

MINUTES OF THE METRO COUNCIL MEETING

July 20, 2000

Metro Council Chamber

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

Councilors Absent: None

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

Art Lewellan, LOTI, 3025 SE 32nd, Portland, OR 97232, reviewed his latest LOTI designs. He supported light rail and the Interstate Max (I-MAX) project. He also supported an I-MAX route to Swan Island. He presented before and after slides that depicted what that section of the I-MAX route would look like (viewed from the Rose Quarter) if the grain elevator were removed and the interstate lowered. He suggested the grain elevator be moved to the Columbia River. He also suggested there be a train station by the side of the grain elevator. It would be an important part of the regional transportation strategy and would allow two miles of rail savings.

3. BANFIELD TRAIL PROJECT

Morgan Will described the Banfield Corridor Bicycle and Pedestrian Transportation Project and presented a slide show on the proposed trail. The trail would extend from the eastside esplanade to the Interstate 205 trail and would connect downtown with the outer east Portland area. The restoration would include cleaning up the area, replacing invasive plants with native plants, and creating parks and greenspaces with the open spaces that currently existed along the route. The trail would primarily follow the Banfield light rail tracks to the I-205 trail. It would provide many connections to the Max and could be used for multi-modal purposes. (A document that described the project was included in the permanent record of this meeting.)

Councilor Monroe thanked Mr. Will for his presentation. He mentioned that Mr. Will had noted that the proposed Banfield trail, at one time, was in the city of Portland's plan but not in Metro's Regional Transportation Plan (RTP). However, it was now in the RTP. Mr. Will and Metro planned to continue to work together to raise the funding necessary to construct the project.

Councilor McLain complimented Mr. Will on his presentation and said his attention to detail was impressive. She assumed he walked or bicycled along the proposed trail many times. She supported the project, said it was worthy of funding and looked forward to progress reports.

Presiding Officer Bragdon noted that Mr. Will had called it the Banfield Trail Project. He mentioned the area was historically referred to as Sullivan's Gulch.

Mr. Will had not discussed many of the project's specifics. For example, the Union Pacific railroad owned or controlled most of the right of way. In honor of the railroad's eventual participation in the project, he proposed the route be named the Union Pacific greenway. He also proposed the trail be named the Sullivan's Gulch Trail. There were other more specific ideas.

Councilor Washington said one big piece of property along the proposed route on NW 21st was owned by Ron Packus. If Mr. Will called Mr. Packus he might help the project.

Presiding Officer Bragdon asked Councilor Washington if he knew Mr. Packus.

Councilor Washington said yes.

4. METRO COMMENTS ON GOAL 14 WORK PLAN

Councilor Park said Metro submitted its work plan to LCDC (Land Conservation and Development Commission). The agency raised some questions within the work plan. The LCDC responded to the questions and Chair Pfeiffer asked Metro to present language that would clarify the issues. Metro did this and received the DLCD (Department of Land Conservation and Development) staff comments, which raised additional questions. The document before the council, *Revised Goal 14 and Goal 14 Rule, Draft #4*, was designed to answer and clarify what Metro was asking for or proposing the LCDC and DLCD examine. (A copy of the document was included in the permanent record of this meeting.) Thus, they would have the policy question in front of them and could make their determination. The document was a continuation of an effort council undertook. He read the material and was comfortable with what Mr. Shaw wrote. He believed it was what the LCDC had asked Metro to present. He added Metro was not advocating anything but simply submitted language for the purpose of helping the LCDC focus their policy discussion at the state level.

Larry Shaw, Senior Assistant Counsel, said he received two small comments from councilors recently. Mr. Shaw included Presiding Officer Bragdon's phrase in a replacement page that he gave to the council. He suggest Presiding Officer Bragdon explain it to the council. Presiding Officer Bragdon took an item that Mr. Shaw addressed in the second paragraph and moved it to the first paragraph to ensure that people read it first. He also talked to Councilor McLain before the meeting. She suggested he say more regarding the connection attempt. He planned to work on that. So far, those were the only comments he received from the council. He tried to add some items that happened since the first draft, which included a reflection of the positive report in the newspaper of the discussion before the Metro Growth Management Committee that so far the 2040 Growth Concept implementation was a success to add context for the commission. Plus, the sub-regional UGB (Urban Growth Boundary) amendment issues raised in the document remained a controversial issue. However, implementation of the 2040 plan was already proceeding well. They also had some comments to try to respond to Mr. Shaw's conversation with a DLCD staff member yesterday. It was important that the staff member understood Metro already had the authority to create UGB amendments and sub-regional UGB amendments that was inherent in the agency's statutory authority to create the regional UGB. They were trying to convey the perspective that requested that LCDC please not have rules that restricted Metro's ability to continue to implement the 2040 plan. Metro needed to remind DLCD staff it was not a top-down exercise where the DLCD staff was completely on top. It was at least helpful in his conversation with them. Therefore, he added that perspective and a couple other items he noted to the council.

Councilor McLain asked if in paragraph one the underlined lined areas of "for urban land uses" and "available" were what he used to address Presiding Officer Bragdon's issues.

Mr. Shaw said no. (The microphone did not record most of his explanation.)

Presiding Officer Bragdon said what was troubling about the earlier drafts of the document regarded asking about additional tools that could be used to manage the land supply with an outcome similar to the 20-year state policy. Metro was asking for a wider variety but did not request a different outcome. But it had been construed otherwise. He highlighted that was the question the council was asking but they were also saying those tools ought to be every bit as stringent, in terms of their affect, as the 20-year goal. Metro might want to use different tools but the agency wanted to retain the same outcome for the land supply. Andy Cotugno, Metro Planning Director, mentioned what those various measures would be. Therefore, Presiding Officer Bragdon suggested Metro was requesting this only when they were accompanied by regional rules and it was equally stringent. Those were the words that he asked Mr. Shaw to add. The underlined words, he believed, were items that were already there.

Councilor McLain agreed with the Presiding Officer and added it was important to include in the first paragraph. Metro was not attempting a worst case scenario in terms of what some people had been concerned about with the comments that regarded not having a limit or trying to go too far beyond the 20-year land supply law. The language accomplished that. The other issue was the idea that all the comments considered separately (item 1,2 and 3) were contradictory or did not address the issue regarding stringent tools if there was no connection and understanding of the interrelation/integration. She asked Mr. Shaw a question about page 2 and asked he could include some language regarding integration at the bottom of the last paragraph (a couple sentences). Mr. Shaw said yes. However, it did not mention how the issues were integrated. She did not think the last sentence was explained. She said the three items were still controversial because they were not considered integrated. The comments needed to be considered together, not separately.

Presiding Officer Bragdon asked Mr. Shaw to work with Councilor McLain to satisfy her concerns and incorporate the language in the document.

Councilor Kvistad said he disagreed that the 2040 plan was a success. It was imploding. He said DLCD was not addressing the issues of the region for a long time. He cited the proposed changes to Goal 14 and said without a public document they already violated goal 1, which was citizen and public review and process. Metro is supposed to plan but DLCD rejected all of Metro's planning. It did not matter what Metro did. It was a problem area. What the council was doing was dangerous and negative. However, he knew the work being performed is difficult. He wanted the record to reflect he disagreed and respectfully declined to support where the council was going with its process.

Councilor McLain said it needed to be clear the letter was Metro's reaction to a state process and document that was an upgrading of a specific renewal or new Goal 14 work issue. Goal 14 had been in place for 20 years. Both the state and others seemed to be asking if there was enough detail and definition. She asked if everyone knew what it actually said and was it functioning correctly for the state. She responded to Councilor Kvistad and said she hoped the document would provide more clarity so some of the issues he was concerned about would not arise in the future. They may have surfaced in the past because there was not clarity to what the state meant regarding those issues. Whether people agree or disagree with the document, the council could agree the letter was helpful because it asked questions and solicited comments on how to provide more clarity to the rule. That was what she hoped the council was voting on today, not whether the process has been successful. It was an attempt to make the rules clearer for everyone

Councilor Washington asked if there would be a vote on this letter.

Presiding Officer Bragdon said no. There was discomfort with the document at the committee level. Therefore, he wanted to share it with the council. The state asked Metro to respond. Therefore, Growth Management Committee Chair Park worked with Mr. Shaw to create the document. Presiding Officer Bragdon wanted it to be available for public discussion.

Councilor Washington asked what “walking the map” meant.

Mr. Shaw responded that when one is in the trenches doing a review of the entire large regional UGB, one has to examine each section of the map as you proceed and try to apply the rules. The LCDC’s own DLCDC staff in their report considered the rules vague and subject to misinterpretation. He was astounded to find that admission in writing. That was why this update, the first in 20 years, was important, would result in some improvement and would help focus on the areas where it may not be enough of an improvement yet.

Councilor Washington asked if Metro was going to be using this phrase.

Mr. Shaw said no.

Councilor Atherton asked Mr. Shaw or Mr. Cooper about whether they heard any discussion at DLCDC regarding a phrase in the current Goal 14 rules. It stated that the region could provide land for housing and/or jobs, but only within the carrying capacity of the air, land and water resources. He asked if there was any discussion of the carrying capacity concept and how they planned to approach it.

Mr. Dan Cooper, General Counsel, said the carrying capacity phrase was in Goal 6 referred to pollution levels. It was not directly linked to Goal 14, though the agency might consider all other applicable goals when it addresses one goal. Goal 14 may or may not be relevant. In this case, the carrying capacity argument appeared to be particularly limited to the ability of air, water to carry pollutants within federal regulatory requirements. Therefore, if there were a land use decision that could aggravate demonstrably the Clean Water Act, etc., it would have to be dealt with. However, it was not a general, broad statement beyond that in a larger societal sense.

Councilor Atherton said he thought he understood. However, the DLCDC handbook regarding that subject used that phrase in the Goal 14 section.

Mr. Cooper said the North Plains case Goal 6 issues were noted and carrying capacity was one of the bases for the challenge to the North Plains addition to its UGB. LUBA (Land Use Board of Appeals) reversed it. Washington County and DLCDC were on the same side of that appeal.

Councilor McLain said a vote today was not necessary. However, it was important to receive support from the entire council for the document under consideration. She coined the phrase “walking the map” when she and staff visited 23,000 acres of urban reserve during the process of trying to determine what they meant by their exceptions rule and the ordinance regarding the priorities were. The letter was a down-to-earth attempt to get the state to indicate more clearly how it prioritized land. It was probably the only area where Metro was experiencing a hold-up. The kernel had to be clear and concise to ensure the job was done right. She promised to create a new term to describe the process.

Councilor Washington decided to acquiesce.

Councilor Park said he felt that Metro was close to a solution. What they were seeking from the Commission was simply clarification. When the agency entered into the process, Metro understood what outcome from the rules was expected. The agency could then reach a decision that could be permanent for the public. The questions are important and go to the heart of how Metro can implement the 2040 plan and in what fashion, before the agency starts down the path.

Presiding Officer Bragdon added that in addition to asking for clarification Metro needed to state, as was written in the 2040 plan and related documents, that compact urban form and restricted land supply was a fundamental tenet that Metro did not seek to overturn. Maybe Metro's intent needed to be clearer.

Councilor Kvistad said Presiding Officer Bragdon referred to "restricted" land supply. Councilor Kvistad preferred "metered" land supply.

Councilor Atherton asked if there was a discussion of the concept of having rural reserves between new or enhanced communities such as Damascus, which was often mentioned in the documents and the 1 mile rule. He asked if there was anything in the proposed Goal 14 rules that precluded the ability to produce green space or rural reserves between Damascus and the existing urban area, or was Metro required to have the concentric ring Metro development.

Mr. Shaw said the portion of Goal 14 they were currently dealing with involved UGB amendment rules in Part 1 and Part 2. They were also dealing with some development inside the UGB rules that were weaker but parallel to some things done in Metro's functional plan that would be applicable to the rest of the state's since Metro complied with all of them. However, there are other sections of Goal 14 discussed earlier: the rural residential rule would be the only item in Goal 14 that would relate to his question. In a backwards way, there would be limitations in what Metro or counties outside the region could do in the rural areas outside the UGB regarding rural reserves depending on the definitions. There were rules, effective statewide, that allowed minimum lot sizes that might be smaller than some concept of urban reserve. In that regard, the state rule already in place, a section of Goal 14 called the Rural Residential Rule that may not have been adopted yet, might accomplish that. But the general concept of rural reserves is not mentioned or explicitly restricted.

Mr. Cooper said there was no discussion when he was at LCDC regarding the Goal 6 language. Instead, they reflected on case law and the rules. Goal 14 still contained the priority for exception land and did not recognize separation of communities as a basis for not including exception land. It would require, in Damascus, that the land between the current boundary and a town center be included in the UGB because it was exception land. Once it was inside the UGB, policy choices the council may make regarding greenspace acquisition are separate issues and not related directly to Goal 14. However, the exclusion of land from the UGB that is exception land to leave gaps between communities was not provided for in Goal 14 either now or under the revision.

Councilor Atherton wanted to add language to the letter to explore that as a strategy for urban form with wide public support. In effect, it would be zoning the open space or creating a new category of urban settlement – the rural reserve. He suggested using it as a distinct category that would be part of metro's strategy or regional growth concept instead of the concentric ring blob development. He favored separate communities. Smaller, more manageable communities with space or rural reserve uses in between communities with efficient transportation linkages.

Councilor Park said Councilor Atherton was suggesting revamping the 2040 plan to favor satellite cities. Metro had eight days to respond to LCDC. He asked for direction.

Officer Bragdon said it was a larger discussion than Metro's response to the state regarding Goal 14. Therefore if the language related specifically to Goal 14 in terms of different measures to be used is fine, but a larger discussion is not and should take place elsewhere.

Councilor Atherton said all he wanted to see was the language they have in Goal 14 not preclude Metro from developing the type of urban strategy/regional concept he described above, even if it is a change from what some feel the existing form is.

Councilor Kvistad said he would not mind having that debate but he wanted to include language regarding value and opportunity taken from people by redesignating their land. There should be compensation for what he considered a theft of their opportunity.

5. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. AUDITOR COMMUNICATIONS

None.

7. MPAC COMMUNICATIONS

None.

8. CONSENT AGENDA

8.1 Consideration of minutes of the July 13, 2000 Regular Council Meeting.

Motion: **Councilor Park** moved to adopt the meeting minutes of July 13, 2000 Regular Council meeting.

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

Presiding Officer Bragdon said the name Lohman was spelled incorrectly (as Logan).

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

9. RESOLUTIONS

9.1 **Resolution No. 00-2972B**, For the purpose of Adopting the Locally Preferred Alternative for the Wilsonville to Beaverton Commuter Rail Study.

Motion: **Councilor McLain** moved to adopt Resolution No. 00-2972B.

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

Councilor McLain complimented Washington County's involvement in the project. She planned to continue to encourage the region to assist them with their alternative transportation

mode. She reviewed the resolution. (A copy of the document and a committee report was included in the permanent record of this meeting.) She added that it would complement other transportation modes and possibly more commuter rail projects in the region. She hoped that it would be a model for other transportation projects.

Councilor Washington asked about the distance for this segment.

Presiding Officer Bragdon said 15 miles.

Councilor Kvistad said it was rare to see a project in his district brought before the council for approval. He said most were in Councilor Washington's district. He thanked Kathy Latola for her work, Willamette Pacific. The local rail company was a terrific partner and help with demonstration projects, right of way issues, and helped every step of the way. The project was great for Washington County and the region.

Presiding Officer Bragdon complimented the project. He was concerned about the affect on freight. The freight railroad was very enthusiastic along with the federal government, city councils and the county, localities and employers up and down the line.

Councilor McLain summed up the discussion by saying travel time was 50 percent shorter than some of the other options. That was success and a win-win situation. She mentioned environmental analysis as the next hurdle in the process.

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

10. CONTRACT REVIEW BOARD

10.1 **Resolution No. 00-2976**, For the Purpose of Authorizing a Personal Services Agreement with Pac/West Communications for Management and Coordination of State and Federal Legislative Agenda for Metro.

Motion: **Councilor McLain** moved to adopt Resolution No. 00-2976.

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

Councilor McLain read the committee report concerning this resolution. She added that they interviewed the applicant and discussed the focus of the agreement. She felt there were very direct responses and good suggestions for better success with the legislatures. She said she looked forward to working with Pac/West Communications.

Presiding Officer Bragdon added that the meeting and work plan were both very useful.

Councilor Atherton inquired about getting more bang for the buck. He asked for an explanation regarding how that would happen.

Councilor McLain said they examined the last year and a half to two years of work and identified what the council felt were priorities and important issues to focus on. They stressed being proactive and express Metro's policy interests (transportation, land use, etc.) Past opportunities were lost because Metro's interests were not communicated effectively. There was a commitment on both sides (Metro staff and Pac/West) to do a better job of communicating

Metro's priorities. The other issue involved reporting. There would be periodic reports, instead of just final reports, to the council.

Councilor Atherton asked two additional questions. One, the contract would be renewable upon mutually agreed terms for an additional two years. Currently it would be a 1-year contract. He asked if that was a 2-year or two 1-year renewal periods.

Councilor McLain said the personal service agreement was for up to two extra 1-year periods.

Mr. Cooper said Metro issued the RFP for a 1-year period. They wanted to provide everyone notice that metro was searching for someone for services for the next two legislative sessions. Therefore, Metro provided for the contract to be extendable with approval from both the Presiding Officer and the Executive Officer and the availability of budgeted funds. However, it could not be extended beyond October 31, 2003 without another RFP.

Councilor Atherton voiced his other question and asked what other options were available to Metro and if they had been examined. An alternative strategy would be to build a capability in-house to do some of the work and contract with private firms for very specific, focused projects. He asked Councilor McLain to comment on that alternative strategy.

Councilor McLain said Metro it was a general legislative contract with some very specific priorities that Metro planned to identify. She said Metro already had Jeff Stone, Council Chief of Staff; Bruce Warner, Chief Operating Officer and Dan Cooper, General Counsel, and sometimes other Metro staff, who worked in-house on legislative issues. She supported the reverse: specific projects would be handled in-house, general projects would be handled by private contract.

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

Presiding Officer Bragdon thanked Pac/West Communications for their previous good work.

11. COUNCILOR COMMUNICATIONS

Councilor McLain thanked the budget committee members for rescheduling the budget meeting next week. It would be Monday, July 24, 2000 at 3:30pm. The issue would be park funding.

Councilor Monroe acknowledged Councilor Kvistad's birthday.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:16pm.

Prepared by

Chris Billington
Clerk of the Council