

## MINUTES OF THE METRO COUNCIL MEETING

April 13, 2000

St. Anthony's Parish Hall

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

Councilors Absent: Rod Monroe

Presiding Officer Bragdon convened the Regular Council Meeting at 2:00 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATIONS

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. AUDITOR COMMUNICATIONS

None.

### 6. H-TAC PRESENTATION

**Diane Linn**, Multnomah County Commissioner and Chair, Affordable Housing Technical Advisory Committee (H-TAC), gave an update on H-TAC and the H-TAC Proposed FY 2000/2001 Housing Program Elements. A memo and attached proposal from Commissioner Linn includes information presented by her, and are included in the meeting record.

**Councilor Washington** thanked Commissioner Linn for her presentation. He asked how much money H-TAC needed from Metro, best and worst scenarios.

**Commissioner Linn** said H-TAC believed \$100,000 was the bottom-line figure, through either Option A (1.0 FTE) or Option B (.5 FTE plus \$50,000 in materials and services). She added that H-TAC would be happy to work with the Council to evaluate Metro staff assignments and hopefully keep the same staff involved in affordable housing, in order to continue the committee's momentum.

**Councilor Washington** thanked the members of H-TAC. Based on his conversations with citizens, it was clear that affordable housing was a very large and critical issue to the region. Metro was barely scratching the surface. He knew that H-TAC was doing excellent work on limited funding. He said Metro could not address the issue of growth in the region without honestly addressing the issue of affordable housing or transportation. He said the Council would do its best to assist H-TAC.

**Commissioner Linn** introduced Jeff Condit, David Bell and Tasha Harmon. She thanked them for their hard work on H-TAC.

**Ms. Harmon** said she hoped the Council would see affordable housing as a crucial issue to the region.

**Councilor Atherton** asked Commissioner Linn about the statement in the H-TAC report that land within the urban growth boundary (UGB) tended to be harder and more expensive to develop.

**Commissioner Linn** said each H-TAC subcommittee took its work to a wider group of people with a range of expertise, and one of the focus groups asserted that the UGB affected the affordability of housing. She noted that the assertion was controversial within H-TAC.

**Councilor Atherton** said the opposite argument could be made: a single-room occupancy or small apartment, built to code, within walking distance to reliable public transportation, was the least costly housing option available.

**Ms. Harmon** said there was an ongoing debate over the definition of "cost" in terms of housing development: should the cost just include the cost to the developer, or should it also include public costs and the expenses of the resident over time.

**David Bell** introduced himself as a developer, and said this was the big question of regional land planning. The basic notion was that economically, aside from the philosophy of saving farm and forest lands, the theory of building up not out was that in the long run, building on existing infrastructure was more efficient. It had not been proven, however, whether that theory was true or not. His experience developing infill in the Portland River District suggested that it was so simple: The existence of infrastructure did not necessarily mean that the infrastructure could handle additional burdens with upgrading. It was true that the supply of land, in the face of constant or escalating demand, affected price. When considering the costs and benefits of regional growth boundary based development, it was not helpful to pretend that restricting the supply of land did not affect its price. Instead, the region needed to honestly debate the costs and benefits of regional growth boundary based development.

**Commissioner Linn** said the Council needed to be aware that there were difficult questions that were impossible to answer, but H-TAC's goal was to help the Council understand the factors affecting the affordability of housing, in terms of the regulatory issues and strategic options available. For H-TAC to continue supplying the Council with information, however, it needed Metro's financial support.

**Councilor Atherton** said in coming to St. Anthony's Parish, he saw that the value was in the vision and not in the bare land. Charging the full cost of growth was one of the most efficient ways to answer Mr. Bell's question of cow pastures versus existing.

**Mr. Condit** said H-TAC has discovered that there are a number of tradeoffs in any approach to affordable housing. He reiterated Councilor Washington's assertion that affordable housing needed to be considered when determining how the region should grow.

**Councilor Washington** thanked the members of H-TAC for their time and for coming to the Council to share its findings. He said affordable housing reminded him of when he worked for the phone company, and every household received enough cable for one phone line. Now, with the advent of fax lines and modems, more cable was required, and people's phone bills increased.

**Councilor Atherton** said if the full public costs of growth, the full service development costs (SDCs), were covered by the cost of land, it drove down the value of the land. The result was cooperation, and the possibility of developments like Fairview Village and St. Anthony's Village. He argued that charging the full cost of growth created an incentive for more affordable housing. He cited Mountain Park as an example.

**Ms. Harmon** said she did not disagree in principle, but the region was already in a situation in which a whole segment of the population could not afford to pay the market rate for housing, and was forced to decide between housing, feeding their children, turning on heat, or buying necessary medicine. If the region was going to charge the full cost of growth as a way to create efficiencies, it was still essential to find a way to fill the gap for the people for whom that would create an impossible situation.

**Presiding Officer Bragdon** thanked all the members of H-TAC for their hours of work.

## 5. PRESENTATION ON AFFORDABLE HOUSING

**Father Michael Maslowsky**, St. Anthony Parish, welcomed the Council to St. Anthony's Parish and St. Anthony's Village, and described St. Anthony Village Enterprise and the Village's philosophy about communities. A packet of information is included in the meeting record, and includes information presented by Father Maslowsky. He urged Metro and other local governments to help faith communities provide housing and care facilities by assisting them in the pre-development process, through a funding pool and technical assistance.

**Councilor Atherton** said there was nothing more powerful than a good example, and St. Anthony's Village did everyone a great service. Metro was a regional government that tried to find economies of scale and which had resources it could bring to bear on a regional basis that an individual city would not have. He asked if Father Maslowsky could give any advice as to project scale, were Metro to have in-house construction management expertise.

**Father Maslowsky** noted the assisted living facility in St. Anthony's Village, and said on average, assisted living facilities needed 60 to 85 units to take advantage of economies of scale. St. Anthony's Village included 17 one- and two-bedroom apartments for seniors, with 40 people on a waiting list. Had money been available to purchase an adjacent parcel of land, St. Anthony's could have built twice as many apartments and rented them. Of the 127 units, all were rented before St. Anthony's Village opened, and there was a waiting list for every unit. Need was not the question, the question was to appreciate that normally, people were reluctant to move more than two miles into a facility. This was not the case for St. Anthony's Village. He believed people moved here because of the village, the faith component, the intergenerational feel, and because it did not feel like an institution.

**Councilor Atherton** followed up by noting that, based on the success of St. Anthony's Village, it was clear that 5 acres worked and provided economies of scale. He asked at what point a village would become "institutionalized" and be too big for either an attractive vision or to be manageable.

**Father Maslowsky** said he did not believe St. Anthony's Village was the upper limit of size. There were ways to de-institutionalized a larger population base, such as design. He noted that design options were directed affected by zoning, and he cited a potential village development in North Portland by Roosevelt High School that may not occur solely due to the cost of rezoning the land.

**Councilor Washington** said the grounds at St. Anthony's Village were beautifully laid out. He noted the previous discussion about scarcity of land, and asked if was possible to a project such as the village to build up more? He asked if that would institutionalize the village?

**Father Maslowsky** said not necessarily, and in some instances, the economies would require more stories. They chose not to build up St. Anthony's Village in part not to overwhelm the neighborhood, which was composed of small, cottage bungalow style homes. There were sites where one could build up, such as the Assumption site in North Portland, because the existing church and tower was quite large, and it would be near Roosevelt High School. He said the landscaping at St. Anthony's Village was designed to bring the surrounding neighborhood into the Village, and avoid the feeling of a gated community.

**Councilor McLain** said she hoped Father Maslowsky had kept a five-year journal and could share his insights with others, particularly in identifying regulatory barriers that local governments can address. She said his insights would be particularly helpful to H-TAC, as the committee worked to identify barriers to affordable housing. She thanked Father Maslowsky for his presentation.

**Presiding Officer Bragdon** asked what was on the site five years ago, before it was redeveloped.

**Father Maslowsky** said the site was just under 5 acres, and 5 years ago there was an old school that had been relocated from the Laurelhurst area in the 1950s, which closed in the early 1970s. The upper stories were abandoned, and the basement was used as a worship space. There was a covered playground that served as a meeting hall, which was in very poor shape, and there was a very small one-story frame structure which had been a convent, also in disuse. The rest of the site was covered in weeds, and abandoned tires and mattresses.

**Councilor Atherton** said he asked about the range of sizes because if an upper and lower range could be established, he thought Metro had a process for a planned unit development overlay which could address Father Maslowsky's zoning problem. He did not know if Metro's legal counsel had advice on how that could fit in a regional framework, but the planning rubric existed.

**Father Maslowsky** said that would certainly be helpful because every neighborhood had one or more faith communities. If those communities could be brought into the housing and care facility process, there would be an immediate pool of real estate. There were over 40 parishes in the Portland area, and he suspected at least half of them were potential sites for housing, if the pre-development process and zoning issues could be addressed.

## 7. MPAC COMMUNICATIONS

**Councilor Park** said there was a rousing discussion of Goal 5 issues at MPAC last night. Dan Cooper, General Counsel, gave a presentation on periodic review, which the Council would also

discuss further at the end of its meeting. The next MPAC meeting would be on April 26, and would address accessory dwelling units and jobs research.

**Councilor McLain** said Goal 5 would probably be the main theme at MPAC for three more months. She felt MPAC reaffirmed the Goal 5 goals last night, and the debate focused on the process and product.

## **8. CONSENT AGENDA**

8.1 Consideration of minutes of the April 6, 2000, Regular Council Meeting.

**Motion:** **Councilor Park** moved to adopt the meeting minutes of April 6, 2000 Regular Council meeting.

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

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Monroe was absent. The motion passed.

## **9. ORDINANCES – FIRST READING**

9.1 **Ordinance No. 00-854**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Reflecting Cost of Living Adjustments and Health and Welfare increases, and Declaring an Emergency.

**Presiding Officer Bragdon** assigned Ordinance No. 00-854 to the Metro Operations Committee.

9.2 **Ordinance No. 00-855**, Amending the FY 1999-00 Budget and Appropriations Schedule for the Purpose of Reflecting an authorized interfund loan from the Solid Waste Revenue Fund to the Convention Center Project Capital Fund, and Declaring an Emergency.

**Presiding Officer Bragdon** assigned Ordinance No. 00-855 to the Metro Operations Committee.

## **10. ORDINANCES –SECOND READING**

10.1 **Ordinance No. 00-853**, For the Purpose of Amending the FY 1999-00 Budget to Increase the Full-time Equivalents in the Solid Waste Revenue Fund by 2.50 FTE for the Purpose of Increasing Staffing in the Hazardous Waste Program; and Declaring an Emergency.

**Motion:** **Councilor McLain** moved to adopt Ordinance No. 00-853.

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

**Councilor McLain** presented Ordinance No. 00-853. A staff report to the ordinance includes information presented by Councilor McLain and is included in the meeting record.

**Councilor Kvistad** said from his understanding, the people currently hired for these positions, who received fairly modest wages, would lose their jobs to a full-time person, because they did not qualify for the new position. He asked about the people who would lose their jobs due to this change.

**Terry Petersen, Director of Regional Environmental Services**, said the ordinance would replace the Metro temporary employees with permanent employees. Those people currently employed in the temporary positions were eligible to apply for the permanent positions, therefore they may not lose their positions.

**Councilor Kvistad** asked about the budget impact.

**Councilor McLain** said the budget impact would be \$9,000 for the remainder of this year. The new FTEs would result in an increase of \$28,000 for wages and benefits, coupled with a decrease of \$19,000 from elimination of the temporary positions.

**Presiding Officer Bragdon** opened a public hearing. No one appeared to speak with regard to Ordinance No. 00-853. Presiding Officer Bragdon closed the public hearing.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Monroe was absent. The motion passed.

## 11. RESOLUTIONS

11.1 **Resolution No. 00-2922**, For the Purpose of Appointing Michael Carlson and Hilary Abraham to the Water Resources Policy Advisory Committee.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 00-2922.

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

**Councilor McLain** presented the resolution. A staff report to the resolution includes information presented by Councilor McLain and is included in the meeting record.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Monroe was absent. The motion passed.

11.2 **Resolution No. 00-2923**, For the Purpose of Issuing a Solid Waste Facility License to Tire Disposal and Recycling, Inc.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2923.

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

**Councilor Washington** presented the resolution. A staff report to the resolution includes information presented by Councilor Washington and is included in the meeting record.

**Presiding Officer Bragdon** noted that the playground mats at the St. Anthony's day care facility were made of recycled tires, and may have come from this tire disposal and recycling company.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Monroe was absent. The motion passed.

11.3 **Resolution No. 00-2924**, For the Purpose of Replacing a Solid Waste Franchise Issued to Waste Recovery with a Solid Waste Facility License to be Issued to RB Recycling.

**Motion:** **Councilor Park** moved to adopt Resolution No. 00-2924.

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

**Councilor Park** presented the resolution. A staff report to the resolution includes information presented by Councilor Park and is included in the meeting record.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Monroe was absent. The motion passed.

11.4 **Resolution No. 00-2933-A**, For the Purpose of Authorizing Amendments to the Intergovernmental Agreement with the City of Portland for the Consolidation of Regional Facilities to Transfer Civic Stadium.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2933-A.

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

**Councilor Washington** presented the resolution. A staff report to the resolution includes information presented by Councilor Washington and is included in the meeting record. He asked Mr. Cooper to fill in any additional information.

**Mr. Cooper** said there were still two outstanding issues between Metro and the City of Portland. He believed the issues had been resolved conceptually, however, and there was no reason to believe the Portland City Council would not approve the proposal when it convened again. He said he strongly believed that within two weeks, he would be back before the Council with the final amendments to the intergovernmental agreement (IGA) that would split the Civic Stadium away and give it to the City of Portland, and would leave Metro as manager of the Portland Center for the Performing Arts.

**Presiding Officer Bragdon** said the longer the negotiations continued, the worse off Metro was financially, in terms of booking the Stadium for events.

**Mr. Cooper** said that was part of the negotiations between Metro and City staff. The agreement was structured in such a way that if the City was unable to take back the Civic Stadium on July 1, it would accept the financial risk.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Monroe was absent. The motion passed.

11.5 **Resolution No. 00-2934**, For the Purpose of Requesting Periodic Review of the Regional Urban Growth Boundary.

**Motion:** **Councilor Park** moved to adopt Resolution No. 00-2934.

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

**Councilor Park** said at the April 4, 2000, Growth Management Committee meeting, the committee voted to move the draft version of Resolution No. 00-2934 without recommendation for adoption, based on further work by Mr. Cooper. He said state law currently required that every jurisdiction go through periodic review within a 5 to 10 year window. Metro last completed periodic review in 1992. Now that Metro was in the legislative growth process, it was believed to be advantageous to enter into periodic review. The committee held several informal discussions and spoke with MPAC. According to an earlier memo from Mr. Cooper, by entering into periodic review, Metro would be directed to carry out the expansion and the work program in concert with the Land Conservation and Development Commission (LCDC or Commission). The advantages were several fold. One advantage was the certainty provided to the region's citizens that any appeal would go to the Court of Appeals, not the Land Use Board of Appeals (LUBA). The timing would begin with Resolution No. 00-2934, which would be forwarded to LCDC Director, who would then make a recommendation to the Commission. The Commission would then decide whether to add Metro into the work plan. At some point after that date, Metro would hold a public hearing within 21 days to gather comments on the proposed plan. At some future date, the Commission would enter Metro into periodic review. He asked Mr. Cooper to elaborate and make corrections if necessary.

**Mr. Cooper** said Councilor Park was correct until the end. Resolution No. 00-2934 did two things and then referred to a third document. First, it requested that Metro be placed into periodic review for the purpose of determining the need to expand the UGB and approving the UGB amendments. Second, it adopted a citizen involvement component and requested Commission approval of that component. Third, it contained a draft outline of what the work program would be, in order to begin the citizen comment process. He anticipated that in two weeks, at the Commission's next meeting, the Commission would place Metro formally into periodic review. That began the time period for the submission of a formal work plan by Metro to the state for the state to approve. That process required Metro to give a minimum of 21 days notice of the proposed work plan and hold hearings before the Council approved the work plan and sent it to the state for its approval. The Commission's approval could occur in one of two ways. One was an administrative approval by the Director, subject to appeal by the Commission. The second was direct Commission approval. He thought the state was anticipating that it would go straight to the Commission for direct approval, probably at the July meeting. He corrected Councilor Park's previous statement by clarifying that Metro would enter into periodic review in approximately two weeks, which would commence the time period by which Metro could give notice and start the public involvement and local government coordination process on the periodic review work plan.

Mr. Cooper added that Exhibit B was a suggested schedule for work tasks. It was a preliminary outline that would guide staff in preparing a formal work program, which would be submitted to the Council as a proposal that would be subject to public comment, review and final adoption by the Council and submission to LCDC. Staff worked very hard to make the work program as complete as possible, but it was a rough work in progress and not anywhere near done. The final work product would be much more detailed, thorough, and subject to much more staff work before being turned into a narrative. The important aspect of Exhibit B was that it outlined three separate phases for periodic review: first, the regional 20-year housing supply, as required by state statute; second, detailed sub-regional needs analysis and determination of whether to move the UGB; third, the 2002 time period for again looking for a 20-year land supply as required by law, because the law instructed Metro to determine its land supply in 1997 and no later than every 5 years thereafter. He noted for the record that Metro had already received a letter from the City



of Hillsboro commenting while it had concerns about the current work plan, it recognized that further revisions would be made before it was approved by the Metro Council.

**Councilor McLain** asked what, if any, was the difference for citizens and for local partners, as far as their relationship to Metro and to LCDC.

**Mr. Cooper** said the difference for citizens between periodic review and a straight legislative amendment process by the Council was negligible. The Council was still required to do citizen involvement and hold public hearings. The work program anticipated for 2000 was not materially changed in that regard. What would be different was the next step. Citizens who wanted to address the body reviewing the decision would not need to go to the expense of hiring an attorney and filing a formal appeal to LUBA. Instead, there would be a second opportunity to testify in front of a state commission. Where the process would change for citizens was after the Commission took final action, to approve Metro's work plan, assuming it did. Anyone who was unhappy with LCDC's decision would then need to hire a lawyer and go straight to the Oregon Court of Appeals, rather than first going to LUBA. LUBA allowed non-lawyers to participate, with some success in the past. It was much harder for a non-lawyer to succeed at the Court of Appeals.

**Councilor McLain** thanked Mr. Cooper and said it was important to continue to remind everyone the similarities and differences between the two processes. As an example, if the City of Hillsboro came before Metro and gave its opinion about a UGB decision and lost, it would have a second opportunity to testify before a board or commission and possibly have that decision changed.

**Mr. Cooper** said yes, that was true.

**Councilor Atherton** asked Mr. Cooper if the purpose of periodic review was not to review strategy and process rather than the actual decision.

**Mr. Cooper** said the purpose of periodic review was to determine whether or not a local government, Metro in this case, was still in compliance with state goals and related law changes since the last periodic review or the initial acknowledgement. It could be a very thorough examination to ensure that a local government's comprehensive plan provisions and land use regulations. He said procedures for administering the Urban Growth Boundary (UGB) were initially acknowledged by LCDC. A determination was made by this Council in 1990 that there was no need to move the UGB to maintain the long-term land supply. That was the determination in 1992. He said a periodic review had to happen at least every 10 years and it had been 8 years since the last review.

**Councilor Kvistad** felt they had the legal authority to make the decisions, they just did not have the willingness. He said LCDC was quasi-government. He said they tell you one thing, then another, for example, putting in place urban reserves. We spent 6 years developing urban reserves. Whether people liked it or not, we have had probably the most extensive citizen involvement program in the history of Senate Bill 100. Then, we got to the end of that long process, and they say, oh, by the way, we are going to throw out your urban reserve thing. No big deal, sorry you had to waste millions of dollars and 6 years of your time. He said if the Metro Council was not willing, or not able to complete the land use job that was a chartered responsibility, then we should not be in the land use business. He said the first goal in state land use policy was citizen involvement and that goal was consistently violated by LCDC who made

their decisions in the box and were political appointees by the Governor. He said, quite frankly, that this related to the Council's lack of spine to finish the job they started and that was their authority to do. He said he did not support going into periodic review because they were handing off something to another non-elected, quasi-agency to make sure the Council was doing it right. He said Metro put the rules and regulations in place, and had done a great job whether one agreed with all of the decisions or not. He said they should finish the process and let the chips fall where they may. He felt giving someone else the authority was flying in the face of everything Metro was supposed to do by charter.

**Councilor McLain** said she understood Councilor Kvistad's frustration with the urban reserve decision, as well as with trying to deal with the fact that after 6 years of work they did not have urban reserves. She said going back to meet the standards now was not worth the public dollars. She believed that Councilor Park, the Growth Committee and Mr. Cooper had come to a point in the process where they were trying to look for more tools and strategies on how to protect Metro's authority on the UGB. One of the new tools they were trying to put to use was learning from this periodic review what the state wanted. She said they would not give up their rights of producing, building or voting on the UGB amendments or the process that governed it, but would get more direct answers on what they were supposed to be doing. Because she believed the information they got back from the state indicated they were willing to work with the Council up front, she would support the resolution. She agreed that it had been a frustrating process and they had spent a lot of good faith and effort. She believed they could stay in charge of the process and carry out their mandates, both by charter and state law. She felt they could get a better product because the state had agreed to continue an open dialog until they were both satisfied with the process and the product.

**Councilor Atherton** asked if a growth report had been finalized. He understood they had accepted some numbers previously for the purposes of doing computer modeling as a base for analysis, but not as a final determination of what the growth forecast would be.

**Councilor Park** responded that they were in the process of updating the report. He said they were still doing Goal 5 work and reviewing the accessory dwelling work. He said the environmentally constrained lands issue was still moving ahead in conjunction with the Goal 5 work and work was continuing to get to the final outcome of adopting the '97 report.

**Mr. Cooper** added that when the Council adopted the resolution requesting the extension, they accepted the update growth report status as of last December and asked for further refinements to be made, and put the placeholder in for the Goal 5 work. Until that work was done a determination about whether there was a need to move the UGB could not be made. In response to another question from Councilor Atherton, he said under state law and the request the Council made to LCDC, the decision had to be made by October 31 whether they were in periodic review or not. He said the Council had asked for additional work to be done on some other elements, which was outlined by Councilor Park. He said they had to conduct a public process, in periodic review or not, and consider all relevant evidence submitted to the record.

**Councilor Washington** said he could understand the sense of frustration in dealing with this issue. He said he was willing to continue working on it. He said they needed to resolve the issue for the region. He said he would support the resolution.

**Councilor Kvistad** said they had to exercise Metro's authority if they wanted to keep it. They had to guard their charter mandates and act upon them. He said it was a legitimate philosophical

difference that Councilor McLain felt they needed to know what the state wanted. He believed that the last thing they needed to do was to ask the state what they should do because they knew what that was already. He said it was the state that had been making the changes and he felt it was completely inappropriate when Mr. Benner came sending personal notes on his department stationery lobbying the Council on issues during their process. He said you can't go to a state appointed board that had no direct elected accountability and expect those people to make the decisions. He said for good or ill it was the Council's authority and to abrogate that authority was a complete lack of focus. He felt they should exercise their authority fully as a Council and whatever the response was, then was the time for the review. He said he understood that Councilor Park meant it in a very proactive way but he felt it was very bad for this government. He urged the Councilors to think of it through as part of a bigger context.

**Councilor McLain** clarified when she wanted to know the state's thinking about certain elements of the work plan, or their interpretation of Goal 14, it was because she believed in order to exercise their authority appropriately, the Council had to be sure they had clear understandings of state law. She said she was trying for clarity on state law that she did not think they got from the Court of Appeals or LUBA. She said she was constantly working for a dialog that was not necessarily a compromise or giving them a power that was the Council's responsibility, she was trying to refine the tools they had to do a good job. She felt it was important to continue that.

**Councilor Kvistad** said his comments were not necessarily directed toward Councilor McLain, but her comments crystallized a general philosophical point with him about state interference. He said it seemed like every time they finally got all their tools in the toolbox, the state goes metric and the tools don't work.

**Presiding Officer Bragdon** offered a public hearing on the resolution. No one came forward.

**Councilor Atherton** said he had listened very carefully to Councilor McLain's desire for clarity but he was unclear how this process would bring them to that clarity. He said they were in a very confused state of affairs as far as land use planning and community building and he wanted to see this as an opportunity to get some issues clarified so they could do it right. He said he would prefer to put this off for another week.

**Councilor Kvistad** said that while he understood these debates could be frustrating, this was the public dialogue that needed to be on record and the differences between them that they needed to air. He said he would like to reconsider the call for the question.

**Councilor Atherton** moved to table Resolution No. 00-2934 for a week as indicated in the previous paragraph. There was no second and the motion failed.

**Councilor Park** closed by saying it was a matter of interpretations. He said LUBA first threw out a portion of Metro's prior decision on urban reserves and the Court of Appeals finished it off. Out of that, they got some clarity for Metro in terms of guidelines and how they were interpreting the regulations and laws that were put in place. He could understand the frustrations because it was a state law they were required to do every so many years in order to maintain the land supply. He said the clarity they were seeking was how to best proceed to a final decision. He added that the final decision was in fact theirs. He said if they could not get to their decision after going through all of the steps, he would have to agree with some of their colleagues in the region that there is something seriously wrong with the land use program.

**Vote:** The vote was 4 aye/ 2 nay/ 0 abstain. The motion carried with Councilors Atherton and Kvistad voting nay. Councilor Monroe was absent from the vote.

11.6 **Resolution No. 00-2935**, For the Purpose of Amending the Year 2000 Growth Management Committee Work Plan.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 00-2935.

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

**Councilor Washington** said this resolution was a companion to the previous resolution and added some additional things to the work plan. He noted the work plan was Exhibit A of the resolution and the staff report noted the additions.

**Councilor Kvistad** repeated his objections and said he would not support this resolution either.

**Mark Turpel**, Growth Management Department, in response to questions from Councilor Atherton, said there were a number of changes being proposed to clarify the Council's intent regarding whether to use Table 1 or the Urban Growth Report for the need number.

**Councilor Washington** urged an aye vote on this resolution.

**Vote:** The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Kvistad voting nay. Councilor Monroe was absent from the vote.

## 12. COUNCILOR COMMUNICATIONS

**Councilor Park** said he received a letter from the Government Standards and Practices Commission in response to a letter he had sent requesting clarification on a conflict of interest issue regarding a piece of property he owned. He said the commission has concluded that there was not a conflict so he would be able to resume his full duties as Growth Management Chair at this time.

Presiding Officer Bragdon thanked St. Anthony's Village for having the Council meeting and for the example they were setting for the community.

## 13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 2:00pm.

Prepared by

Chris Billington  
Clerk of the Council

Metro Council Meeting

4/13/00

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Document Number	Document Date	Document Title	TO/FROM	RES/ORD
041300c-01	04/12/2000	Memo RE: H-TAC Work Update	Metro Council/Diane Linn Chair H-TAC	Agenda Item #6
041300c-02		Folder of information RE: St. Anthony's Village	Metro Council/Father Maslowsky	Agenda Item #5
041300c-03	04/06/2000	Minutes of Aprill 6, 2000 Metro Council Meeting	Metro Council/Chris Billington	Agenda Item #8
041300c-04	04/11/2000	Fax RE: Goal 5 Riparian Corridor Program; Revised Work Schedule	Metro Council et al /Ty Wyman, Stoel Rives	Res 00-2935
041300c-05	04/12/2000	Exhibit A Draft Proposed Urban Growth Boundary Periodic Review Work Program 2000, Citizen Involvement Element	Metro Council/Staff	Res 00-2935
041300c-06	04/13/2000	Letter RE: Metro Periodic Review Work Program	Dan Cooper/Timothy J. Sercombe, Preston Gates Ellis LLP	Res 00-2935
041300c-07	04/12/2000	Resolution No 00-2933-A		Res 00-2933
041300c-08	04/10/2000	Growth Management Committee Report to Res 00-2934		Res 00-2934
041300c-09	04/13/2000	Growth Management Committee Report to Res 00-2935		Res 00-2935