

MINUTES OF THE METRO COUNCIL MEETING

Thursday, April 5, 2007
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the March 29, 2007 Regular Council Meeting.

Motion:

Councilor Park moved to adopt the meeting minutes of the March 29, 2007 Regular Metro Council.
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Vote:

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

4.1 **Resolution No. 07-3790**, Authorizing Metro to Apply for a Local Government Grant from the Oregon Parks and Recreation Department and Delegating Authority to the Parks and Greenspaces Director to Sign the Application.

Motion:	Councilor Park moved to adopt Resolution No. 07-3790.
Seconded:	Councilor Hosticka seconded the motion

Councilor Hosticka said this resolution authorized the Chief Operating Officer (COO) to apply for a grant from the State of Oregon Parks Department. State law required that the grant applicant must have a resolution passed in support of the application. The application will be for the basic package at Cooper Mountain.

Councilor Burkholder asked if there was a matching requirement. Mary Ann Cassin, Regional Parks and Greenspaces Department, said there was a match. Councilor Hosticka urged support.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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4.2 **Resolution No. 07-3791**, For the Purpose of Entering an Order Relating to the Robert and Susan Claus Claim for Compensation under ORS 197.352 (Measure 37).

Ted Reid, Planning Department, provided an overview of the claim (summarized in the Council packet). He noted the disputed regulations. He also spoke to exemptions. He reviewed Metro staff's recommendation, which was to deny the claim.

Councilor Newman asked if there was a valuation that came with the applicants. Sonny Conder, Planning Department, summarized their claim of loss. The claimant did not submit anything into the record. Councilor Liberty asked about Title 2 standards. Mr. Reid responded to his question. Council President Bragdon said this was a two level issue, both a Metro Code issue and City of Sherwood's zoning requirements. Councilor Liberty asked about the City of Sherwood's options for zoning. Dick Benner, Senior Metro Attorney, responded to his question. Mr. Conder said this claim was considerably different. It was not about the loss of value but how much more might be gained without the regulation. Council President Bragdon asked about the difference between this claim and the previous claims that the Council had heard. Mr. Conder talked about this claim specifically. With all of the planning that had occurred, the property had increased in value. The issue was what would the value be without the planning and zoning. Council President Bragdon summarized that planning had been good for the area. He asked about the road that had been built and the impact on the property. Mr. Conder responded to his question. This property was inside the urban growth boundary (UGB). What was being contested was the planning standards that had been put in place since 1997. There was a substantial increase in value per acre with the development that was occurring.

Charles Harrell, Attorney, PO Box 1046 Newberg, OR 97123 said he was representing the Clauses. Their primary reason for filing the claim with Metro was precautionary. He generally agreed with staff's assessment. He spoke to his concerns. He agreed that most of what they asked for was not applicable.

Councilor Liberty asked what were his concerns with our Code that had the most effect on property value. Mr. Harrell said he didn't see a lot in the Metro Code. They were primarily concerned with City of Sherwood and Oregon Department of Transportation (ODOT). City of Sherwood could allow for a variance. Councilor Liberty asked what was it about ODOT and Sherwood that had the biggest effect. Mr. Harrell responded to his question.

Council President Bragdon summarized the history of the property. He asked Mr. Conder if rezoning would reduce or enhance the value. Mr. Harrell added to Mr. Conder's statement.

Councilor Park asked about access; did the property have access to Hwy 99? Mr. Harrell responded to his question. Councilor Park asked about the restriction by ODOT to not allow direct access to the highway and could it impact the property? Mr. Harrell responded to his question. Councilor Park asked Mr. Conder about the public investment. Mr. Conder said, in general, there was a very considerable amount of investment by the public.

Councilor Hosticka asked if Sherwood had acted yet. Mr. Harrell said no they had not. Councilor Hosticka suggested that if Metro rejected the claim, he might be worse off than delaying Council's decision. He did not have a problem with Metro acting today.

Councilor Liberty talked about the density minimum for employment and the estimation of devaluation. Mr. Harrell talked about his appraisal.

Motion:	Councilor Newman moved to adopt Resolution No. 07-3791.
Seconded:	Councilor Harrington seconded the motion

Councilor Newman said he agreed with staff's recommendation to deny the claim. Council President Bragdon explained why he would be supporting the resolution.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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4.3 **Resolution No. 07-3796**, For the Purpose of Entering an Order Relating to the Patricia A. Lawrence Claim for Compensation under ORS 197.352 (Measure 37).

Mr. Reid summarized the claim, which was in the City of Damascus. He noted the claimant had not cited a specific regulation. He said the claimant's proposed use was the same as the current use. The claimant had not stated a value loss. There was a lack of information from the claimant.

Patricia Lawrence, 14661 SE Royer Rd, Damascus OR 97089 said she believed that she had a right to divide her property into one-acre properties. She felt that her rights had been taken away. She wanted the right to divide her property. She said many individuals were concerned about the planning that was occurring.

Councilor Newman asked Ms. Lawrence how Metro was expected to evaluate the loss without the specifics in her claim. Mr. Lawrence said she had sent in the paperwork. Councilor Park asked about their conversation. Ms. Lawrence shared her recall of the conversation. Councilor Park said the other action they could take would be to take her property outside the boundary. Was that acceptable to her? Ms. Lawrence said she would prefer to remain in the boundary. She would prefer to sell. She had been waiting for development. She wanted a fair price for her property. Councilor Park talked about when the city files a comprehensive report.

Councilor Liberty asked about the value in the past several years. Ms. Lawrence said the property value had gone up. Her property was one of the pieces that had not been divided. Mr. Reid said there was sufficient information to consider a claim. Council President Bragdon summarized Exhibit A.

Motion:	Councilor Burkholder moved to adopt Resolution No. 07-3796.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder explained why a dismissal recommendation was appropriate. He explained the goal of the temporary delay. He said the delay was frustrating, however the Council shared her goals but the planning effort needed to happen. He felt it was wise to dismiss the claim rather than to deny the claim. He explained Metro regulations. Ms. Lawrence said since she has owned the property she has always paid the higher taxes.

Councilor Liberty said there was no evidence for devaluation of the property. He would support the staff's recommendation. Councilor Park asked about the distinction between dismissal and denial. Mr. Benner responded that there was none. Council President Bragdon explained why he was supporting the dismissal.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, had nothing to share.

6. COUNCILOR COMMUNICATION

Councilor Burkholder talked about the Columbia River Crossing and said they adopted a fourth option. He talked about their concerns and the impact and process. He provided some detail on the fourth option. The Task Force would meet again in June. Councilor Liberty asked about the bridge. Councilor Burkholder said the current plan was a high bridge. Councilor Burkholder spoke to a memo from Tom Kloster concerning the Regional Transportation Plan and the timeline. Staff was recommending extending the timeline. He explained the effects and the Council's options. He asked for feedback. Councilor Newman said he was disappointed but asked about the project solicitation time and iterative modeling. He asked how long would this be extended. Councilor Burkholder responded to his question. Councilor Newman asked about the modeling. Andy Cotugno, Planning Director, talked about the request from the City of Portland.

Councilor Park said he assumed there was a third option, which was to continue to do what they were doing and maintain the current timeline. Mr. Cotugno said he had not seen the memo either. Councilor Park said they had to do this again in four years. He wondered how much it would impact if they continued on this timeline. Mr. Cotugno talked about what happened if we lapsed. Councilor Park asked if they could keep moving along. Mr. Cotugno said this was possible and decisions could be made incrementally.

Councilor Liberty said he was comfortable with the second alternative. He hoped that the non-structural alternatives were still offered. Mr. Cotugno said Metro would be offering up those alternatives.

Councilor Harrington asked about the draft and the need for clarity on the timeline. Mr. Cotugno responded to her question. Councilor Harrington thanked staff for recognizing the need for options. She wanted a schedule that they could move forward on. She was interested in having a good product. Council President Bragdon was surprised by the memo, because this was such a hard-working group. He commented on how this issue was described. He suggested getting better technical work.

Councilor Newman talked about how the interim plan was characterized. Mr. Cotugno responded that what was included in the interim plan was what people would agree to.

Councilor Harrington asked if the federal representative was present on the workshop. Mr. Kloster said no.

Council President Bragdon talked about Urban and Rural Reserves. Staff would be briefing Council at the April 18th work session. He then talked about the waste transport contract, energy efficiency. He noted that the April 19th Council meeting was cancelled.

Councilor Hosticka talked about performance-based UGB. They were now ready to meet with Councilors to talk about how the process would work.

Councilors Liberty and Harrington talked about potential work sessions.

7. ADJOURN

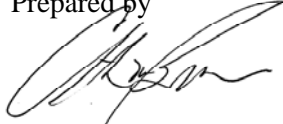
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There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:25 p.m.

Prepared by

A handwritten signature in black ink, appearing to read "Chris Billington", written over a horizontal line.

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
APRIL 5, 2007

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	3/29/07	Metro Council Meeting Minutes of March 29, 2007	040507c-01
4.2	Letter	4/5/07	To: Metro Planning Department From: Joe Broadhurst Re: Letter concerning Claus' Measure 37 claim	040507c-02