

MINUTES OF THE METRO COUNCIL PLANNING COMMITTEE

Metro Regional Center
Council Chamber

May 11, 1993

Committee Members Present: George Van Bergen (Chair), Richard Devlin, Jon Kvistad (Vice Chair), Terry Moore, Rod Monroe,

Committee Members Absent: Mike Gates

Other Councilors Present: Jim Gardner, Susan McLain, Ed Washington, Judy Wyers

Chair Van Bergen called the regular meeting to order at 4:05 p.m.

1. Consideration of Resolution No. 93-1790, Approving a Change of Composition for Metro Policy Advisory Committee

Andy Cotugno, Planning Director, presented the staff report. He noted the Resolution was discussed previously.

Councilor Gardner noted the addition of Councilors on the Metro Policy Advisory Committee (MPAC) was made but did not allow Councilors to act as voting members.

In response to a question from Councilor Moore, Councilor Gardner said that the composition proposed differed from the Regional Policy Advisory Committee (RPAC). He stated he preferred to allow Councilors to participate with a vote.

Councilor Devlin discussed the intent in the change of composition. He noted the Councilors would continue to participate in discussion of issues.

Councilor Monroe spoke to the elimination of RPAC as "giving up a hammer." He discussed potential future voting outcomes at future MPAC meetings. He favored the liaison position on the MPAC.

Councilor Kvistad clarified language in Ordinance No. 93-499 with Larry Shaw, Senior Legal Counsel.

Councilor McLain spoke to the history of votes at RPAC meetings.

Motion: Councilor Devlin moved to recommend Council adoption of the Resolution.

Chair Van Bergen opened the public hearing. No citizens appeared to testify and Chair Van Bergen closed the public hearing.

Councilor Devlin noted that when the Council was reduced in 1995, the liaison position might be advantageous. He noted a near majority of the Council would be participating actively with MPAC.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

Mr. Cotugno noted Clark County, Washington would be forwarding a request to add a membership representative from Clark County on the MPAC. He noted that participation might be positive in relation to land-use planning issues. Councilor Monroe expressed support of Clark County participation.

2. Consideration of Ordinance No. 93-499, An Ordinance Amending the Regional Urban Growth Goals and Objectives (RUGGO) Ordinance to Substitute MPAC for RPAC

Mr. Cotugno presented the staff report. He noted the Ordinance amended previous language to clarify the relationship between MPAC and the Council.

Motion: Councilor Devlin moved to recommend Council adoption of the Ordinance.

Chair Van Bergen opened the public hearing. With no citizens appearing to testify, Chair Van Bergen closed the public hearing.

Councilor Gardner noted MPAC was clear that the Council had less impact than they did on the RPAC. He said the role was consistent with the Charter.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

3. Interim Ordinance - Update (Washington County Light Rail Station Interim Ordinance)

Mr. Shaw presented an update. He summarized the hearing held May 11, 1993 in Washington County. He discussed testimony presented at the public hearing. He noted he generally approved of the Ordinance. Councilor McLain spoke to her understanding of the issues.

The Committee discussed the elements and issues included in the interim Ordinance. Mr. Shaw placed emphasis on the fact that the Ordinance was to be used as interim provisions only.

4. School Capacity Land Use Issues - Discussion

Mr. Shaw summarized his May 3, 1993 memorandum, a copy of which is included in the record of this meeting. He said the issue focussed on the extent that schools should be included in the planning process as a service provider.

William Cox, Attorney, appeared to testify on behalf of developers. He noted he had clients that were affected by the issue. He discussed potential and immediate impacts. He spoke to the school district's lack of participation in the planning process to alleviate the problems. He noted the burden of proof was placed on the developer. He explained that when a school district claimed that there was not enough capacity to support development, the developer was placed with the burden of disproving the school district's statement of capacity. He noted the standards of appropriate capacity were widely disputed as were remedies. He quoted several legal decisions relevant to land use issues and special district's role in planning.

Mr. Shaw responded to testimony provided by Mr. Cox. He noted Metro does not develop, implement and approve comprehensive plans. He stated Metro had coordination ability but did not adopt the comprehensive plan.

Jerry Pflug, representing Beaverton School District, appeared to testify. He explained that the Beaverton School District was not opposed to growth. He noted that only a few service provider letters were denied. He said the district had an obligation to provide service to all children in the district. He discussed the difficulty the district has had in passing bond issues. He noted many schools continued operating with portable classrooms despite recent classroom additions and new school openings.

Mr. Cox noted that school districts were a special district according to Oregon State Law since 1977. He noted that historically they have not actively participated in planning.

Councilor Moore stated she was pleased to see school districts take a more active role in addressing the land use and school capacity issues.

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Councilor Kvistad asked if the current bond on the ballot would affect the issue. Dr. Pflug said the bond would allow for construction of several more schools.

Councilor Wyers noted the area of coordination was difficult, costly, and not clearly defined. She expressed her hesitation about participating until more information was available.

Chair Van Bergen asked staff to provide written direction for discussion at the next full Council meeting.

5. Future JPACT Agenda Action Items - Briefing

Mr. Cotugno distributed a memorandum dated May 11, 1993 related to the East-bank Freeway, a copy of which is provided in the record of this meeting.

He discussed the JPACT Agenda, a copy of which is included in the record of this meeting.

The Committee discussed the May 13, 1993 JPACT Agenda.

6. Councilor Comments

There were no Councilor comments.

With no further business before the Committee, Chair Van Bergen adjourned the meeting at 6:10 p.m.

Respectfully Submitted,



Susan Lee
Committee Recorder

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APPROVED
Date 6-22-93