

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

July 28, 2004 – 5:00 p.m.

Metro Regional Center, Council Chambers

**Committee Members Present:** Charles Becker, Rob Drake, Andy Duyck, John Hartsock, Tom Hughes, Kent Hutchinson, Richard Kidd, Margaret Kirkpatrick, Wilda Parks, Ted Wheeler

**Alternates Present:** Larry Cooper, Karen McKinney

**Also Present:** Beverly Bookin, CCA/CREEC; Ron Bunch, City of Gresham, Bob Clay, City of Portland, Danielle Cowan, City of Wilsonville; Meg Fernekees, DLCD; Stephen Lashbrook, City of Lake Oswego; LeeAnne MacColl, League of Women Voters; Irene Marvich, League of Women Voters; Amy Scheckla-Cox, City of Cornelius

**Metro Elected Officials Present:** Liaisons –David Bragdon, Council President

**Metro Staff Present:** Kim Bardes, Dan Cooper

## INTRODUCTIONS

Mayor Charles Becker, MPAC Chair, called the meeting to order 5:06 p.m. Those present introduced themselves.

### 1. ANNOUNCEMENTS

Chair Becker announced that the meetings for August had been cancelled.

### 3. CITIZEN COMMUNICATIONS

There were none.

### 4. CONSENT AGENDA

Meeting Summary for July 14, 2004.

Due to a lack of quorum this was deferred to the next meeting.

### 5. COUNCIL UPDATE

Council President David Bragdon said that Metro would be appointing a technical implementation team consisting of city managers for Goal 5. They would give advice on program development. Metro would be considering a resolution in the middle of August to clarify that what Metro was proposing for Goal 5 would not effect residential property owners with regard to activities that did not relate to land use permits. When that was complete it would be sent out by mail to MPAC members.

Dan Cooper said that Metro was on a two-track appeal process regarding the UGB industrial land supply decision. Metro had received four notices of intent to file appeals at LUBA. The LUBA process required petitioners to file the appeal, then Metro was required to file the record, and then LUBA would write their briefs. A party could raise any issue at LUBA that was in the appeal – they would not be restricted to the issue that they had personally raised. The City of Hillsboro, Clackamas County, the City of Sandy, and 1000 Friends of Oregon had raised issues on the Urban Growth Boundary decision. The time for initiating

additional appeals to LUBA had passed, and the current time frame was for anyone who was interested in those appeals to petition to intervene. That deadline was in early August. At the commission level, where the deadline to file objections had passed and there was no opportunity for anybody to intervene, Metro received 11 sets of objections. The objectors had to declare what they were objecting to and that gave them standing to appear in front of the commission, and to go to the court of appeals. Dan Cooper read to the committee the list of objectors and their stated objections.

Meg Fernekees said that LCDC would be scheduling a hearing on this either at Metro or in Salem. She would make sure that MPAC was informed when details had been ironed out.

## **6. GREATER METROPOLITAN EMPLOYMENT LANDS STUDY (GMELS)**

Bev Bookin reviewed the contents of the packet for GMELS and then gave a PowerPoint presentation on GMELS. The slides from this presentation are attached and form part of the record.

Rob Drake asked if by “sanctuary” Ms. Bookin meant letting land sit empty and wait for the market to respond. He wanted to know if a community needed a hospital in the short term would it go into the middle section of the Exploratory Model, mixed-use zoning, or would the jurisdiction have to wait until planning and funding was acquired to fit into the “sanctuary zoning” section.

Bev Bookin said that they were not sure. She said that they would want the option to work with local and regional government to find the proper sites for hospitals and medical facilities. They needed to pay attention to the supply and demand in order to properly prepare for the demand in the right places.

Ted Wheeler asked if, when she said that outer neighborhoods and inner neighborhoods were designed specifically to preserve low-to-mediate income housing, did she mean income or density?

Bev Bookin said she meant density.

Ted Wheeler asked how it would work for OHSU or an OHSU type campus?

Bev Bookin said that OHSU was established. They wanted to expand and because of where they were they could not be accommodated in another way.

Ted Wheeler asked how this new Euclidian process would have helped them 10 years ago.

Bev Bookin said that the new process would generally work better for new sites.

John Hartsock asked how hospitals fed into the needs analysis for the state.

Bev Bookin said they didn't know yet. The state was looking at Goal 14 and Goal 9 and the DCLD was one of the funders and have indicated that they would like to start planning for institutions.

Bev Bookin continued her presentation.

John Hartsock asked when GMELS would be ready to apply to Damascus? He suggested that Damascus would be a good testing bed for GMELS.

David Bragdon said that the GMELS committee had just received the same presentation two weeks ago and there had been several questions for the technical group to research and hone. He said that they would meet again in September. No one had suggested that they were ready to implement it or test it yet.

John Hartsock said that the concept planning work for Damascus would start in October. He felt it would be good to utilize the GMELS process for Damascus right from the outset.

Bev Bookin suggested that it might help to create a model ordinance to show a typical zone from the middle category (see "A New Definitional Framework An Exploratory Model" slide). Where to go and find an existing zone that had good design performance standards, and write it up as an ordinance to show people how it could work. She said she had heard from Oregon City that they had created new zones and they think that work is comparable to the Euclidian model. She said the questions to ask with applying the model were: is it theoretically and technically sound, and is it politically sound?

John Hartsock said that the concept made sense. The concern was with redevelopment of existing buildings when the use runs out and the model looked like it might solve some of those problems.

Stephan Lashbrook said that there was a lot of merit in moving towards performance and design focus. He urged them to keep in mind that the potential problem for small jurisdictions was that they were not geared for enforcement.

John Hartsock wondered how they would handle the situation where ABC company left a site after some years and then XYZ company moved in, but didn't know the new model. How would they get the new company to comply with the new process?

Bev Bookin said that the committee had not yet taken it that far. They were trying to find a different way to look at land use demand and supply, and the old model of silos didn't work anymore.

Andy Cotugno said that it was a good piece of work and collaboration between the public and private sectors. He said the luxury that they had with the GMELS work was that it was not currently on a critical path and there were no deadlines as yet to be met. He said this was beneficial because it laid out good research work for the next round of land use planning. It also raised questions about how to make decisions down the line. The interesting thing about the research mode of this was that they were able to arrive at an early decision that the commercial employment land needs were satisfied and the shortfall was in the industrial land supply. That was only 20% of the land need. They sort of backed into the discussion about whether office use should be allowed on the 20% piece without examining if the other 80% really was sufficient to accommodate office and other uses that demand that land. Going into phase 2 would hopefully provide an opportunity to analyze these issues in more depth.

Bev Bookin said if they could focus use of land to inside the boundary then they could minimize the need to expand the boundary to capture that land.

Ted Wheeler said that once they were done with the theoretical and started focusing on the political, they should go back and decide on the staples. He said it looked like the new system would allow for more flexibility. He asked if any other jurisdiction was currently doing this?

David Bragdon said that during discussions by the committee there were different attitudes towards flexibility. He said that he got the sense that there was positive support for flexibility moving from industrial towards residential. There was less support for migration from residential and middle of the

road mixed use towards the industrial sanctuary zone. It related to the need to preserve some land for formats of business that needed to be protected or that weren't compatible with other things. He said that they did not want to drive out that specialized business or have them bid out by the market place.

Bev Bookin said that there were some areas that had a different model for industrial development and therefore the whole campus issue remained controversial.

David Bragdon said that the complication for the GMELS model was the open question of how zoning and other government control type factors related to market place factors, infrastructure, and so on to actually change the format of particular uses. The format of a steel mill would not likely change and was relatively horizontal, however office type use could densify and redevelop into a variety of formats depending on market and government factors.

Bev Bookin said the key issue was the cost of structured parking.

## **7. BALLOT MEASURE 36**

Dan Cooper said that the initiative was referred to as Ballot Measure #36, but it would be something else. He made it clear that he could only relate factual information pertaining to the initiative. The MPAC members, however, were free to discuss and consult their jurisdictional attorneys on this initiative. He proceeded to give a factual summary of the proposed measure for a statute.

Rob Drake said that he had served on the steering committee for "no on Initiative 36." He said that the initiative was sinister towards the work that MPAC had been doing. He urged the committee members to defend the work they had done and oppose the initiative.

Bev Bookin asked if anything like this been passed in any other states.

Dan Cooper said that Florida and Texas actually had statutory provisions that their legislature adopted. They provided for some form of compensation in certain cases where property values were diminished by land use regulations by a certain percentage. That applied only to unincorporated areas in Texas and not in the cities. He said that initiative 36 would be very different from either the Florida or Texas statutes.

Tom Hughes asked if the initiative stated that the decision to compensate was not a land use decision.

Dan Cooper said that any decision under the act was not a land use decision.

Tom Hughes asked if outside parties not directly affected by the decision could be parties to the process.

Dan Cooper said it would be a different process and different task for somebody to challenge the question. They would not be required by land use law to get notices to property owners, and it would not be part of the land use system.

Gene Grant said he had concern with initiative 36 regarding the Goal 5 program. The initiative was surfacing at a particularly bad time. The initiative had a lot of sympathy with the rural folks that wanted to build more houses on their farms and in the forested areas. If Metro adopted a Goal 5 natural resource program that effected a significant resource taking of development rights, then property owners would be inclined to vote for this initiative along with the rural folks who wanted to build on farm and forest land. Metro might, therefore, contribute to creating a whole constituency that would vote for 36 to pass.

Tom Hughes said that the point at which the ballot measure would win was that it was deceptively simplistic in language and concept. It would be hard to vote against the idea that governments pay owners or forgo enforcement when certain land use restrictions reduce property value. People do not understand that it could adversely affect the good work of natural resource protection and positive land use planning.

There being no further business, Chair Becker adjourned the meeting at 6:43 p.m.

Respectfully submitted,

Kim Bardes  
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR JULY 28, 2004

The following have been included as part of the official public record:

<u>Agenda Item</u>	<u>DOCUMENT DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>DOCUMENT NO.</u>
#6 GMELS	July 2004	Slides for the Greater Metropolitan Employment Land Study (GMELS) presentation by Bev Bookin	072804-MPAC-01

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