

MINUTES OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

June 20, 1989

Council Chamber

Committee Members Present: Jim Gardner (Chair), Lawrence Bauer, Tom DeJardin and Richard Devlin

Committee Members Absent: Tanya Collier (Vice Chair)

Chair Gardner called the meeting to order at 6:19 p.m.

1. Resolution No. 89-1106, For the Purpose of Requesting an Extension for the Completion of Metro's Periodic Review of the Urban Growth Boundary

Rich Carson, Director of Planning and Development, explained Agenda Item Nos. 1 and 2 were related issues. Pat Lee, Regional Planning Supervisor, explained Resolution No. 89-1106's background. He said both the Policy Advisory and Technical Advisory Committees developed and endorsed the resolution. The Committee and staff discussed the resolution which would provide a six-month extension of the Periodic Review until June 1990 which would put the review process on the same schedule as Metro's Urban Growth Management Plan development. Councilor Bauer noted the Policy Advisory Committee unanimously endorsed Resolution No. 89-1106.

Main Motion: Councilor Bauer moved to recommend the full Council adopt Resolution No. 89-1106.

Chair Gardner noted Jim Sitzman, Department of Land Conservation and Development, indicated they would approve the extension if Metro articulated good, substantial reasons for the extension and the result was an improved product.

Vote on Main Motion: Councilors Bauer, DeJardin, Devlin and Gardner voted aye. The vote was unanimous and the motion passed.

2. Public Hearing on Metro's Draft Periodic Review Order for the Urban Growth Boundary (Staff Report and Public Hearing)

Ethan Seltzer, Senior Regional Planner, discussed the resolution and staff recommendations. He said the supply of urban land based on Metro's population growth statistics was adequate. He said a review would be done every five years and noted in 1992 improved census information would be available. He said a major portion of the Draft Periodic Review Order (DPRO) was to review existing language. He said if the Council supported the resolution, there would be a similar hearing in one year. He said if the Council did not grant the extension, the resolution would be reviewed further.

Chair Gardner opened the public hearing.

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Teace Adams, Columbia River Region Inter-League Organization of the League of Women Voters (CRILLO), testified and distributed a memorandum. Ms. Adams said CRILLO received information on this issue June 5 and there had not been adequate time to review all the data. She said another workshop similar to the one held by the Intergovernmental Relations Committee June 5 should be scheduled and the Policy Advisory Committee invited to attend. She noted document terminology was difficult to understand. Ms. Adams noted a CRILLO sister league filed a lawsuit against Metro and said that action was taken partly because of difficulty comprehending terminology.

Mark Seawall, vice president, McVey/Southshore Neighborhood Association, Lake Oswego, testified and distributed a memorandum. Mr. Seawall said the McVey/Southshore Neighborhood Association supported the change to require locational adjustments to be integrated with local periodic review and the new requirements for notice to neighborhood associations and comprehensive planning organizations prior to UGB changes. He said his association was concerned about proposed Sections 3.01.020(g) and (h), which would allow waivers of the filing deadlines for petitions and possibly of the entire requirement to file a petition. He said Section 3.01.025(c) suggested local government could choose whether or not to hold a public hearing before making recommendations on a petition. He said many communities, including Lake Oswego, had ordinances which required a public hearing before approval of major changes in their comprehensive plan. Mr. Seawall concluded his testimony and said the McVey/Southshore Neighborhood Association felt the UGB should be more stable, there should be fewer exceptions to current policy, and more timely citizen input on proposed changes.

Bob Hennessy, Clackamas County Economic Development Commission (EDC), said as a member of EDC and former chair of the EDC's Land Use Committee, he was asked to testify on Metro's DPRO. He said the EDC took exception with the DPRO's position that the current UGB contained sufficient developable lands. He said the DPRO did not seem to attempt to identify additional need for developable lands on a subregional basis. He said without such analysis, the current DPRO conclusions were unsupported. He said the business community was aware that substantial lead time was required to expand the UGB and otherwise make lands available for development. He said foreclosure of a possible UGB expansion in Clackamas County insured additional lands would not be available for ten years. Mr. Hennessy said the EDC urged the Committee to direct Metro staff to conduct a subregional analysis of the need for UGB expansion and to suspend DPRO conclusions pending the results of such analysis.

Norman Scott, distributed a letter from Darlene Hooley, chair, Clackamas County Board of Commissioners. Mr. Scott testified Clackamas County appreciated Metro staff efforts to complete the DPRO in a short time span. He said Clackamas County asked Metro to: Account for the Metro Housing Rule requirement that sufficient land be planned for multi-family to account for 50 percent of forecasted housing units; update the regional

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vacant land inventory using local jurisdictional inventories which have been developed as part of their periodic review process; refine residential density assumptions based on a sample of actual development densities in a cross section of development types and jurisdictions; refine employment densities; demonstrate there was sufficient land by parcel size, type and location characteristics to meet needs through the year 2010; reconcile Metro's Periodic Review Findings with Clackamas County's Periodic Review Findings; and include subregional analysis and findings as part of the Metro Urban Growth Boundary Periodic Review Order.

Councilor Bauer said it would be a mistake to look at subregional issues in an incremental manner. The Committee and Mr. Scott discussed the issues further. Chair Gardner said all the issues raised by Commissioner Hooley would be analyzed closely by staff. He said urban land in Oregon was a limited resource and could be expected to increase in value and density. He said land was not developed as far as zoning allowed and he was uncomfortable with analysis based on trends alone. Councilor Bauer said the points raised in the letter were excellent.

Chair Gardner asked if anyone else wished to testify. No one appeared to testify and the public hearing was closed. Written testimony in lieu of testimony at this meeting was submitted to the clerk for the record from Bill Atherton, 1670 Fircrest Drive, Lake Oswego. He recommended Metro staff host a workshop at which interested parties could assist in development of a second DPRO. He said the first draft contained many unanswered questions and said whenever the UGB was changed two questions must be asked: 1) Is the new land really necessary and 2) How could expansion be assured for a better result, or at the very least, not make conditions worse. He said the first DPRO was unclear on how the subregional amendment process would work. He asked if an annual amendment process was necessary. Mr. Atherton specifically requested language be included in new regulations which provided for payment of petitioners who challenge any land use decision of Metro at LUBA and win their case.

3. Staff Update on Metro Code Chapter 2.04 Purchasing Procedures--Revenue Contracts and Intergovernmental Agreements

Jessica Marlitt, Council Analyst, distributed General Counsel Dan Cooper's letter to Don Carlson, Council Administrator, dated June 14, 1989, regarding the "Proper Treatment of Intergovernmental Agreements for Services and Revenue and Grant Contracts Under New Contracting Procedures." The letter stated changes to the Metro Contracting Code did not impose the same requirements on intergovernmental agreements as they did on purchase or other agreements for the procurement of services.

Councilor Gardner concurred with General Counsel's opinion and said the budgeting process addressed contracts, but the Metro Code should be revised to address intergovernmental agreements. Councilor Devlin said some intergovernmental agreements required more than review. He said more than

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a generic reference to intergovernmental agreements was required. Councilor Devlin discussed different types of intergovernmental agreements and noted some IGA's should be approved by the Council. He said Finance Committee meetings considered different types of revenue agreements.

Motion: Councilor Bauer moved to direct Council staff begin review and preparation of Metro Code amendments to address Council review, and where appropriate, approval of intergovernmental and revenue contracts.

Vote: Councilors Bauer, DeJardin, Devlin and Gardner voted aye. The vote was unanimous and the motion passed.

4. Update on Bi-State Policy Advisory Committee, Report on June 16, 1989 Meeting

Councilor Bauer distributed a memorandum "Bi-State Policy Advisory Committee Update -- Subcommittee to Address Membership, Agendas and Staffing" dated June 19, 1989. Councilor Bauer noted the Bi-State Committee March 17, 1989, developed a joint resolution between Metro and the Washington Intergovernmental Resource Center to expand the committee's membership. The Council Intergovernmental Relations Committee recommended the Metro Council adopt Resolution No. 89-1088, but the Council referred the resolution back to committee for further review and discussion pending the outcome of the Bi-State Committee's meeting in June. Councilor Bauer said June 16 the Bi-State Policy Advisory Committee held its FY88-89 fourth quarter meeting in Vancouver, Washington. The Bi-State Committee voted unanimously to establish a subcommittee to address agenda development, committee composition, and staffing. Councilor Bauer said the subcommittee membership consisted of Phil Thompson, City of Portland Mayor's office; John Magnano, Clark County Commissioner; Ron Hart, Vancouver City Council; and himself. He said the subcommittee would report to the Bi-State Committee at the FY89-90 first quarter meeting scheduled September 22, 1989. He said it was anticipated the subcommittee would hold two to four meetings prior to September 22 with Ms. Marlitt and Steve Carpenter, Council Intern, as assistants.

Chair Gardner adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Paulette Allen

Paulette Allen
Committee Clerk
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