

MINUTES OF THE METRO COUNCIL MEETING

October 19, 2000

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Rod Monroe, Jon Kvistad

Councilors Absent: Bill Atherton (excused)

Presiding Officer Bragdon convened the regular council meeting at 2:02 p.m. He noted that Councilor Atherton was excused for a family emergency.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. AUDITOR COMMUNICATIONS

Alexis Dow, Metro Auditor, presented a status report of audit recommendations, and a list of audit recommendation with no action, copies of which are included in the meeting record.

5. MPAC COMMUNICATIONS

There were none. Presiding Officer Bragdon said the last Metro Policy Advisory Committee (MPAC) meeting was cancelled, and the next meeting would be on October 25, 2000.

6. CONSENT AGENDA

6.1 Consideration of Minutes of the October 12, 2000, Regular Council Meeting

Motion: **Councilor Park** moved to adopt the meeting minutes of the October 12, 2000, regular council meeting.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Atherton was absent. The motion passed.

7. ORDINANCES – FIRST READING

- 7.1 **Ordinance No. 00-860**, For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees

Presiding Officer Bragdon referred Ordinance No. 00-860 to the State and Federal Legislative Agenda Committee.

8. ORDINANCES – SECOND READING

- 8.1 **Ordinance No. 00-871A**, For the Purpose of Completing Council Consideration of Urban Growth Boundary Amendments Required by ORS 197.299, Completing Periodic Review Work Task 1 and Adopting Amendments to the Regional Framework Plan and Section 3.01 of the Metro Code

Ken Helm, Assistant Counsel, reviewed Exhibit D (Findings and Conclusions) of Ordinance No. 00-871. A copy of Exhibit D includes information presented by Mr. Helm and is included in the meeting record.

Councilor Monroe asked if the inventory includes land that the council voted to add to the urban growth boundary (UGB), but which is currently under appeal.

Mr. Helm said yes, until the appeals are resolved, the UGB amendments are considered valid, and are included in the analysis.

Councilor Monroe asked if Metro's land supply would be insufficient to meet the 20-year requirement, should one of the UGB decisions be overturned in court.

Mr. Helm said that was correct. Should that happen, the council would have the opportunity to address those issues during subsequent tasks in the periodic review process.

Presiding Officer Bragdon called for council discussion of the findings and conclusions. There was none.

Presiding Officer Bragdon opened a public hearing. No one came forward to speak with regard to Ordinance No. 00-871A. Presiding Officer Bragdon closed the public hearing.

Councilor McLain noted that this is only the first step of periodic review. She said the next task will examine subregional need.

Presiding Officer Bragdon continued Ordinance No. 00-871A to the October 26, 2000, council meeting.

- 8.2 **Ordinance No. 00-879A**, For the Purpose of Amending the Regional Framework Plan Ordinance No. 97-715B for Statewide Planning Goal Compliance of Component 1: Urban Form and, Component 2: Water Quality and Management And Flood Hazard and Declaring an Emergency

Motion: **Councilor Park** moved to adopt Ordinance No. 00-879A.

Seconded: **Councilor McLain** seconded the motion.

Councilor Park presented Ordinance No. 00-879A. A committee report on the ordinance includes information presented by Councilor Park and is included in the meeting record.

Mr. Cooper added that the amendments contained in Ordinance No. 00-879A, that would amend either policies or the Urban Growth Management Functional Plan requirements of the Regional Framework Plan, were conditions of approval for acknowledgement by the Land Conservation and Development Commission (LCDC). In his legal opinion, the amendments were technical in nature.

Presiding Officer Bragdon opened a public hearing. No one appeared to speak with regard to Ordinance No. 00-879A. Presiding Officer Bragdon closed the public hearing.

Councilor Park said LCDC's acknowledgement of the Regional Framework Plan was a tribute to all of Metro's past work.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Atherton was absent. The motion passed.

7.1 **Ordinance No. 00-860**, For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees (Continued)

Councilor Washington noted that Exhibit A to Ordinance No. 00-860 includes an outdated membership roster for the North Portland Rehabilitation and Enhancement Committee. He said he would give an updated roster to Mr. Cooper.

9. **EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS**

9.1 **Resolution No. 00-2992**, For the Purpose of Authorizing the Executive Officer to Execute a Voluntary Agreement for Remedial Investigation and Source Control Measures and Scope of Work Between DEQ, Metro and the Port of Portland for the Willamette Cove Property

9.2 **Resolution No. 00-2996**, For the Purpose of Authorizing the Executive Officer to Purchase Property on Rodlun Road in the East Buttes/Boring Lava Domes Target Area.

Presiding Officer Bragdon opened an Executive Session pursuant to ORS 192.660(1)(e) at 2:34 p.m. to discuss Resolution Nos. 00-2992 and 00-2996.

Present: Presiding Officer Bragdon, Councilor Washington, Councilor Kvistad, Councilor Monroe, Councilor Park, Councilor McLain, Jim Desmond, Open Spaces Acquisition Senior Manager, Alison Kean Campbell, Senior Assistant Counsel, Ms. Dow, William Eadie, Real Estate Negotiator, Joel Morton, Assistant Counsel, council staff, members of the media

Presiding Officer Bragdon closed the Executive Session at 3:08 p.m.

8.2 **Ordinance No. 00-879A**, For the Purpose of Amending the Regional Framework Plan Ordinance No. 97-715B for Statewide Planning Goal Compliance of Component 1: Urban Form and, Component 2: Water Quality and Management And Flood Hazard and Declaring an Emergency (Continued)

Motion: **Councilor Park** moved to reconsider the vote by which the council approved Ordinance No. 00-879A.

Seconded: **Councilor Kvistad** seconded the motion.

Councilor Park said Metro Code states that the council may amend the Regional Framework Plan after seeking the consultation and advice of the MPAC. Ordinance No. 00-879A was scheduled for consideration at the October 11, MPAC meeting, but that meeting was cancelled at the request of Washington County. The next MPAC meeting is scheduled for October 25, 2000, at which time the issue can be considered. He did not anticipate a problem, but he asked for the council to reconsider Ordinance No. 00-879A at its meeting on October 26, 2000, in order to stay within Metro Code and work with Metro's local partners.

Councilor McLain said she was happy to do this as a courtesy. She said it should be communicated to MPAC that, due to the cancellation of MPAC meetings, schedules are being adversely affected.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Atherton was absent.
The motion passed.

Presiding Officer Bragdon continued Ordinance No. 00-879A to the October 26, 2000, council meeting. He said Councilor McLain's message would be communicated to MPAC at its next meeting.

9.1 **Resolution No. 00-2992**, For the Purpose of Authorizing the Executive Officer to Execute a Voluntary Agreement for Remedial Investigation and Source Control Measures and Scope of Work Between DEQ, Metro and the Port of Portland for the Willamette Cove Property

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-2992.

Seconded: **Councilor Kvistad** seconded the motion.

Councilor Monroe presented Resolution No. 00-2992. A staff report to the resolution includes information presented by Councilor Monroe and is included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Atherton was absent.
The motion passed.

9.2 **Resolution No. 00-2996**, For the Purpose of Authorizing the Executive Officer to Purchase Property on Rodlun Road in the East Buttes/ Boring Lava Domes Target Area.

Motion: **Councilor Monroe** moved to adopt Resolution No. 00-2996.

Seconded: **Councilor Park** seconded the motion.

Councilor Monroe presented Resolution No. 00-2996. A staff report to the resolution includes information presented by Councilor Monroe and is included in the meeting record.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. Councilor Atherton was absent.
The motion passed.

10. **COUNCILOR COMMUNICATIONS**

Councilor Park asked Mr. Cooper to brief the council on a recent land use decision.

Mr. Cooper said the Office of General Counsel learned last week that the Land Use Board of Appeals (LUBA) affirmed the council's Jenkins/Kim Locational Adjustment. The council narrowly approved the Jenkins/Kim Locational Adjustment earlier this year, and the decision was appealed to LUBA. The petitioner in the case has decided not to pursue the matter further by appealing to the Oregon Court of Appeals. Mr. Cooper noted that this is the first time an appealed urban growth boundary amendment has been affirmed and finalized.

Councilor McLain said in the case of this locational adjustment, a vote for or against could be justified using Metro's locational adjustment criteria. She said the council needs to determine whether locational adjustments are still useful, and if so, tighten up the criteria.

Councilor Park noted that the Salmon Festival at Oxbow Regional Park last weekend was well attended. He asked Charlie Ciecko, Parks and Greenspaces Director, to announce next year's festival at council two weeks before the event, so that people watching the council meetings on cable television will know of the festival in time.

Councilor McLain said she recently visited the Coffin Buttes landfill near Corvallis, with Terry Petersen, Regional Environmental Management Director. She noted that the landfill produces electricity to power 2000 houses. She described the landfill's new desalination process, which separates waste residue from waste water in the landfill, and then removes and cleanses the water.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:25 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 19, 2000

The following have been included as part of the official public record:

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
101900c-01	10/19/2000	Audit Recommendations with No Action	TO Metro Council/ FROM Metro Auditor	Auditor Communications
101900c-02	10/12/2000	Minutes of the Metro Council Meeting, October 12, 2000	TO Metro Council/ FROM Chris Billington	Consent Agenda
101900c-03	10/18/2000	Ordinance No. 00-860, For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees		Ord. No. 00-860
101900c-04	10/19/2000	Staff Report for Ordinance No. 00-860	TO Metro Council/ FROM Michael Morrissey	Ord. No. 00-860
101900c-05	10/18/2000	Exhibit "D" of Ordinance No. 00-871A, Findings and Conclusions		Ord. No. 00-871A
101900c-06	10/17/2000	Growth Management Committee Report for Ordinance No. 00-879A	TO Metro Council/ FROM Rod Park	Ord. No. 00-879A