

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 13, 2006  
Metro Council Chamber

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

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

Council President Bragdon convened the Regular Council Meeting at 2:02 p.m.

### 1. INTRODUCTIONS

Council President Bragdon introduced David Biedermann, Information Technology Director, and thanked him for service to Metro and MERC. He personally appreciated the opportunity to work with Mr. Biedermann over the years. Councilors echoed the Council President's comments. Dan Cooper, Metro Attorney, agreed with Councilor comments and said Mr. Biedermann would be sorely missed. Mr. Biedermann thanked the Council for their kind words. He particularly enjoyed his work with Councilor McLain concerning contracting.

### 2. CITIZEN COMMUNICATIONS

There were none.

#### 3.1 NORTH PORTLAND ENHANCEMENT COMMITTEE SLATE OF GRANTS

Karen Blauer, Solid Waste and Recycling Department, shared the history and goals of the North Portland enhancement grant program (a copy of her comments is included in the meeting record). She provided a list of committee members. She then introduced Alan Holzapfel, who served on the committee. He shared a power point presentation on one project, Village Gardens. Tera Couchman, Janus Youth Programs and Angela Martin, resident manager of the St. Johns Woods Garden talked about their projects. Council President Bragdon thanked Ms. Couchman and Ms. Martin for their work. This partnership with Janus was very much a success. Mr. Holzapfel also thanked these individuals for their work. He reviewed the slate of projects that had been awarded grants as well as provided an overview of the projects. He talked about the need to sustain the program. He said this was his last year to serve on the committee and he was thrilled to provide the same opportunity to another citizen.

Councilor Burkholder provided Alan Holzapfel with a certificate of appreciation for his work on the committee. He also mentioned the other committee members who would be leaving the committee. Councilor McLain complimented both Mr. Holzapfel and Ms. Blauer on their work. Councilor Liberty asked Mr. Holzapfel about changes in North Portland and if their efforts had had an impact. Mr. Holzapfel said he felt the changes were very positive and provided some examples of the positive impacts on North Portland.

#### 3.2 PREVIEW OF RESIDENTIAL RECYCLING ADVERTISING AND PUBLIC AWARENESS CAMPAIGN

Jan O'Dell and Vickie Kolberg, Solid Waste and Recycling Department, provided a preview of the residential recycling advertising and public awareness campaign. The region was moving to a

commingled system but there was contamination of materials such as glass and plastic bags. This campaign was to help bring awareness to the public. She talked about the budget and history of the campaign. Ms. Kolberg talked about the social marketing elements of the campaign. She noted the seven locations that would focus on the campaign including Pioneer Square and farmers markets. Councilor McLain encouraged them to consider the county fairs and the farmers market in Hillsboro. She talked about media opportunities. She then reviewed measurements to show the success of the campaign.

Jeff Murray, Harvest Fibers, addressed Councilor McLain's concerns about Hillsboro sites. He appreciated the opportunity to talk with Council about this campaign. Councilor Park asked Mr. Murray about separating glass. Mr. Murray responded to his question. Councilor Park asked to estimate the change due to awareness. Mr. Murray shared some facts to date. Ms. O'Dell shared several slides on the glass and plastic television clips. Councilor McLain made some suggestions about improving the campaign. Ms. Kolberg talked about the goals of the campaign in years to come. Council President Bragdon asked if the bins had Metro's recycling number on them? Ms. Kolberg said the haulers did the recycling collection. Councilor McLain felt Council President Bragdon made a good point. She suggested when bins were replaced that we add our regional number for recycling. Councilor Park made suggestions about the bins. Ms. Kolberg said there was on going communication with the residents of the region but agreed there was still some confusion. Hopefully, this campaign would help. Mr. Murray added his comments about common messaging. Ms. Kolberg said they did provide links to individual governments. Councilor Liberty asked about the effects of the campaign and the impact on recovery rates. Ms. Kolberg said she felt this was a very clear campaign helping with the specifics of how to recycle. They would have to wait to see if quantity increased. Councilor McLain said they had also set a higher standard to use our public relations for integrating Metro's goals.

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the July 6, 2006 Metro Council Regular Meeting.

Motion:	Councilor Liberty moved to adopt the meeting minutes of the July 6, 2006 Regular Metro Council.
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Vote:	Councilors Burkholder, McLain, Liberty, Park, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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**5. RESOLUTIONS**

5.1 **Resolution No. 06-3719A**, For the Purpose of Authorizing the Chief Operating Officer to Enter into Options to Purchase Properties in the Fanno Creek, Abernethy Creek, Rock Creek, and Westside Trail Target Areas, under the Proposed 2006 Natural Areas Bond Measure in Accord with the Open Spaces Implementation Work Plan.

Motion:	Councilor McLain moved to adopt Resolution No. 06-3719A.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain said they had a work session on these options. They were trying to give the public an idea of what could be bought with the bond measure money. They were trying to make sure there was equity throughout the region. She urged adoption. Councilor Burkholder suggested

explaining what this action was. Councilor McLain explained the options program. Councilor Burkholder said they were looking towards the future in the hopes that the public would approve a bond measure. They were trying to be prudent after spending a very small amount of money.

Vote:

Councilors Burkholder, McLain, Liberty, Park, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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5.2 **Resolution No. 06-3714**, For the Purpose of Entering an Order Relating to MacLaughlan Claim for Compensation under ORS 197-352 (Measure 37)

Council President Bragdon summarized the process for the claim. Paul Ketcham, Planning Department, provided an overview of the claim as well as the Chief Operating Officer's report and recommendation. He explained the valuation process that was used. Councilor Liberty said there was only one comparable property to look at. Sonny Conder, Planning Department, responded to his comments. He explained the tools used for considering valuation. Mr. Ketcham said if they used the comparable sales approach there was no reduction in value. He summarized other approaches used for assessment of valuation. Councilor Liberty asked about the amended claim and that it showed by their own calculation there was an increase in fair market value. He felt you reached the same conclusion that there had been an increase in value of the property.

Council President Bragdon opened a public hearing.

Jeannette Moore, representing the MacLaughlans, provided additional information for the Council (copies of which are included in the meeting record). Ms. Moore said when she reviewed the report by the Chief Operating Officer (COO) she felt the enforcement of Metro's regulation was missing. The Metro regulation was not new. It was in effect in 2003 on the property. There had been discussion about loss of market value or not on the MacLaughlan property. The discussion had considered the comparables by the claimant. Based on the comparables, considering only zoning at the time the property was brought in. Councilor Liberty summarized her comments. Ms. Moore said the only method that was being used to show no loss in value was time series method. She said if you used county tax assessments they were required to consider real loss of value. She talked about zoning at the time the property was brought into the urban growth boundary (UGB). She then talked about the rules for appraisal, all three approaches, sales comparison approach, cost approach and income approach must be considered. She noted that the Department of Revenue recognized the sales comparison approach. She explained what the county used to assess value. The claimants were asking for RA1 zoning. She talked about Clackamas County's order. She explained what was before Metro Council today. She then reviewed the amended claim. The sum of individual parts was not as great as the whole. She noted that the MacLaughlans had the property rights in 1994. Metro's regulation created a loss in value.

Councilor Liberty said she had answered his first question. He asked about the value of one-acre lots outside the UGB. That would be the proper comparison. Ms. Moore said the group of comparables did not have that information on it. Councilor Liberty said if they were to remove the regulation, they would put the land outside the UGB. Ms. Moore said value was based on county assessor's appraisal. If the property were a one-acre size, there would be a loss of value. Councilor Liberty asked what do one-acre lots cost outside the UGB. Ms. Moore noted the value of the property prior to the property being brought into the UGB. She felt there was still a loss. Councilor Liberty asked what was the loss in value in 1975 when the property was rezoned. Ms.

Moore said Oregon law was clear about the zoning. Councilor Liberty said he thought there was a requirement that assessors prepare and appraise year to year. Council President Bragdon clarified that this property was just over five acres? Ms. Moore said yes. He talked about Metro's regulatory action and if Metro was to waive this regulation and move the property outside of the UGB. Ms. Moore said that would allow Mr. MacLaughlan to do what he wished to do with the property. Councilor Park said he did not know about the zoning around this property. Ms. Moore said the claimant was required to show a loss of fair market value. Councilor McLain said one of the issues was if the property was inside or outside the UGB. She felt there was part of the analysis that was missing, which was whether it was inside or outside the UGB. Ms. Moore responded to her comments. Councilor McLain asked Metro staff about one acre comparables inside and outside the UGB.

Council President Bragdon closed the public hearing.

Councilor Liberty asked Dick Benner, Metro Senior Attorney, about the value of the property caused by enforcement of our regulation. Mr. Benner said they had read and applied the regulation as the date when the property was brought into the UGB, March 2003. The practice that he had witnessed was that local and state governments were looking at the effect of the implementation of the regulation on fair market value. The analysis that was before Council was correct. Councilor Liberty suggested what future analysis should include. Councilor Burkholder said this was neither a land use nor legal proceeding. He appreciated all the citations but it was difficult to figure out how to proceed. The two things he looked at were to determine if there was a reduction in fair market value based on Metro's action. Second, they also looked very closely at balancing regional goals with individual goals. They wanted to promote growth, but part of those goals was to make sure there was a balance. This claim was a bit more difficult. His personal position was that Measure 37 made it difficult to achieve regional goals. He urged patience of the claimants to allow for the planning process to complete. It was his duty to make sure the land planning process was complete.

Motion:	Councilor Park moved to adopt Resolution No. 06-3714.
Seconded:	Councilor Burkholder seconded the motion

Mr. Benner made a suggestion to carry this claim over for a week, revise Mr. Conder's assessment and then use those comparables. Councilor McLain felt the whole action of bringing the property into the UGB increased the value regardless of the conditions. She reminded it was a Metro action they were responding to. Council President Bragdon suggested postponing the action until next week. Councilor Liberty said intention was not relevant and Measure 37 was very complicated. There was no objection to postponing the action to July 20, 2006. Ms. Moore said she would also like to prepare additional information.

**6. CHIEF OPERATING OFFICER COMMUNICATION**

There was none.

**7. COUNCILOR COMMUNICATION**

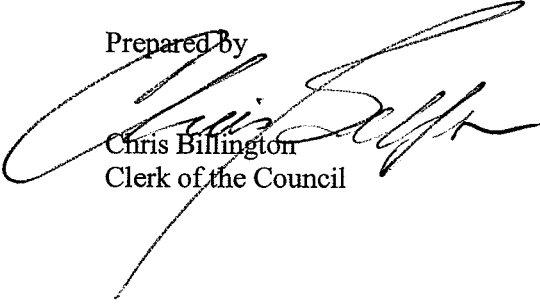
Councilor Burkholder reported on the Columbia River Crossing meeting last night. Councilor Park added his comments about the discussion.

Councilor McLain talked about her meeting with Councilor Liberty and Neighborhood Associations about the voucher program. Councilor Liberty added his comments about the program and suggested revising the voucher program during the budgeting process. He then commented about the Columbia River Crossing issue. He talked about his fundamental concerns. He then asked about the streetcar issue. Councilor Burkholder said they recommended going forward but that the federal funding was questionable. He felt the process was good. Councilors continued their discussion about transportation issues. Councilor Burkholder said he met with a number of developers to discuss what would help make Center development occur.

**8. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:52 p.m.

Prepared by

  
Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
JULY 13, 2006**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	7/6/06	Metro Council Meeting Minutes of July 6, 2006	071306c-01
5.1	"A" version	7/13/06	<b>Resolution No. 06-3719A</b> , For the Purpose of Authorizing the Chief Operating Officer to Enter into Options to Purchase Properties in the Fanno Creek, Abernethy Creek, Rock Creek, and Westside Trail Target Areas, under the Proposed 2006 Natural Areas Bond Measure in Accord with the Open Spaces Implementation Work Plan.	071306c-02
5.2	Amended claim	7/12/06	To: Metro Council From: Paul Ketcham, Planning Department Re: Amended Measure 37 Claim Materials for Harold and Rebeca McLaughlan (Resolution No. 06-3714)	071306c-03
5.2	Supplemental Materials	7/13/06	To: Metro Council From: Jeannette Moore, attorney representing McLaughlan Re: Resolution No. 06-3714	071306c-04
3.1	Script	7/13/06	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: North Portland Enhancement Fund Slate of Projects presentation before Council	071306c-05
3.1	Proposed Slate of projects	7/13/06	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: Metro's North Portland Enhancement Grant Program 2006-07 Proposed Slate	071306c-06
3.1	Grant Status Report	7/13/06	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: Metro North Portland Enhancement Grant Program Grants Status Report 2005-06 Grant Cycle	071306c-07