

MINUTES OF THE METRO COUNCIL MEETING

Tuesday, September 13, 2005
PCC Southeast

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Rex Burkholder, Brian Newman

Councilors Absent: Rod Park (excused), Carl Hosticka (excused), Brian Newman (excused)

Council President Bragdon convened the Regular Council Meeting at 5:31 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Margaret Jennings, 3106 SW Gale Ave, Portland OR 97239 said she was a homeowner in Portland. She felt that the Nature in Neighborhoods ordinance was difficult to understand. She was testifying tonight because she was unable to come a day meeting. She was concerned about the regulatory aspects of this ordinance. She noted that her deck plans were not approved by the City of Portland. She said Metro was requiring the City of Portland to develop a plan. She asked that Metro take the ordinance that they had developed and make the language understandable. Metro needed to require the enforcing bodies to do the same. Metro also needed to provide technical assistance. She suggested public open houses. Metro needed to hold public hearings at a time when homeowners could testify. Metro succeeded when it passed an environmental program that citizens of the region could live with.

Councilor Liberty said he appreciated the need for clarity and technical assistance. Metro was always looking for ways to making thing clearer.

Councilor McLain acknowledged Ms. Jennings comments. She appreciated her comments about clarity. She had been attending meetings over the last six years on this issue. Citizens had 122 opportunities to comment on the ordinance including evening meetings and off-site meetings. She agreed that Metro needed to continue to make an effort.

Emily Boyles, 11911 SE Division #1, Portland OR 97266 addressed two ordinances that appeared to be in conflict, Ordinance No. 05-1092 and Ordinance No. 04-1063A. She had been meeting with members of the public and had had several comments about these two ordinances. She felt Metro needed to assess the green impact and the employment impact before they granted approval of a new franchise. This area could not afford to lose any jobs. She spoke about the concerns of the business owners in this area. She was concerned that their rates would go up. She talked about social impact on the community and companies that would go under if Ordinance No. 05-1092 were approved.

Randy Dagel, Vice Chair, Lents Town Center Urban Renewal, 9030 SE Foster, Portland OR 97266 said he owned Lents Body Shop. He was representing Lents Town Center Urban Renewal. He thanked Metro for doing good work.

Bruce Broussard, 1863 N Jantzen Ave Portland OR 97217 echoed Ms. Boyle's comments. He did talk shows in the area. One of the issues had come up had to do with Columbia Environmental. He was concerned about the impact on recycling and rates. He felt the rates would increase if Columbia Environmental were granted a franchise for a transfer station. The key was the fact that this issue spoke to rate increases.

Mike Lehne, 7915 SE 162nd Ave Portland OR said he had been an appraiser in the Oregon area for many years. The Nature in Neighborhoods ordinance was going to hurt people. Goal 5 didn't require regulations. The regulations that were in place right now were sufficient. They didn't need another level of regulation. He felt Metro had an obligation to go back to the neighborhoods for people to comment on Nature in Neighborhoods. He then spoke to the Measure 37 ordinance. He didn't feel they needed private property regulated.

3. PRESENTATIONS ON IMPLEMENTING CENTERS, CORRIDORS, AND MAIN STREET STRATEGIES

Councilor Liberty said in 1994 Metro adopted 2040. Development was to be focused in regional center, town centers, high frequency corridors, and main streets. There were a number of people here tonight that would talk about centers, corridors, and main streets. Lents Town Center presented first. John Southgate, PDC Development Manager since 1994 and Lents Urban Renewal Area Development Manager said they designated the town center in 1998. Since then they had been working with their community partners to develop a vision. They had acquired seven acres. He shared a map of the town center. They had been working on getting development going for a number of years. He suggested there might be a possibility of new commercial development in a few weeks. The acreage was a great opportunity for both development as well as fish and wildlife protection. He was hopeful that light rail would attract development.

Cynthia Peek, Lents Urban Renewal Advisory Committee Chair spoke to some of the challenges. They had an opportunity to do something stunning. She talked about different parcels of land in the area that could be liberated for development. She also noted issues concerning parking. She said traffic was also a challenge. Their dream for that land was a structured parking with mixed-use development. They were looking for a walking and shopping destination for this area. They wanted it to be a thriving town center.

Councilor Liberty asked if there were things that Metro could contribute to make sure it was a successful town center. Mr. Dagle responded, money. Mr. Southgate said they had already done a variety of community projects. They didn't have limitless funds. Funding partnerships were important. Participation in a multi-agency approach was also important.

Councilor Liberty shared his observations. The basic concept of the town center was something people were embracing.

Mr. Dagle said he had shared some of the town center developments in the region. Citizens were impressed with the vision for Lents. He noted that there were some challenges but felt this area could be a successful town center.

Ken Turner, President 82nd Avenue Business Association and General Manager for Eastport Plaza said Lents was wealthy in its history and its community. Lents was a working community. They needed more jobs. It was a good community for light rail. Lents would like to have a light rail station.

Mr. Turner said something they felt ignored and forgotten in the 82nd Avenue area. They wanted to get involvement from businesses. He suggested 82nd Avenue be called the Avenue of Roses. He felt there was a great heritage in the area. They were asking all businesses that had curbside businesses on 82nd Avenue to plant roses. They were trying to change the perception. He talked about the issues of crimes. They would be applying for a federal grant called Weed and Seed. He explained the focus of the grant. They would also be looking at improving 82nd Avenue. He felt 82nd and Division was ripe for development and redevelopment. They wanted to participate in drawing the blue prints of their community. He noted household statistics. They needed jobs desperately. He spoke to housing issues as well.

Councilor McLain talked about her history with 82nd Avenue. 82nd Avenue was a destination. She felt that was a good message.

Councilor Liberty talked about the business activity on 82nd Avenue. He summarized their three priorities: crime and public safety, esthetics, and focusing on areas that seemed ready.

Linda Robinson, Arlene Kimura and Bob Earnest, Gateway Regional Center, shared a power point presentation (a copy of which is included in the meeting record) on the Center. Mr. Ernest noted a map of the Gateway Center. He provided the background for the establishment of the Gateway Regional Center. He talked about the components of the transit center, which included redevelopment. He noted that there was a lot of work that went into recruiting the medical center. Ms. Kimura talked about Physician's Hospital. Portland Development Commission (PDC) had provided a loan for storefront improvement. Mr. Earnest addressed the 102nd Avenue improvement project. He also talked about the 99th and Glisan re-alignment. Ms. Kimura shared issues about housing in the Gateway area. Russellville had been the first project. As time had passed it has become more accepted. The condos had sold very well, many sold to senior citizens. She spoke to the changing demographics, which included larger immigrant populations, senior citizens, and ethnic diversity. Ms. Robinson addressed issues concerning the loss of the upland habitat. Gateway was an upland neighborhood. They were losing trees rapidly as dense development occurred. She suggested additional Nature in Neighborhood incentive programs for small upland areas. Ms. Kimura said they felt Metro and PDC had been very helpful in redeveloping their area. Ms. Robinson said they were hopeful that they could work with Metro on commercial and residential development, which supported habitat friendly development. She suggested plazas for their area. Ms. Kimura addressed other interests for changes such as 122nd Avenue. She added that they had similar issues to the 82nd Avenue problems.

Charles Kingsley, Division Vision Coalition and Jean Baker, Division/Clinton Business Association presented the Division Vision, a main street designation. Ms. Baker said they had many neighborhood associations and business associations participate in coming up with a vision. They could speak with one voice. Their vision had changed overtime. She noted obstacles, which included the sheer volume of information you had to know. She suggested Metro provide some information about bio-swells and the Get Centered process. Mr. Kingsley shared his experience in developing the Division Vision. He noted the booklet on Division Green Street/Main Street Plan (a copy of which is included in the meeting record). They had been able to sort out much of the mixed match zoning. They had been creating different kinds of nodes. The joint project with New Seasons and Bureau of Environmental Service (BES) was one of the first in the country. They were trying to link the notion of green streets and main streets. He spoke to what Metro could help with: balance 2040 goals and a bigger regional development scheme while preserving the inter-city neighborhood culture. They wanted to preserve what made their neighborhoods unique. He also suggested utilizing money for local resources such as a percentage for local arts. They needed money to shift to local businesses. He spoke to the involvement of Metro. Metro

represented a regional perspective. He urged Metro serve in a facilitating role. Third, they would also like to streamline the planning process. He felt that would free up more funds for implementation.

Councilor McLain talked about the balance between good planning and public participation and involvement. Mr. Kingsley urged looking at streamlining and suggested Metro could help in that area.

Councilor Burkholder talked about the many projects around the region and the need for additional resources. Metro Council was interested in supporting their activities even with limited dollars. Metro could also offer technical assistance. He talked about additional densification and the benefits. He appreciated all of those who were trying to shape the future.

Council President Bragdon thanked all of them for their presentations. Councilor Liberty echoed Council President Bragdon's comments. The tone of the presentation was positive and quite a bit different from 10 years ago.

4. CONSENT AGENDA

4.1 Consideration of minutes of the August 18, 2005 Regular Council Meetings.

4.2 **Resolution No. 05-3617**, Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Allow A Process for Consideration of Unsolicited Proposals for Metro TOD/Centers Program Owned Land

Motion:

Councilor Liberty moved to adopt the meeting minutes of the August 18, 2005 Regular Metro Council and Resolution No. 05-3617.

Vote:

Councilors Burkholder, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 4 aye, the motion passed.
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5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 05-1091**, For the Purpose of Amending Provisions of Metro Code Chapter 7.01 Relating to Excise Tax Imposed on Certain Consumer and Exhibitor Payments at the Metropolitan Exposition-Recreation Commission Facilities.

Council President Bragdon assigned Ordinance No. 05-1091 to Council.

5.2 **Ordinance No. 05-1092**, Granting the Solid Waste Facility Franchise Application of Columbia Environmental, LLC to operate a local transfer station.

Council President Bragdon assigned Ordinance No. 05-1092 to Council.

5.3 **Ordinance No. 05-1093**, For the Purpose of Amending Metro Code Chapter 5.01 to extend a Moratorium Until December 31, 2007, on Applications for and Authorizations of New Solid Waste Transfer Stations within the Metro Region.

Council President Bragdon assigned Ordinance No. 05-1093 to Council.

- 5.4 **Ordinance No. 05-1094**, For the Purpose of Amending the Regional Solid Waste Management Plan to Extend a Moratorium until December 31, 2007 on Applications for and Authorizations of New Solid Waste Transfer Stations within the Metro Region.

Council President Bragdon assigned Ordinance No. 05-1094 to Council.

- 5.5 **Ordinance No. 05-1095**, For the Purpose of Amending FY 2005-06 Appropriations Recognizing Grants and Donations To The Oregon Zoo; and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 05-1095 to Council.

- 5.6 **Ordinance No. 05-1096**, For the Purpose of Adopting a Supplemental Budget for FY 2005-06 Providing for Pension Obligation Bonds and Other related costs, amending appropriations, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 05-1096 to Council.

6. **ORDINANCES – SECOND READING**

- 6.1 **Ordinance No. 04-1063A**, For the Purpose of Denying a Solid Waste Facility Franchise Application of Columbia Environmental, LLC to Operate a Local Transfer Station.

Council President Bragdon announced that this would be considered at the September 22nd Council meeting concurrently with Ordinance No. 05-1092.

- 6.2 **Ordinance No. 05-1087**, For the Purpose of Adopting a Process for Treatment of Claims Against Metro Under Ballot Measure 37.

Motion:	Councilor Liberty moved to adopt Ordinance No. 05-1087.
Seconded:	Councilor McLain seconded the motion

Councilor Liberty said this ordinance represented the first, of what could become several efforts by Metro to faithfully implement Measure 37, the compensation measure passed by a wide majority of Oregon voters last November. Measure 37 required state and local governments, special districts and Metro to pay landowners for any reduction in value to their land, timber or minerals, caused by any law, rule or regulation adopted or enforced after the owner acquired the property. Measure 37 applied retroactively, that was, it required compensation for reductions in value that occurred as a result of laws, rules or regulations adopted years or decades ago.

This ordinance, if passed, would create a process for the review of Measure 37 claims that was fair, informative and efficient for claimants other affected property owners and taxpayer. Under Measure 37 Metro was liable for any claims that were attributable to its own regulations. Because most of Metro's plans and regulations were designed to promote rather than prevent development, the number and range of actual and potential claims ought to be far less than for counties.

Staff had identified three areas of Metro regulation that could give rise to claims – the provisions of Title 3, “Water Quality, Flood Management and Fish and Wildlife Conservation, Title 4, which protected industrial and other employment lands from other kinds of development, Title 11 provisions which established planning requirements for areas added to the urban growth boundaries, and the anticipated provisions in Title 13, Nature in Neighborhoods, which would help protect water quality and wildlife areas.

As of today, three claims have been filed against Metro. It was true that Measure 37 allowed claimants to proceed with their claim without using this proposed process and without paying any fee for the review of their claim. This meant that if adopted, our process and our modest fee would be optional.

However, it was his hope that Metro’s process would be attractive to claimants because it would provide the kind of evaluation that would be expensive and complex to carry out on their own and because it would provide a sound basis for an other review of our decision by courts or state agencies.

The draft ordinance drew upon prior efforts by local governments and various legislative drafts that would have created an administrative process for the review of Measure 37. The drafts were reviewed by the local officials and citizens who make up the Metro Policy Advisory Committee as well as the planning directors who serve on the Metro Technical Advisory Committee.

This ordinance does not address some other issues related to Measure 37: 1) the Council’s prior decision to indemnify and administer claims against local governments based on our yet-to-be adopted Nature in Neighborhoods program, 2) responding to a recommendation from the Measure 37 Task Force about the value of coordination and consistency of claims review procedures and standards across the region.

Dick Benner, Metro Senior Attorney, said this was a very straightforward process. It required a public hearing assuming that it met some preliminary requirements for a claim. Councilor Burkholder shared his concerns. Mr. Benner said he was not sure that he could give a precise answer. He further explained opportunities to sort out Functional Plan issues and local government regulations. Councilors discussed the unknowns of Measure 37 and liability concerns. Councilor McLain said Metro had provided a process and had done a good job with notification requirements. She supported the ordinance. Mr. Benner said there were still a few grammatical errors and corrections that needed to be corrected. He detailed those corrections.

Council President Bragdon opened a public hearing on Ordinance No. 05-1087. No one came forward. Council President Bragdon closed the public hearing.

Motion to amend:	Councilor Liberty moved to amend Ordinance No. 05-1087 to include language under 2.21.040(e) The COO may commission an appraisal or direct other research in aid of the recommendation <u>determination</u> of whether a claim meets the requirements of Ballot Measure 37, <u>and to assist in the development of a recommendation regarding appropriate relief if the claim is found to be valid.</u>
Seconded:	Councilor McLain seconded the motion

Vote to amend:

Councilors Burkholder, McLain, Liberty and Council President Bragdon voted in support of the motion. The vote was 4 aye, the motion passed.

Motion to amend:

Councilor Liberty moved to amend Ordinance No. 05-1087 to include technical amendments outlined by the Metro Senior Attorney Benner.

Seconded:

Councilor Burkholder seconded the motion

Vote to amend:

Councilors Burkholder, McLain, Liberty and Council President Bragdon voted in support of the motion. The vote was 4 aye, the motion passed.

Councilor Burkholder said he would be voting against the ordinance at this time. He explained his reasons.

Motion to postpone:

Councilor McLain moved to postpone action until September 22nd.

Seconded:

Councilor Burkholder seconded the motion.

Vote to postpone:

Councilors Burkholder, McLain, Liberty and Council President Bragdon voted in support of the motion. The vote was 4 aye, the motion passed.

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan was not at the meeting.

8. COUNCILOR COMMUNICATION

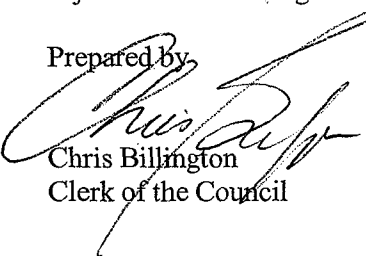
Councilor McLain provided an update on the Regional Water Consortium meeting.

She also suggested adding liaison report at either work session or Council meeting.

9. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 7:40 p.m.

Prepared by


Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER 13, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
3	Map	9/13/05	To: Metro Council From: Arlene Kimura Re: Gateway Regional Center Map	091305c-01
3	Proposed Plan	August 2005	To: Metro Council From: Jean Baker Re: Division Green Street/Main Street Plan	091305c-02
3	Power Point Presentation	September 2005	To: Metro Council From: Portland Development Comm. Re: Gateway Regional Center Power Point Presentation	091305c-03