they were looking for at a price that they could afford.

Vote: The vote was 2 aye / 5 nay / 0 abstain. The motion did not pass with Councilor Morissette and Presiding Officer Kvistad voting aye.

Motion: **Councilor Morissette** moved Amendment 2, Home Ownership policy. Reasonable measures had been taken to preserve or increase current levels of owner occupancy of single family dwelling units.

Seconded: **Presiding Officer Kvistad** seconded the motion.

Discussion: **Councilor Morissette** commented he felt it was important not to lose sight of what he believed built a strong community, which was home ownership. He felt it was important to encourage people to own rather than have to be renters. He believed the language in this amendment represented that.

Vote: The vote was 2 aye / 5 nay / 0 abstain. The motion did not pass, with Councilor Morissette and Presiding Officer Kvistad voting aye.

Motion: **Councilor Morissette** Amendment 3, Accessory Units Allowed. Cities and Counties shall not prohibit the construction of at least one accessory unit within any allowed single family dwelling unit that is permitted to be built in any zone.

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

Discussion: **Councilor Morissette** stated that in this language he was not trying to create duplexes, but an opportunity that currently does not exist in most zones in the Metropolitan area, where an accessory unit could be put in an existing house. The goal was to allow that type of lifestyle that would reduce the need for single family detached housing or multi-family housing.

Councilor McLain asked Dan Cooper about the language on this amendment on D, "cities and counties shall not prohibit" she stated that language gave an indication that they have to have an accessory unit code. Would there be any way to capture Councilor Morissette's desire which was to encourage that would be legitimate for that section.

Dan Cooper stated there were a lot of different ways of expressing this. The language that was drafted at Councilor Morissette's request took a very clear line that there would be an absolute right to build an accessory unit in an existing otherwise allowed dwelling unit.

Councilor McLain felt the intention of this amendment was a good one. It was helping to add to the creativity of the housing stock. There was a lot of accessory unit planning differences out there and she thought they should be in the stage of encouraging that versus making that mandatory. If there was some language that would encourage it she would vote for it.

Councilor Morissette commented that language was already out there and most of the jurisdictions had already addressed that.

Councilor Monroe added he felt this was an excellent piece of work and wanted to commend Councilor Morissette for his effort. He was absolutely correct that if it was not made prescriptive then you could continue the current policy of exclusivity in zoning where they allow granny flats in certain areas and not in other areas. He felt it would add to the overall densification without changing the basic character of neighborhoods and reflect the changing demographics of society.

Councilor McFarland asked about making the language less prescriptive.

Councilor Morissette replied he had given much thought to the amendment and the language as it was. He hoped the Council would consider it just the way it was.

Councilor Washington asked Mr. Fregonese, if the city still had to approve these and all the zoning codes.

John Fregonese replied if this amendment were adopted, part of the compliance process that would be gone through would be to ensure, that in the single family zones, there would be a way to permit accessory units

as Councilor Morissette said. Given that they could apply conditions to the approval but would allow local options there for conditions but it would be permitted.

Councilor Washington stated he would support this amendment. He commented there was one of these types of accessory units close to his home and it was done very tastefully. He agreed that as the population ages, families would have to live together.

Councilor McLain stated that listening to the discussion she felt it was a good idea to encourage this, but stated that if the Council were to vote for it, it needed to be looked more at the second part of the amendment which was in Title 10 that they would add the following definition of what was a single family dwelling unit. She stated she could not go along with the amendment with that definition included. If single family dwelling unit and look at the mix, if you were to bring another definition back, it would have to be exclusive to the type of work that was being done in D.

Motion: Councilor Morissette moved to **amend** his amendment to approve just D.

Vote: The vote was 7 aye/ 0 nay / 0 abstain. Presiding Officer Kvistad declared the motion passed unanimously and was adopted.

Motion: **Councilor Morissette** moved Amendment 5, Density Minimums must be in appropriate locations. All zones allowing residential use shall, where appropriate, include a minimum density standard.

Seconded: **Presiding Officer Kvistad** seconded the amendment.

Discussion: **Councilor Morissette** presented he thought the minimum density language was too prescriptive. The 2040 Plan raised the densities in the Region a lot. To overlay that with the potential of a zero option or a minimal expansion of the boundary with the current underbuild there was, to be so prescriptive to say that the densities would dramatically be increased, and to put a minimum density requirement of 80% on the housing in the region would shut the market down. Some kind of language "where appropriate" to his way of thinking, a local jurisdiction was better equipped to figure out where they would put minimum densities in an area as opposed to us here throughout the region. In some areas 80% minimum density makes perfect sense even with the 2040 Plan but throughout the region there were many areas that the houses could not meet the market so they would not be built.

Vote: The vote was 2 aye / 5 nay / 0 abstain. The motion did not pass with Councilor Morissette and Presiding Officer Kvistad voting aye.

Motion: **Councilor Morissette** moved Amendment 6, Actual Minimum Density to Be Used in All Calculations of Capacity. Each city and county shall calculate the residential capacity of any high density zones where it has

established a minimum density of less than 80 percent of the maximum permitted density by using the established minimum density.

Seconded: **Presiding Officer Kvistad** seconded the amendment.

Discussion: **Councilor Morissette** stated this was similar to the prior amendment, and he would support it.

Vote: The vote was 2 aye / 5 nay / 0 abstain. The motion did not pass with Councilor Morissette and Presiding Officer Kvistad voting aye.

Motion: **Councilor Morissette** moved amendment 9, Additional Performance Measures.

Seconded: none.

Discussion: **Councilor Morissette** commented this was talked about in the Growth Management Committee where he wanted some sort of performance measures that told how the land prices were going. He would like some kind of benchmarks to be able to re-evaluate land prices. The money that was being used to subsidize housing, would be coming out of somewhere and that could potentially be from schools. He felt it would be important to keep track of the average vacancy rate for all residential units, if there was too low a vacancy rate, there would be dramatic increases in the amount people have to pay for rent. This would be a benchmark that would be important as well. If the goal was to get away from what Councilor Morissette considered a current dysfunctional housing market, there would be a situation to get supply with what people were looking for and balance.

Councilor McCaig asked that this amendment be moved to the October 17th meeting. It would be appropriate to deal with this package at the time that all the amendments would be dealt with on October 10th for Title 9.

Presiding Officer Kvistad asked if Councilor Morissette would object to moving this amendment to the meeting of October 17th.

Councilor McLain noted what amendments she would be working on, and asked if anyone wanted anything in the working drafts to let her know. She stated she would be working on Title 4 issues, there were some issues in Title 4 that were still very concerning. The language that currently existed had been worked on for a month and a half. She personally believed that some of the language in B was gutting the rule. She thought it needed to be worked on and the basic concept of it Title 1 would be back up for a vote on October 10th; Title 1 which straightened out the false maximums and some of the issues about recommendations. It was trying to give the communities a little bit more

flexibility with actually putting the concept on the ground in their community, would be back for vote on October 10th.

Presiding Officer asked if any of the Councilors had any amendments to add to the packet that they please be drafted and have them to Council by Tuesday prior to the Thursday Council meeting for consideration.

Councilor McLain noted Councilor Washington was still working on Title 7, Affordable Housing.

Councilor Morissette asked to vote on Councilor McLain's amendments on October 17th as opposed to October 10th.

Councilor McLain stated she would be happy to do that but explained one of the reasons they were trying to get as much done on the 3rd and the 10th was to give the public an opportunity to review and react to those amendments so that they could testify at the October 24th meeting. She suggested that Councilor Morissette could telephone in his vote.

Presiding Officer said Councilor Morissette could vote on October 10th by telephone.

Councilor Morissette replied he did not want to delay the vote and that he could vote now, but did not think he could support it.

Presiding Officer replied that since Councilor McCaig asked for an opportunity to review the material, voting on the amendment would be postponed until either the meeting of the 10th or the 17th. He extended the offer to Councilor Morissette for him to vote by telephone on this item if it was going to be moved forward on the 10th.

6. RESOLUTIONS

6.1 Resolution No. 96-2399, To Authorize Issuing General Obligations Bonds to Finance Zoo Improvements.

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2399.

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

Discussion: **Councilor Monroe** briefed this Resolution which would authorize General Obligation Bonds for the zoo project.

Jennifer Sims, Chief Financial Officer, asked Craig Prosser to give a brief overview of the Resolution and then she would walk the Council through the official statement on this project.

Craig Prosser, Financial Planning Manager, stated this document would authorize the issuance of the bond and set up bond covenance and would be the legal authorization for the bonds. The plan was to issue the bonds at a competitive bid. Bids would be accepted at Metro on October 23rd and the sale would be closed on November 1st. The process was being done rather rapidly on the bond sale because there was concern about how some of the ballot measures in the November election would effect the sale. He noted a correction in the staff report, the Resolution stated that the interest rate may not exceed 7%, in the staff report it said 8%, but the staff report number should be corrected to 7%.

Jennifer Sims reviewed the document. This represented Metro's official statement on this offering, and represented Metro to the bond buyers. This was also the Avenue for financial disclosure, and really said what all the details were behind this financing. There were also IRS and Security Exchange commission regulations that had to be met and this was a mechanism for addressing all of the code and regulation requirements. One new item, was new enhanced disclosure requirements, explaining what the environment was here that might affect Metro's ability to pay back the bonds. An entire section was dedicated to disclose the initiative process and the measures that were on the ballot and how they might effect the environment, because property taxes could be affected by the measures.

Vote: The vote was 7 aye / 0 nay / 0 abstain. The motion was passed unanimously. Presiding Officer Kvistad declared the Resolution adopted.

6.2 **Resolution No. 96-2400**, For the Purpose of Accepting the September 17, 1996 Special Election Abstract of Votes for Metro.

Motion: **Councilor Monroe** moved the adoption of Resolution No. 96-2400.

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

Discussion: **Councilor Monroe** proposed this was a house keeping measure, accepting what voters had said that they wanted Metro to do by going forward with the zoo improvement project.

Vote: The vote was 7 aye / 0 nay / 0 abstain. The motion passed unanimously. Presiding Officer Kvistad declared the Resolution adopted.

7. WORK SESSION

7.1 **Resolution No. 96-2392A**, For the Purpose of Accepting The Amended Urban Growth Report for Further Study.

Motion: **Councilor McLain** moved the adoption of Resolution No. 96-2392A.

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

Discussion: **Councilor McLain** noted the vote from the Growth Management Committee was a 3-0 unanimous vote to move it forward to Council. She reviewed Exhibit A, which would include some direction with this Resolution for staff to go back with the variables that had been worked on in both the Committee and the Council and to bring back an updated Growth Report by May of 1997. This document would then be accepted with the direction of adopting the variables to give staff further discussion and further work to do for us before making the final decision and adopt the Growth Report that would be the official forecast.

Motion: **Councilor Monroe** moved his amendment which spoke to criteria under Variable 9, under Farm use Assessment it would change the criteria from 80% of current Farm use Assess land to 100%.

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

Discussion: **Councilor Monroe** stated he felt that all available land within the Urban Growth Boundary that was developable needed to be counted before consideration of expanding the Urban Growth Boundary out onto farm and forest land.

Councilor Morissette commented he would not support this amendment. The position he had with counting it was no problem but using it for capacity numbers was a problem. He thought it should be known what the farm use land was inside the boundary, but felt that the land under this designation inside the boundary was very important. He felt those open spaces were critical to having a good quality of life in this region, so saying that we would count 100% of the land isn't just counting it, saying it's going to have very high density on it by the year 2017. He further stated he could not support that.

Presiding Officer Kvistad supported not including any of the farm tax deferred lands that was within the boundary. He followed up with Councilor Morissette's comments that first it was 70% then changed to 80%. He felt with as a reasonable notice that only X% would truly become available for urbanization within the next 20 years. 80% was reasonable but felt to go to 0 and say 100% was incorrect and really biases this decision in a negative way. He asked to stay with current recommendation from the committee which was 80%.

Councilor McLain spoke to Councilor Monroe's amendment, she said the circumstances were that it needed to be legally counted. Secondly she felt the market needed to take charge of that. If it comes off it comes off, if it does not come off then there would be an adjustment to the Plan as it unfolds. She thought they were following the right guide by doing

legally what was required and she believed that the market had indicated over the last four to five years that much of that farm tax deferred land, more than enough to count 100% for a four to five year period, when looking at a historical perspective of how much went off in the slow parts of the economy and how money went off in the fast part of the economy. Economically that would tell the tale but she thought it was reasonable to assume that more and more of that farm land would come off. This was because the farmers could not farm with as much urbanization around them as they were getting.

Councilor Morissette commented this was talking about capacity units, how many units could this Urban Growth Boundary fit inside of it. He would not want to be part of a region that had every single parcel of land having a house sitting on top of it. He felt keeping some of those places the way there were was important to having a good community. He stated that the compromise that was made a week ago, that was lowered and was now being adjusted again was wrong. The ratio of park land by high density housing, he felt, was very inadequate to keep a good livable community in the future. He urged to Council to consider his argument and vote against this amendment.

Presiding Officer Kvistad indicated we do not have to legally count 100%. He thought it pre-biased the decision, it was not good public policy. He stated there would not be 100% of all the current farm tax deferred land taken. It was not prudent or accurate to take 100% when it was known that was not true. He urged for the Council to please vote against this amendment.

Councilor Monroe commented this was not talking about building houses on every inch of land that was currently under farm zone. It was talking about counting all of that land as potentially available for development. Just like densities would not be the same on every piece of land that was available, some would be set aside as open space, some would have apartments, some would have single family homes, some would have 7,000 square foot lots, some would be in row houses in 3,000 square foot lots and so on. He stated that no one knew what would happen to any piece of land that was currently under farm zoning in the next 20 to 40 years. But to exclude it arbitrarily by some number such as 80% that was picked out of the air made no sense at all. It ought to be counted as potentially available for development when making calculations. He urged for the Council's support of the amendment.

Vote: The vote was 4 aye / 3 nay / 0 abstain. The motion passed for Councilor Monroe's amendment with Councilor McFarland, Councilor Morissette and Presiding Officer Kvistad voting nay.

Councilor Morissette felt it was important to note that in order to meet the standard of the law, it was assumed that those 244,000 housing units

would be going into this boundary, in order to meet the capacity, skewed the numbers in a way that would give the wrong conclusion. He read an item from a report the Executive Officer constructed regarding farm assessed properties. He felt the 2,600 acres referred in this report were very valuable.

Motion: **Councilor McLain** moved the amendment which asked to look at combined Variable 4 and 6 moved amendment to move the 27%. She thought the underbuild could be taken lower. She felt it was a reasonable request to take it down to 27% and hoped for the Councils support.

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

Discussion: **Councilor Morissette** firmly believed that the underbuild was much higher than the number he voted on last Tuesday. He urged to stay with the 29%.

Presiding Officer Kvistad stated that he would oppose this amendment.

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

Motion: **Presiding Officer** moved the Amendment having to do with the language in the Work Tasks Ordinance. It changed item 3 under "Be It Resolved, that Metro shall complete the following work tasks prior to consideration of adoption of the final Urban Growth Report."

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

Discussion: **Presiding Officer Kvistad** stated this language would say that as a Council, they would not be able to consider and set up for the adoption of the actual Urban Growth Report at the time that the Council got to that vote. This would not change any of the technical elements, it would not change any of the votes currently taken, it simply would change the language, and both of the legal counsel had looked at it. The Committee considered it, voted it down on a 2-1 basis but the Chair had assured him that after a secondary review she did favor this change.

Councilor Monroe asked to hear if Councilor McLain had any comments on this amendment.

Councilor McLain commented this was brought up and was not in writing at the Committee and she had not had a chance to look at and she had not had the opportunity talk to Legal Counsel and voted no on it. Her understanding of the language that was in place originally was that it said that, task prior to consideration of adoption, it was wanted this work plan to be completed before consideration of the final adoption of the Urban Growth Report. When looking at this new language and when

legal staff reviewed it, it still said shall complete the following work tasks and consideration adoption of the final Urban Growth Report. She said it did do the same thing and did not find the change to be substantial, and was not taking away the desire to finish the work task before the Report was completed and returned in May of 1997.

Dan Cooper thought the amendment proposed by Presiding Officer Kvistad said the same thing as it did before but much more clearly.

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

Analyst Morrissey noted that with the Monroe amendment and McLain amendment would in effect cause exhibit A to be revised.

General Discussion: **Councilor McCaig** asked the staff to estimate the net impact with those changes. As it was before the Council prior to the amendment, it was at 6,100 acres as a deficit and asked what it would be at now.

John Fregonese estimated just under 4,000 acres with a 18,000 acre reserve.

Presiding Officer Kvistad opened a public hearing on Resolution No. 96-2392B.

Peggy Lynch, 3840 SW 102nd Avenue, Beaverton, Or. 97005, recommended that the resolution be tabled while directing the staff to work on the items as listed or asked that the 9 Variables be amended to be consistent with the MPAC recommendation until the staff work was done and until local jurisdictions had a chance to work on the Functional Plan. Although this action was not regulatory, it could be construed as reason to increase the Urban Reserve acreage this December. She stated that the Councils' action today to require local jurisdictions to allow accessory units in all single family zones would increase the capacity in all jurisdictions. She noted the report before the Council would not be correct because it did not take that action on accessory units into consideration. It would be unknown what the final Functional Plan would be which may again change the potential capacity in the local jurisdictions. She asked the Council to let work be done locally and let the staff bring more information and adjust report after that work was done.

Wendy Kellington, Attorney, stated her position had been and continues to have a great deal of concern regarding the Urban Growth Report this document would set the need, that would be relied upon for Urban Growth Boundary as well as the Urban Reserves. She could not find any evidence to support the underbuild numbers being used and that the underbuild was in fact much closer to the 40 % number and she

respectfully submitted that for the Councils consideration with regard to the evidence to submit the other factors concerning underbuilt lands, the job forecast, the population forecast and all of those things. She felt that some compromises had been made that were not supported by evidence and it was such an important determination that was being made and wanted to express concern about that. Because this set the need standard she respectfully disagreed with Metro that this was a landuse decision.

Public Hearing closed at 3:49 p.m.

General Discussion on Resolution 96-2392B as amended

Councilor McLain turned attention to page 3 of the Resolution to make sure it was very clear what was being voted on. In the "Be it resolved" section what was asked was that the draft Urban Growth Report attached and incorporated here in Exhibit B shall be revised using the policy variables in Exhibit A to include the data reports produced from the work tasks in this resolution. It was indicated again that this was not a completed report but a draft. She thought it was extremely important to note this was a Resolution not an Ordinance. There was a very strong task for the staff to help bring back but she agreed with Ms. Lynch, that it was needed to know how well the Functional Plan did. This would give an opportunity for revisions in May or later when the report was returned on how well things went with the Functional Plan. This was accepting the Urban Growth Report, used as a basis for continuing to study and gave updates. She felt this was a compromise that no one was completely satisfied with.

Councilor Morissette asked for clarification as to what document Councilor McLain was reading from.

Analyst Morrissey commented that the material was passed out of Committee Tuesday and it did take some time to get the A version out, and what was in the packet was not the A version.

Presiding Officer Kvistad noted that what had been done today it was his thought that there was the tendency to fake numbers, to be politically correct. He felt that the vote on 100% farm land, to simply get a lower number to deal with in terms of potential expansion of the Urban Growth Boundary was not and were not numbers that reflected accurately what's out there in the market or in the community. He further stated that he did not agree with it and was fairly disappointed.

Final Vote: The vote was 5 aye / 2 nay / 0 abstain. The motion passed as amended, with Councilor Morissette and Presiding Officer Kvistad voting nay.

8. COUNCILOR COMMUNICATIONS

Councilor Morissette wanted to talk about having to call in on a vote and that it should not be made on Councilor McLain's Amendments 8 and 10. He requested that this move to October 17th meeting.

Presiding Officer Kvistad asked if the Council would be agreeable to deal with Amendments 8 and 10 on October 17th.

Councilor McLain stated that the October 10th date had been set since January of 1996 and had been one of the scheduled Council meetings. She stated she was not concerned about the time issue, but that it was a Council meeting and it was set. She commented that if Councilor Morissette would prefer the Council not vote on a particular item she would be more than happy to move that to a later date, but would not be willing to not talk about the Functional Plan.

Presiding Officer Kvistad stated that the McLain Amendments 8 and 10 would be moved to the October 17th meeting.

Councilor McLain commented that the legal adjustment amendment could be held until the October 17th if necessary.

Councilor Morissette clarified that there was going to be a vote on the Growth Report on the October 10th. There was going to also be a potential vote on the amendments to the Functional Plan.

Presiding Officer Kvistad replied that there were three specific Council meetings at which amendments would be considered. One was today, one would be on the 10th and the third would be on the 17th. The consensus of the Council would be to move that item to the 17th meeting when it was convenient for Councilor Morissette to be in attendance, and that they would continue to work on items brought forward on the 10th.

Councilor Morissette commented that he understood the reason the meeting was moved and felt it was the right thing to do to accommodate other Committees but it was also important to be careful that when setting things out early on in the year, but by changing the time, then we risk the opportunity of having to visit some of these things a second time. He appreciated the Council's indulgence in this matter.

Presiding Officer Kvistad replied that Councilor Morissette still had the opportunity to vote or participate by telephone if he requested to do so. He updated on Councilor expenditures. He asked for the Councilors to please review those expenditures and this would be done every quarter from this point forward so there would be an ongoing way to track expenditures out of the Council Office.

9. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 4:00 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Millie Brence
Council Assistant

A Copy of the Original of the following document can be found filed with the Permanent Record of this meeting in the Metro Council Office.

Document Number	Document Originator	Document Date
100396-01	Commissioner Charlie Hales City of Portland Bureau of Planning 1120 SW 5th Room 1002 Portland, OR 97204	10/02/96