

## MINUTES OF THE METRO COUNCIL MEETING

February 17, 2000

Fairview City Council Chamber

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

Councilors Absent: None

Presiding Officer Bragdon convened the Regular Council Meeting at 2:15 pm.

### 1. INTRODUCTIONS

**Mayor Roger Vonderharr**, Fairview welcomed the Council and gave an overview of Fairview. He said that massive amounts of planning and infrastructure requirements were also needed in older areas like Fairview where the population has grown from 2,000 to 7,000 since 1990 and expected to reach 12,000 by 2010. The area had little or no industry to help absorb the costs of providing that planning. He asked Council to do what it could to help with these problems and to recognize the burden placed on the small city by providing services to Metro facilities.

**Councilor McLain** said that Fairview was a model for other jurisdictions trying to do infill to an older established area. She asked what he saw as the most difficult challenge for the city in blending the established residents with new people coming in.

**Mayor Vonderharr** responded that helping people to understand that change was not always bad, it had been a great challenge. It was important to facilitate interaction between the two factions. In fact, the Halsey intersection had been deliberately designed to help tie the two parts of the city together. It was a matter of removing barriers and had been one of their primary goals. Mobility was another factor, not necessarily for cars, but for bus service and encouraging pedestrian access to businesses.

**Councilor Park** suggested that Councilors should visit Blue Lake Park, a Metro facility, while in the vicinity, and gave directions.

**Mayor Vonderharr** suggested that the Council walk to the railroad overpass in order to ascertain just how hazardous an area it was. Blue Lake Park had a bicycle path to the North connecting it to the 40-mile loop and was one of the few access points to the bikeway in East County. He pointed out that neither Fairview or Gresham had bicycle access to the park.

**Councilor Washington** commended the City for its work on high-density development. Fairview Village was a great example of how to curb urban sprawl.

**Mayor Vonderharr** said that the City not only had many levels of density, but he believed that anyone, in any income bracket, could afford to buy a house there.

**Councilor Kvistad** thanked the mayor and staff for the tour and their time and hospitality.

**Charlie Haugh**, Holt & Haugh, Inc., developer of Fairview Village, gave a summary of the tour he had given earlier to Metro Councilors and staff. In the next year retail would be added to the project and tenants included Multnomah County Library, restaurants, coffee shops, etc. The development's price and product range was probably the widest available in the Metro area. Prices ranged from condominiums at \$85-150k, single family houses at \$250k up and row houses in between. Carriage units could be used for an office or storage by the owner or used as a rental. Copies of the handouts are included in the public record. He said it would have been much easier to build a standard 95-acre subdivision, but that they consciously bucked the trend with a return to the early 1900s concept of building a community rather than just housing. He commended the City for helping them every step of the way.

**Councilor Park** thanked him for having the courage to build something new that was a financial gamble to the developers.

**Councilor Bragdon** said one of the striking things about the development was that it helped make the environment better. He asked how obstacles were overcome in the financial arena.

**Mr. Haugh** said that the stream had been virtually choked out in the beginning. Their work over the past 4-5 years had brought the fish population back 1000%. Because the development was allowed up to the creek; that allowed them to put money into its restoration. A process was in place to maintain the creeks and keep them from being harmed. Each piece of the project had different financing; the infrastructure financing was particularly difficult. Hopefully, with Fairview Village to point to, the next project would be easier to finance. The banking industry has begun to recognize the value of mixed development.

**Councilor Park** introduced Bob Wiggins, Metro Citizens for Citizen Involvement (MCCI) member, as a longtime East County resident and activist. He had worked with Glen Otto for many years on many projects, including the creation of Metro in the State legislature.

## 2. CITIZEN COMMUNICATIONS

None

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None

## 4. AUDITOR COMMUNICATIONS

None

## 5. BUDGET/FINANCE COMMUNICATIONS

**Councilor McLain** reported that the February 16 meeting consisted of General Fund department presentations by Growth Management, Transportation, Parks and Greenspaces, Executive Office and Council. John Houser and Michael Morrissey, Council analysts, were reviewing the presentations and would return to the next meeting, March 1, with questions for each department. Presiding Officer Bragdon had proposed a package of amendments to the Council budget. She invited other Councilors to review them.

## 6. MPAC COMMUNICATIONS

**Councilor Park** said that MPAC would meet next Wednesday, February 23 at 5:00 PM in Council Chambers to discuss Goal 5 habitat and the Endangered Species Act (ESA), as well as a presentation on Jobs Research issues.

**7. CONSENT AGENDA**

7.1 Consideration of minutes of the February 10, 2000 Regular Council Meeting.

**Motion:** **Councilor Washington** moved to adopt the meeting minutes of February 10, 2000 Regular Council meeting.

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

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

**8. ORDINANCES –FIRST READING**

8.1 **Ordinance No. 00-849** was removed from the agenda.

**9. ORDINANCES –SECOND READING**

9.1 **Ordinance No. 00-847**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2000-01, making appropriations, and levying ad valorem taxes, and declaring an emergency.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 00-847.

**Councilor McLain** said that she had received a call from MCCI with their concerns as to how much of their FTE was being used for MCCI material and work. She expected a formal presentation from them. The second set of presentations would be on Support Services on March 1.

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

**10. RESOLUTIONS**

10.1 **Resolution No. 00-2892A**, For the Purpose of Approving Portland Regional Federal Transportation Priorities.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 00-2892A.

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

**Councilor Kvistad** said that a new draft of the resolution had been handed out and was included in the public record. It dealt with a broad spectrum of transportation issues. The priority list had been developed at the Transportation Committee and JPACT meetings and had come forward with a unanimous vote. It will be taken to Washington DC by Councilor Monroe on behalf of Council.

**Councilor McLain** said that she had received many comments from constituents regarding the Intelligent Transportation System (ITS) signs on Highway 26. Most felt that the money could be better used making traffic flow better rather than telling drivers why they were stopped.

**Councilor Atherton** asked what had happened to the language regarding the Columbia River ports and communities down river and their concerns, and if including language saying that Metro approved going forward if Environmental Protections were enforced had been discussed.

**Councilor Kvistad** said that some JPACT members did not favor these ideas, so it was decided not to include it, as a unanimous vote was desired. These ideas would be brought forward at a later date.

**Councilor Monroe** pointed out that language that responded to ESA concerns with the Columbia River channel deepening was included. The JPACT position was that deepening the channel would allow the region to remain competitive with other ports, but without exacerbating the endangered species problem.

**Councilor Park** noted that the purpose of standards was to make sure that any project undertaken was done in a responsible manner. He expressed his pleasure at seeing the Stark Street project was back on the list. It was a vital area for redevelopment and to provide greater pedestrian safety.

**Councilor Kvistad** said that the issue of dredging affected the entire Columbia River corridor, not just the Metro region. Like the I-5 corridor; it should be looked at in its entirety, and not stop at the state line. The resolution looked at the entire region's needs, including Clark County, and covered most of the priorities Metro has discussed over the past few years. He believed that this was a good document to take to Washington DC and recommended passage.

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

10.2 **Resolution No. 00-2893**, For the Purpose of Appointing Jerry Powell, James Strathman, and Bernard Deazley to the Solid Waste Rate Review Committee.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 00-2893.

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

**Councilor McLain** said that the Solid Waste Rate Review Committee had been set up to give Metro advice and direction on what the rate for solid waste per ton and disposal fees should be. It was an extremely important advisory group. These three fine citizens had been selected out of 11 applicants to fill the vacant positions and she asked for a vote in favor.

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

10.3 **Resolution No. 00-2894**, For the Purpose of Authorizing Issuance of a Request for Proposals for Personal Services Agreement(s) for Design Services and Transportation Analysis for the First Phase of the South Corridor Transportation Alternatives Study.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 00-2894.

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

**Councilor Kvistad** said that when the South/North Project failed, Metro recognized that a commuting and transportation problem south of the Portland still existed and made a \$2 million commitment to Clackamas County to fund a study of the corridor to improve it. This resolution authorized the Request for Proposals (RFP) to begin. Councilor Monroe would head the effort.

**Councilor Monroe** reported that the first meeting of the South Corridor Steering group held February 16 had gone well. The group included Mayor Carolyn Tomei, Milwaukie; Mayor John Williams Jr., Oregon City; Clackamas County Commissioner Bill Kennemer; the City of Portland Transportation Planning Director; representatives from Tri-Met; and several others. He thanked Richard Brandman, Metro Transportation Director, for doing the principal staff work for the meeting. The group's task was to take public testimony and work with business and government leaders in the South Corridor to determine the best options to bring forward for an Environmental Impact Study (EIS) by June 2000. The goal was to reach agreement on a project or projects for which to seek Federal and local funding by June 2001, at the end of the EIS process.

**Councilor Monroe** said the council wanted to make it clear that just because Clackamas County said no, at least for now, to light rail, didn't mean their transportation needs disappeared. The county's severe transportation needs that existed today would only get worse. The council recognized that much of the growth that Metro anticipated for the region would occur in Clackamas County. Therefore, the RTP (Regional Transportation Plan) included various proposed highway improvement projects in the county, but they needed high-capacity transportation improvements as well. The steering committee took its job very seriously. They would continue to meet (next sometime in early April 2000) until they could decide which projects needed to proceed to the DEIS (Draft Environmental Impact Study) process.

**Councilor Kvistad** said he didn't hear Clackamas County say no for now. He heard them say loudly just no. The council needed to move forward quickly with their work. He suggested that once the project was finished, he and Councilor McLain might want to talk to the region about arranging transportation for parts of Washington County that hadn't ever been served by bus routes. He asked the council to support the resolution and recommended an aye vote.

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

**Councilor Monroe** said that people, regions and counties sometimes change their minds.

10.4 **Resolution No. 00-2895**, For the Purpose of Authorizing Issuance of a Request for Proposals for Personal Services Agreement(s) for Land Use Planning, Transportation and Environmental Analysis of Urbanizable Lands on the Eastern Edge of the Regional Urban Growth Boundary.

**Motion:** **Councilor Park** moved to adopt Resolution No. 00-2895.

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

**Councilor Park** said it was a unique request for proposal. The Transportation and Community and System Preservation Pilot Program (TCSP) was a \$500,000 pilot grant program awarded by the Federal Highway Administration to Metro in May 1999. It was designed to fund concept planning in the Pleasant Valley/Damascus area, formally known as Urban Reserve Areas (URAs) 4 through 11. The grant program was also intended to help Metro work directly with the cities of Gresham and Portland, and Clackamas County to address land-use, transportation and related

environmental impacts of development issues that would arise as the area urbanized. He added that the program would prove successful if it resulted in more developments similar to Fairview Village.

He said the planning for URAs 4 and 5, primarily the western portion of Pleasant Valley into Portland and the eastern-southern sections into Gresham, was included within the Urban Growth Boundary in 1999. In the future, Metro planned to focus on more of the detailed areas to the south – the other portion of Clackamas County.

They would be working with other agencies and interest groups in the area, and would balance development with sensitivity toward the natural environment. He mentioned the headwaters of Johnson Creek and other similar areas, and said they were very important to preserve and manage. Portland State University would be evaluating their progress as the program developed. Grant tasks would be closely coordinated with Clackamas County, which received a transportation growth management grant from the state to conduct ongoing concept planning for URAs 6 through 11. Hopefully, by working together, the two agencies will produce better value and results. The coordination effort was written into the work plan and the allocation was shown.

He said it was important to note that Metro wouldn't be seeking funds from the program for the administrative role the agency would be assuming. Instead, they planned to use existing staff. When the University of Oregon received a grant, from an individual or the federal government, the university typically retained 20 percent for administrative fees. Oregon State University often claimed 50 percent. He thanked Mary Weber who negotiated with all the parties. Everybody wished they had more money, but they all got something for their part of the project.

It was a cutting edge program and would be successful. The total grant was \$510,000 (\$10,000 from an Urban Reserve Grant Fund that would help Portland finance their portion of the project). He thanked the congressional delegates (Senators Gordon Smith and Ron Wyden, Representatives Earl Blumenauer and Darlene Hooley) and others. The project would produce successful 2040 Growth concepts similar to the Fairview Village design and protect the environment at the same time. He asked the council to support the resolution and urged an aye vote.

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

10.5 **Resolution No. 00-2896A**, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline for Clackamas County and the Cities of Fairview, Happy Valley, Hillsboro, Lake Oswego, Milwaukie, Oregon City, Portland, West Linn and Wilsonville.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 00-2896A.

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

**Councilor Monroe** said the Metro Code allowed the council to grant time extensions to jurisdictions if they could demonstrate substantial progress or proof of a good cause for having failed to complete the regional functional plan (RFP) requirements on time. The council had such a request from 10 regional jurisdictions (Clackamas County, and the cities of Fairview, Happy Valley, Hillsboro, Lake Oswego, Milwaukie, Oregon City, Portland, West Linn and Wilsonville). He noted that not all of the jurisdictions that were not in compliance had made such a request. He said the council should honor the Metro Code and grant jurisdictions that have made a good faith

request the time extension permitted in the code. He asked the council to support the resolution and urged an aye vote.

**Councilor McLain, Councilor Park and Mrs. Wilkerson** discussed the Metro Code policy and criteria for granting approval of official, written requests for exceptions submitted by Hillsboro, Forest Grove, Cornelius and/or possibly other jurisdictions.

**Councilor Monroe** said the council had a nice chat about exceptions, but the resolution only dealt with extensions. He asked the council to support the resolution and urged an aye vote.

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

10.6 **Resolution No. 00-2897**, For the Purpose of Granting a Time Extension to the Cities of Lake Oswego, Rivergrove, and West Linn for Compliance with Title 3 of the Urban Growth Management Functional Plan.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2897.

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

**Councilor Washington** said the resolution provided for another extension, but dealt with Title 3 and floodwater conservation. As Councilor Monroe mentioned earlier, the council had the authority to grant extensions. On June 18, 1999, the cities and counties reported on their progress for compliance with the Title 3 requirements of the RFP. Local jurisdictions throughout the region made considerable progress in dealing with flood management, erosion, sediment control and protection of water quality resource areas. Each jurisdiction had elements of the requirements in place, and was working toward amending current standards to be consistent with Title 3.

Lake Oswego requested an extension until June 2000. They were largely in compliance with the requirements of Title 3. However, they needed to adopt balance, cut and fill regulations for development in the flood plains, and update water quality and flood plain area maps.

Rivergrove also asked for an extension until June 2000. They met the requirements of Title 3 and established balance, cut and fill regulations for development in the flood plains. They proposed code language, prepared and reviewed by Metro staff, that met the remainder of the requirements of the RFP. There were some minor amendments to the proposed code that would help the city achieve compliance with Title 3.

West Linn requested an extension until March 2000. The city provided Metro with proposed code language that met the remainder of the requirements of the RFP. Metro staff reviewed the language and identified minor amendments to the proposed codes that would also bring West Linn into compliance with Title 3 requirements. The proposed code was currently proceeding through the public hearing process. The city anticipated adoption of the code by the March 2000 extension deadline. The process wasn't as simple as it appeared at the outset. Therefore, Councilor Washington asked the council to support the resolution and urged an aye vote.

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

10.7 **Resolution No. 00-2900**, For the Purpose of Confirming the Appointment of Terry Petersen to the position of Director of the Regional Environmental Management Department.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2900.

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

**Presiding Officer Bragdon** and **Councilors McLain, Kvistad, Monroe, Park, Atherton,** and **Washington** all praised Dr. Petersen's performance and credentials, and congratulated him on his appointment.

**Councilor Washington** asked the council to support the resolution and urged an aye vote.

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

10.8 **Resolution No. 00-2903**, for the Purpose of Granting a Time Extension to the Functional Plan Compliance Deadline for the City of Gresham.

**Motion:** **Councilor Monroe** moved to adopt Resolution No. 00-2903.

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

**Councilor Monroe** said the resolution granted a time extension, permitted by the Metro Code, to Gresham to comply with Title 3 requirements. He asked the council to support the resolution and urged an aye vote.

**Councilor Park** said the resolution affected Gresham, where he was a resident and owned property. He thanked his two fellow councilors on the growth committee for presenting Resolution No. 00-2903 separately from the other resolutions so he could abstain from voting on it and avoid any appearance of favoritism as a Metro councilor.

**Vote:** The vote was 6 aye/0 nay/1 abstain. The motion passed with Councilor Park abstained from the vote.

## 11. COUNCILOR COMMUNICATIONS

**Councilor Kvistad** said he was campaigning for the Office of State Treasurer. Due to his rigorous campaign schedule and the size of the state territory he planned to cover, there would be times during the next few months when he would not be able to attending some council meetings. He apologized in advance and said he appreciated the council's understanding. However, he planned to make every effort to attend all his regularly scheduled council meetings every week.

**Councilor Park** thanked the city of Fairview and Mayor Roger Vonderharr for the tour and use of their new Fairview Village residential complex and meeting facilities. It was an excellent example of what could be accomplished. He also complemented the Post Office complex.

**Councilor McLain** told Councilor Kvistad and the other councilors they had an opportunity to add to the Federal and State Legislative Agenda Committee's list of lobbying issues the council planned to examine. Several people attended the committee meeting on Wednesday, February 16, 2000. However, there were two or three councilors who didn't have an opportunity, at that time, to add their suggestions to the list. The list had not been finalized, so she encouraged input from the councilors.

She also said the committee had been directed to create a work plan. She offered councilors an opportunity to contribute to that document as well. She planned to work with Michael Morrissey, Senior Council Analyst, this week on three areas. They would review the guiding principles that Metro used last year by employing a white paper approach suggested by Councilor Park. The approach dealt with a proactive list of items the council wanted to manage closely. It also involved an inventory of the council's outreach and lobbying efforts. Plus, they discovered at least two or three other important items they wanted to include in the work plan.

She mentioned Goal 5 issues and said that all the councilors had been involved in the outgoing open houses. They planned to examine the three approaches of Goal 5: a safe harbor, local alternatives and a district plan. She said there were some very important issues out there to be discussed. One, how well would the approaches help the council with the Rule 4D response? Two, if the council had local alternatives and district plans, were the standards clear and concise enough to meet either the Rule 4D response or the council's own safe harbor issues? Three, dealt with utilities, daily operations, and emergencies and repairs. A big concern that surfaced in Hillsboro recently was how to handle utility issues and knowing where the council put the lines before. They weren't as creative, or maybe they didn't have the opportunity, like Fairview, to dig one ditch and put everything underground in the appropriate place. Finally, she mentioned rural land issues: the 10-10 plan, the agricultural plan for outside the Metro urban growth boundary and property rights.

**Presiding Officer Bragdon** said the council would have a brief executive/work session following today's council meeting to discuss threatened litigation.

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

**Presiding Officer Bragdon** opened an Executive Session for ORS 192.660(1)(h) at 3:50 p.m.

**Present:** Presiding Officer Bragdon, Councilor Washington, Councilor Park, Councilor Atherton, Councilor Kvistad, Councilor McLain, Councilor Monroe, Dan Cooper, General Counsel, Jeff Stone, Council Chief of Staff, Chris Billington, Clerk of the Council, Elaine Wilkerson GM Director, Andy Cotugno, Transportation Director.

**Presiding Officer Bragdon** closed the Executive Session at 4:02 p.m.

**11. ADJOURN**

There being no further business to come before the Metro Council, **Presiding Officer Bragdon** adjourned the meeting at 4:05 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**Attachments to the Record  
 Metro Council Meeting of February 17, 2000**

<b>Doc. No.</b>	<b>Document Title</b>	<b>TO/FROM</b>
021700c-01	Fairview Village Compact Disk	
021700c-02	<i>The Village News</i> , Autumn 1999, Volume 2/Number 1	
021700c-03	Handout - Rosewalk Loft Rowhouses at Fairview Village	
021700c-04	Minutes of the Metro Council Meeting, February 10, 2000	
021700c-05	Growth Management Committee Report: Consideration of Resolution No. 00-2895, for the Purpose of Authorizing Issuance of a Request for Proposals for Personal Services Agreement(s) for Land Use Planning, Transportation and Environmental Analysis of Urbanizable Lands on the Eastern Edge of the Regional Urban Growth Boundary.	Council/Park
021700c-06	Metro Growth Management Committee Report: Consideration of Resolution No. 00-2896A, for the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline for Clackamas County and the Cities of Fairview, Happy Valley, Hillsboro, Lake Oswego, Milwaukie, Oregon City, Portland, West Linn and Wilsonville.	Council/Washington
021700c-07	Growth Management Committee Report: Consideration of Resolution No. 00-2897, for the Purpose of Granting a Time Extension to the Cities of Lake Oswego, Rivergrove and West Linn for Compliance with Title 3 of the Urban Growth Management Functional Plan.	Council/Monroe
021700c-08	Portland Regional Federal Transportation Priorities, Exhibit "A" to Resolution No. 00-2892	Council/Cotugno