

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

January 26, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Nathalie Darcy, Rob Drake, Andy Duyck, John Hartsock, Jack Hoffman, Tom Hughes, Richard Kidd, Deanna Mueller-Crispin, Lisa Naito, Alice Norris, Wilda Parks, Martha Schrader, Ted Wheeler

Alternates Present: Larry Cooper, Norm King

Also Present: Hal Bergsma, City of Beaverton; Bev Bookin, CREEC; Bryan Brown, City of West Linn; Ron Bunch, City of Gresham; Cindy Catto, AGC; Bob Clay, City of Portland; Carlotta Collette, City of Milwaukie; Kay Durtschi, MTAC; Meg Fernekees; Jim Jacks, City of Tualatin; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Meianna Oeser, Citizen; Pat Ribellia, City of Hillsboro; Kelly Ross, Home Builders Association; Jonathan Schlueter, Westside Economic Alliance; Amy Sheckla-Cox, City of Cornelius; Andrea Vannelli, Washington County; David Zagel, TriMet

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3; Robert Liberty, Council District 6 others: David Bragdon, Council President

Metro Staff Present: Kim Bardes, Dick Benner, Dan Cooper, Andy Cotugno, Chris Deffebach, Sherry Oeser, Gerry Uba, Mary Weber

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Councilor Jack Hoffman, MPAC Chair, called the meeting to order 5:10 p.m.

Chair Hoffman explained the new layout of the room and the process of introductions and updates to the members.

Those present introduced themselves and gave their updates.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

Meeting Summary January 12, 2005.

Motion:	Chuck Becker, Mayor of Gresham, with a second from Richard Kidd, Mayor of Forest Grove, moved to adopt the consent agenda without revision.
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Vote:	The motion passed unanimously.
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4. COUNCIL UPDATE

Councilor Carl Hosticka reviewed the centers kickoff events dates/times. He then explained the draft letter from David Bragdon to the Land Conservation Development Commission (LCDC) regarding Goal 9, Economic Development.

Andy Cotugno said that the letter suggested that Metro would be involved in some of the aspects of economic development planning, particularly the economic opportunity analysis, and analysis of state, local, regional, and international trends. Then, other jurisdictions could take advantage of that process and the resulting goals, tying the Goal 9 planning of the economy with the Goal 14 urban growth boundary (UGB) decisions that they also had to make.

Chair Hoffman said that Metro Council was asking MPAC to comment on Goal 9 by the February 9th meeting.

Rob Drake said that he would love to hear about Goal 9 from the economic development partners before MPAC had the discussion. He suggested that MPAC invite comment from the Westside Economic Alliance and the private business sector.

Tom Hughes asked about the time frame for the LCDC decision.

Andy Cotugno said that there was a draft rule in circulation and comments on that draft would go before the commission next Thursday. There would be another draft with changes with the intent to adopt something at their March meeting. The issue of regional coordination would likely be taken up after the legislative session was done. Therefore, there was time for MPAC to talk about it, both before March and later in the year.

Tom Hughes said it was important to look at relationships for jurisdictions within the UGB and outside the UGB. He said that a lot of the Hillsboro work force came from surrounding cities, inside and outside the UGB, and that Hillsboro wouldn't want those city-to-city relationships jeopardized. He said that he did not necessarily think that Metro should be the one to coordinate between those entities.

David Bragdon said that the term "regional economic plan" should not be construed to mean that it was only developed at Metro. He said he wouldn't want the members to construe a regional economic plan to be like a Metro functional plan. He emphasized the need for collaboration. He said that at the same time, the Metro Council was conscious of the need to incorporate those strategic elements into decisions that they were charged to make for transportation and land use issues.

Chuck Becker said that it would be premature for them to make comments or a decision without discussion in the jurisdictions and with the city councils.

Chair Hoffman said that they could put "regional economic development" on a future agenda, which would allow the members more time for discussion with their councils and staff. He said it would also be good to have some professionals from CREEC or Economic Westside Alliance to share their perspective on regional economic development.

Rob Drake said he would appreciate comments on regional economic development, but that he did not want to see the region get pigeonholed into a functional plan type of rule that would not allow for free thinking in the region.

Chair Hoffman asked if they should bring it back to the agenda in February for a deeper discussion.

Rob Drake suggested that the jurisdictions should submit written testimony from business and economically oriented groups before it came back to MPAC.

Carl Hosticka said that he felt they needed a discussion before too long of what Goal 9 really did and didn't do. He also said that they needed to determine the expectations of local governments under the newly written Goal 9.

Chair Hoffman asked if the version of Goal 9 that was presented to MPAC last meeting was issued by LCDC.

Andy Cotugno said yes.

Chair Hoffman invited the individual jurisdictions to comment on language or content of Goal 9. He said he would like to get about two pages of thoughts on Goal 9 for the letter to LCDC.

5. GOAL 5 UPDATE

Carl Hosticka said that Goal 5 would now be referred to as Nature in the Neighborhoods. He said that the name change was because they were trying to discuss the program in terms of the results that they were trying to accomplish rather than the bureaucratic procedures that they were responding to in order to accomplish that goal. He said that what they thought they were trying to accomplish was the integration of the urban landscape with natural landscape, and to provide people access to nature close to where they live so that they don't have to travel long distances. Staff was in the process of implementing the resolution passed at the end of last year. That involved fleshing out proposals for programs, determining the language that would become part of the functional plan, and then drafting model ordinances for local jurisdictions. It was hoped that this would all be accomplished by May for Metro adoption by the end of May. The work was underway and staff hoped to have a proposal in shape by March for public review. He said that MTAC and the water resources policy advisory committee could review the proposals and return with comments to MPAC. He said another major issue under discussion was weather to adopt outcome measures based on performance and the condition of habitat over time. They would need to decide whether they wanted to adopt targets to define success.

Chair Hoffman displayed a map for the members to look at and indicated that there were discrepancies between the Goal 5 map and the Title 3 maps. He said that there were obvious discrepancies. He said that they would need to review and discuss those discrepancies.

Chris Deffebach said that other maps were available on the Metro website.

6. MEASURE 37 UPDATE

Chair Hoffman said that Dan Cooper had recently met with local city and county attorneys to discuss claims process and corresponding issues.

Dan Cooper reviewed the meeting highlights and said that the attorneys agreed they would become part of a technical assistance group so that as the policy group went forward they could assist them in understanding some of the technical issues.

Chair Hoffman said that there were a lot of policy issues contained in the jurisdictional ordinances and some of the ordinances could have unintended consequences in terms of how they dealt with land owners and neighbors. Measure 37 provided that they could remove, modify, or not apply the regulation. Those options would have legal consequences or policy issues in terms of whether the waiver was personal to the landowner or whether it ran with the land. If a jurisdiction decided to remove regulations that could result in the waiver running with the land and becoming freely transferable. If they did not apply the regulation then the argument could be that it was personal and that the building or structure was non-conforming use. He said that they needed to talk about the policy issues.

Andy Duyck said that Washington County was already being named as a co-defendant in a lawsuit. 1000 Friends was suing the state and naming Washington County as a co-defendant. He said that Washington County welcomed the discussion.

Chair Hoffman said the 1000 Friends lawsuit was either an up or down; it was either legally constitutional or not. All other issues would have to be resolved in the courts.

Robert Liberty said that the work group was being formed. He said he also had a lot of questions that he would like to see up for discussion and evaluation from the group.

7. URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN 2004 COMPLIANCE REPORT

TITLE 7:

Chair Hoffman commended those jurisdictions that had complied with Title 7 already.

Andy Cotugno reviewed the materials included in the packet.

Chair Hoffman asked the members what suggestions they might have for the compliance issues and how they could build the aspirations that they had collectively set as a region.

Rob Drake said that local governments were very strapped and under attack. The will was there for affordable housing but there was not enough money to do all those things that needed to be done in the cities. He said that city and county staff were having difficulty staying ahead of current requirements. They had to make choices about how to spend the money and how to implement the tools that they had on hand. Therefore, even if they did manage to submit a report, would they have money or time to implement those standards?

Tom Hughes said that it was the lower-end housing that was the big stumbling block. He said that even though they qualified for direct federal money under HUD, there just wasn't enough money to provide the level of affordable housing for the demand.

Lisa Naito said that Multnomah County had compiled the report, but she stressed that it was a technically difficult report to put together. She said that folks on social security were on a fixed income of as low as only \$500 a month for all their needs, and there was no place in the country where they could live on that kind of money. Therefore, there was no way to fill the need. She said that it was not necessarily in their capacity to solve the problem financially. She suggested that a brief letter on the status for each jurisdiction might be helpful, especially from those that had completed and submitted a report. It could

stand to inform and help all the other jurisdictions and it was more reasonable to expect that each jurisdiction could write a short report/essay of their status.

Chair Hoffman asked Amy Scheckla-Cox to share the Cornelius experience.

Amy Scheckla-Cox gave a brief overview of what the City of Cornelius had been doing in the community that kept them too busy to complete a compliance report. She said, however, that the City of Cornelius excelled at providing affordable housing.

Richard Kidd said they had a surplus of affordable housing as well. The priority of getting that item for reporting purposes was very difficult; there were just too many other priorities to take care of first.

Andy Duyck said that while Washington County did not minimize the importance of the need for affordable housing, it was not something they could get their arms around when they had so many other issues that were more important. The two things that were driving the lack of affordable housing were 1) the rising price of land increasing the price of housing, and 2) no control over how family dynamics have changed over the years. He said that they do what they can for affordable housing, but to have it mandated was not going to solve the shortage.

Chair Hoffman said that there were two issues he saw as central to the problem: 1) putting people into homes, and 2) the reporting requirements of Title 7. He said that they needed to determine where to go from here. He wondered if MPAC should ask Metro to abolish the program, or to defer the report requirements for 5 years, or to find some other solution.

Bryan Brown, City of West Linn, said maybe the efforts should go towards demonstrating or sharing those things that were working around the region. It was hard to find working samples. He suggested trying to determine what elements of a successful project made it successful and sharing those elements.

Robert Liberty said that affordable housing was an important issue to him and Rex Burkholder. He said that they needed to know what the inventory was in order to proceed. He said that his inclination was to figure out ways to help communities that wanted to participate, and to build some projects with a focus on what could be accomplished or built with the limited funds available.

Tom Hughes said that it was frustrating to compile a report that simply got them further behind in their work. He said that that did not speak to giving up the effort at a regional level, and that they needed to find a solution to affordable housing, especially at the very low end of affordable housing. He said that the tax credit programs and other programs had been very successful at getting affordable housing spread around the region.

Lisa Naito said that rather than looking at creating a report, she was more interested in looking at open-ended policy that could be shared. She suggested that a simple report from each jurisdiction on the status of their affordable housing program might be more helpful because the technical report was not getting them anywhere. She said that she felt it was more a policy discussion.

Ted Wheeler said that the level of detail required from the report was not necessarily necessary. He said that they should focus on the supply and demand issues related to affordable housing. The reality was that the expensive part of the equation was the demand side. He said that as Andy Duyck had mentioned there were many other issues to consider such as family structure, mental health issues, addiction issues, job

training issues, and employment issues all on the demand side, which almost make the supply side irrelevant. He suggested that they focus more on the strategies and policy issues for these concerns.

Rob Drake said that he did not want to let affordable housing go and that MPAC should keep it on the radar. He said that perhaps they could try to find funding at state level.

Chair Hoffman said that maybe Metro staff could come up with some basic questions on affordable housing that the jurisdictions could use to produce a two-page memorandum or report in order to share the same information across the region.

Amy Scheckla-Cox said that Cornelius would be able to help with keeping that reporting simple. She said that the MTIP money was a concern for Cornelius as they had a project in the top 10 MTIP projects.

Chuck Becker said that Gresham worked hard to meet affordable housing requirements, but that they had a hard time meeting the 30% and below requirements. Without a funding source, it would be difficult to provide low-income housing. He said that his city would like to see balance across the board, including upscale housing. He said that many people in his community were minimum wage folks and could not afford housing, not even at a moderate level.

Nathalie Darcy said that a few years back, MPAC and the Metro Council realized that affordable housing was critical to the livability of the region. It was, therefore, elevated and included in the planning process. She said that MPAC and Metro should continue to look at the need for affordable housing and that it would be bad public policy to do away with it over difficult reporting requirements. She suggested that they find a more simple reporting mechanism in order to continue the discussion and to find solutions to the housing problem.

Jack Hoffman said it would be good to re-energize the topic, and that it didn't do any good for some cities to ignore it because that did not solve anything. He said it was better to have a dialogue and his suggested two-page memorandum would be a good solution to the problem.

Richard Kidd said it was important for jurisdictions to support affordable housing, but tying it to MTIP money was a real problem because MTIP money worked closely with the transportation plan, which supported those people who needed affordable housing the most. He said that they shouldn't penalize jurisdictions for not accomplishing their goals by taking some of their needs away from them.

Chair Hoffman asked the group if they would support a two-page letter on where they had reached with affordable housing. He said it should be due to MPAC for discussion in 60 days for discussion in mid-year, and that those on MTIP could have their own discussion with Metro.

Nathalie Darcy asked if MPAC was asking the members to agree to submit a two-page memo that responded to 5-7 questions from Metro. She wondered if MPAC had the authority to ask for that over the reporting requirements.

Chair Hoffman said that they could not waive the functional plan requirement, but that he felt it would be a good step in the right direction to write and share those briefer reports.

There was general discussion on when that report should be due and come back to MPAC for review, and the process involved in setting up the questions and compiling the responses. It was generally agreed that

it would be appropriate to have it on the MPAC agenda again in roughly 60 days. Metro staff would confer with the MPAC chair regarding the questions and distribution to the jurisdictions.

TITLE 11:

Andy Cotugno said that the same issued applied to Title 11 as Title 7: there was a lot of UGB expansion and not very much of it was available for development. He said that there were some successful concept planning activities under way, but there were a variety of places where nothing at all was happening.

Carl Hosticka said there were a few cases that had been brought to Council where the property owners were interested in seeing development take place and willing to pay to have Metro take on the planning responsibilities. It was more than just a question of complying with Title 11, it was also a question of whether or not expansion of the UGB really provided land for residential or employment opportunities, because the requirement of Title 11 was that the land couldn't be developed until it was planned. If nobody did the planning, then nothing happened. He said that it would become a more serious issue over the next year as people who live in those areas became more anxious about what was happening in their communities.

Doug McClain said that the real problem with the Title 11 charter was that Clackamas County was called out as the agency responsible for doing concept planning for the City of West Linn and the City of Oregon City. He said that it didn't seem to be a reasonable way for them to do business, but that the real challenge was that it was very expensive to do that sort of planning and finding the money and time to perform those services.

Chuck Becker asked if there was a prohibition against receiving money from private enterprise to fund that sort of planning.

John Hartsock said that the planning was just the tip of the iceberg. They would finish the Damascus plan just fine, but the question was how to pay for infrastructure, which brought them back to the affordable housing issue.

Chair Hoffman asked if this topic should be brought up again at one of the future meetings. He said that he wanted to work on a memorandum with Andy Cotugno regarding this topic that discussed the issues. He would then include it in a future agenda and meeting. He said that work should include contributions from the counties.

Carl Hosticka said that there was a group initiated by legislators that was trying to find ways to generate funds for planning. One of the suggestions was charging platting fees. He suggested that they consider this as another item for discussion.

Chair Hoffman agreed that funding would be good to consider in the discussion.

8. MPAC WORK PROGRAM FOR 2005

Chair Hoffman asked if there were any other issues that should be added to the work program for 2005.

John Hartsock suggested that the edges issue and the areas with exception lands should be added to the list. He said that the Damascus concept plan was seeing some dramatic effects in transportation issues because of Metroscope assigning future units.

Chair Hoffman asked the members to move and approve the MTAC membership.

Motion:	Since the members were short one person to form a quorum, Chuck Becker, Mayor of Gresham, with a second from John Hartsock, Special Districts, Clackamas County, moved to approve, with ratification at the next meeting, the submitted MTAC membership list with the addition of Kelly Ross.
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Vote:	The motion passed unanimously.
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There being no further business, Chair Hoffman adjourned the meeting at 6: 58p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR JANUARY 26, 2005

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#4 Council Update	1/27/05	Letter from David Bragdon to John H. VanLandingham, Chair of the Land Conservation and Development Commission re: Goal 9	012605-MPAC-01
#8 Work Program for 2005	1/20/05	Memorandum from Jack Hoffman to MPAC re: MPAC Work Program for 2005	012605-MPAC-02
#3 Consent Agenda	1/26/05	Memorandum from Andy Cotugno from Jack Hoffman & MPAC re: 2005 MPAC Consideration of MTAC Membership	012605-MPAC-03