

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 6, 2006  
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused), Susan McLain (excused)

Council President Bragdon convened the Regular Council Meeting at 2:04 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. CONSENT AGENDA

3.1 Consideration of minutes of the June 29, 2006 Regular Council Meeting.

3.2 **Resolution No. 06-3716**, For the Purpose of Confirming the Re-Appointment of Gary Conkling to the Metropolitan Exposition Recreation Commission

Motion: 

Councilor Burkholder moved to adopt the meeting minutes of the June 29, 2006 Regular Metro Council and Resolution No. 06-3716.
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Vote: 

Councilors Burkholder, Liberty, Park, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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### 4. RESOLUTIONS

4.1 **Resolution No. 06-3710**, For the Purpose of Entering an Order Relating to the Franklin and Marlene Hanks Claim for Compensation under ORS 197.352 (Measure 37)

Council President Bragdon said they would have a short staff report and then invited the claimant to present. Chris Deffebach, Planning Department, summarized the Chief Operating Officer's report on Measure 37 claim filed by Franklin and Marlene Hanks. She shared where the property was on the map. She said the claim covered two parcels. Metro's action did not reduce the value of the property. She noted the supplemental report comparing the value of the property to the regulation that was in place at the time of Metro's action. She noted what was included in the packet. Clackamas County had acted to waive their regulations. Damascus has not acted on the regulation. Damascus took action to postpone until after the Supreme Court decision, to date they had not taken any further action. Dick Benner, Metro Senior Attorney, clarified that Clackamas County had not taken action on behalf of Damascus. Sonny Conder, Planning Department,

explained the methods used for valuation. The value was not reduced based on Metro's action to bring the land into the Urban Growth Boundary.

Councilor Liberty asked for clarification on zoning. Mr. Benner said they received a complaint from the Hanks family on Monday, indicating that the property had been changed in 1995 to forest zoning. Doug McLain said it was zoned ag-forest in 1994, with a 80-acre minimum lot size. At the time Metro acted it was subject to an ag-forest zoning and a 80-acre minimum lot size.

Andrew Stamp, land use attorney, said he was representing the Hanks. The claimants filed a claim in July 2005. They filed a request for compensation in circuit court on Monday. Their position was that once they filed the lawsuit, the Council could no longer take action. Their position was that any decision was null and that the decision maker was Clackamas County circuit court. They would rather not pursue a Measure 37 claim. They requested that it be residential urban density land rather than industrial land. He explained why they had filed four different claims. They had put the case on hold with the city but Clackamas County had acted on the 20-acre minimum lot size. Councilors asked clarifying questions about the property. Councilor Liberty asked Mr. Hanks about his assessment of the methods used for valuation. Mr. Hanks felt there was a reduction in value and explained further why the assessment methods were not valid. He felt the proper use for valuation was an appraisal. Mr. Stamp talked about the Metro holding zone. The language in Measure 37 wasn't clear. Their reasonable investment expectation was one-acre lots. Councilor Burkholder said there was a process for developing a comprehensive plan, which was taking a little extra time. Why were they in such a rush? Mr. Stamp said one of the problems of Measure 37 there were certain deadlines you must file. By filing the lawsuit he had a better handle on the clock. Mr. Hanks said his parents' desire was to have it as residential not industrial land. He explained that a portion of the land was sloped and probably not good for industrial. It was not flat land. He explained why he filed the lawsuit. Councilor Burkholder said the 27 acres was important. In approving a UGB expansion, Metro's responsibility was to ensure we grow in a planned manner. They tried to set into place an opportunity for the city to plan. This did take time to make sure the community worked. His personal feeling was that bringing the land into the UGB increased the value. They wanted this area developed. Metro had guided this process but the local jurisdiction would be the ones who planned the area. Mr. Hanks talked about the turf war between the City of Damascus and the City of Happy Valley. They wanted the land to be designated residential not industrial. Councilor Park said Councilor Burkholder summarized much of what he was going to say. The questions raised by the claimant had to be decided at the local level. Damascus was still going through the process. Other than the action to remove the land from the UGB, it was the city that must plan the area.

Councilor Liberty asked Mr. Conder about the methods that were used and the claimant's assessment of the methods used. Mr. Conder further explained his use of the different methods for assessing value and the ranges used. Councilor Liberty asked about the \$40,000 land value for industrial land. Mr. Conder explained his methods for valuation. Council President Bragdon said the question before Council was narrow. They were not here to decide if the property should be residential or industrial. It was not about what the state had done or what the city will do in the future. Council was asked if the action taken by Metro diminished the property. He summarized the COO's recommendation.

Motion:

Councilor Park moved to adopt Resolution No. 06-3710.
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Councilor Park said Council President Bragdon had summarized what was before the Council. He urged support. They couldn't presume what the local jurisdiction would do. Councilor Liberty said Measure 37 was clear about showing a reduction in value. He felt staff had used conservative values in trying to determine a reduction in value. They had used multiple assessments to determine value. Council President Bragdon said he would also be voting aye on the resolution.

Vote:

Councilors Burkholder, Liberty, Park, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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## **5. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordan, COO, updated the Council. As of July 1, Metro was now collecting construction excise tax. Twenty-one of the jurisdictions had signed Intergovernmental Agreements (IGAs). He thanked staff as well as Councilors Newman and Park for their efforts.

## **6. COUNCILOR COMMUNICATION**

Councilors Newman and Park thanked Mr. Jordan for his effort on the construction excise tax. Councilor Park asked about the jurisdiction that had not signed the IGA and what was happening with that jurisdiction. Mr. Jordan provided an update.

Councilor Burkholder talked about their discussion with hospitals of the region and what kind of policy framework they fit into. What kind of regional policy making should address the particular conditions they had. He felt the discussion had been productive.

Councilor Liberty said he had some conversations with Portland Community College (PCC) and their plans to expand. PCC had raised the issue about level of service for people getting to their campus. He also mentioned a discussion they had about the I-5 corridor this morning. Councilor Burkholder suggested a work session about the alternatives.

Council President Bragdon said next Tuesday they would continue their discussion about disposal system planning. He suggested reading the report from the consultants. The hybrid system was not status quo. The proposed hybrid system might take care of some of the issues that he had raised.

He then talked about the Eastside Streetcar issue. He recommended amending the resolution at Joint Policy Advisory Committee on Transportation (JPACT) so there was clarity about Metro's position. He was concerned about the cost and the industrial sanctuary. He suggested talking with their partners prior to the JPACT meeting. Councilor Newman said he shared Council President Bragdon's concerns. He talked about the two documents attached to the legislation; the Locally Preferred Alternative (LPA) and the work plan considerations. He wasn't sure how strong the considerations were and how binding they were on the process. Councilor Burkholder said he would appreciate amendments before the resolution was considered at JPACT. He talked about the advisory committee recommendations coming forward. He talked about Metro's role. Councilor Park asked if there was a plan to incorporate this into the Regional Transportation Plan update. Councilor Burkholder responded to his question. Councilor Liberty shared his concerns about this project and other projects. He said we had to move from project focus to system focus. Councilor Newman asked Richard Brandman, Planning Department, how strong the documents were. What kind of binding nature were they? Mr. Brandman said all of the entities had adopted

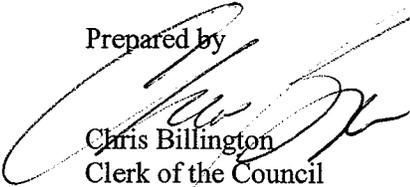
the work plan considerations. There were a number of work program considerations. This needed to be accomplished for the project to move forward through the federal process. He provided additional work program considerations concerning an operating plan and the impacts on other transit. The concerns would need to be resolved prior to the grant approval. Councilor Park shared his concerns. He then talked about the Columbia River Crossing.

Councilor Park talked about the Disposal System Planning models and the discussion that was planned for next Tuesday.

**7. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:47.m.

Prepared by



Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
JULY 6, 2006**

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	6/29/06	Metro Council Meeting Minutes of June 29, 2006	070606c-01
4.1	Supplemental Report	6/30/06	To: Metro Council From: Paul Ketcham, Planning Department and Dick Benner, Office of Metro Attorney Re: Supplemental Report of the Metro Chief Operating Officer for Resolution No. 06-3710	070606c-02