

# MINUTES OF THE METRO COUNCIL MEETING

April 12, 2001

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Rex Burkholder, Rod Park, Bill Atherton, Rod Monroe, Carl Hosticka

Councilors Absent: None.

Presiding Officer Bragdon convened the regular council meeting at 2:04 p.m.

## 1. INTRODUCTIONS

There were none.

## 2. CITIZEN COMMUNICATIONS

There were none.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

## 4. AUDITOR COMMUNICATIONS

Don Riggs, Deloitte and Touche, reviewed the Financial Statement Audit Management Recommendations, a copy of which is included in the meeting packet.

Councilor McLain suggested attaching a copy of Metro's emergency management plan to the Deloitte and Touche report, in response to the recurring comment on business-wide planning for computing operations.

Councilor Burkholder said he has asked General Counsel to develop a new contract with the Oregon Zoo Foundation that will address the issue of zoo foundation contributions noted in the report.

## 5. MPAC COMMUNICATIONS

Presiding Officer Bragdon said the Metro Policy Advisory Committee (MPAC) had not met since the last council meeting.

## 6. LEGISLATIVE UPDATE

Jeff Stone, Chief of Staff, updated the council on the State Legislature. General Counsel was currently representing Metro on the Measure 7 issue. The Office of the Governor may weigh in on the zoo parking lot bill. The tire recycling bill had been moved to the Transportation Committee, where it was likely to be amended.

Councilor Atherton updated council on the self-insurance bill. He attended the public hearing and noted the concerns raised by Kaiser Permanente.

**7. CONSENT AGENDA**

7.1 Consideration of the Minutes of the April 5, 2001, Regular Council Meeting

**Motion:** Councilor McLain moved to adopt the meeting minutes of the April 5, 2001, regular council meeting.

**Vote:** The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

**8. ORDINANCES - FIRST READING**

8.1 **Ordinance No. 01-899**, Amending the FY 2000-01 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental Budget for the Zoo Operating Fund for the Fiscal Year Beginning July 1, 2000, and Ending June 30, 2001; and Declaring an Emergency

Presiding Officer Bragdon referred Ordinance No. 01-889 to Budget and Finance Committee.

8.2 **Ordinance No. 01-900**, For the Purpose of Amending Ordinance No. 97-713 to Correct Regional Urban Growth Boundary Map Errors and Adopting the Geographic Information Map of the Regional Urban Growth Boundary

Presiding Officer Bragdon referred Ordinance No. 01-900 to the Community Planning Committee.

**9. ORDINANCES - SECOND READING**

9.1 **Ordinance No. 01-892A**, For the Purpose of Amending Ordinance No. 95-625A to Amend the 2040 Growth Concept Map and Ordinance No. 96-647C to Amend the Employment and Industrial Areas Map – February 2001

**Motion:** Councilor McLain moved, seconded by Councilor Park, to adopt Ordinance No. 01-892A.

Councilor McLain presented Ordinance No. 01-892A. The ordinance was reviewed by the Metro Technical Advisory Committee (MTAC) and MPAC.

Presiding Officer Bragdon opened a public hearing. No one appeared to speak with regard to Ordinance No. 00-892A. Presiding Officer Bragdon closed the public hearing.

**Vote:** The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

9.2 **Ordinance No. 01-893**, For the Purpose of Amending Ordinance No. 95-625A to Amend the 2040 Growth Concept Map and Ordinance No. 96-647C to Amend the Employment and Industrial Areas Map in the City of Hillsboro – February 2001

**Motion:** Councilor McLain moved, seconded by Councilor Park, to adopt Ordinance No. 01-893.

Councilor McLain presented Ordinance No. 01-893. The map changes were similar in type to those in Ordinance No. 01-892A, and had been reviewed by MTAC and MPAC. She noted that concern had been

expressed that the map changes should be treated as exceptions to the functional plan. She was still concerned about the findings for the property whose designation would be changed from employment area to industrial. She hoped the City of Hillsboro would assist Metro's Office of General Counsel build the findings for the map changes, because the change did not appear to be consistent.

Councilor Burkholder asked if Hillsboro had amended its zoning code yet to ban big box retail in industrially zoned areas.

Mary Weber, Community Development Manager, said the City of Hillsboro was in the process of amending its code to establish a prohibition consistent with Metro requirement.

Alan Rappelyea, Senior Assistant County Counsel, Washington County, added that an ordinance to limit big box retail was adopted by the Hillsboro City Planning Commission, but was appealed to the Hillsboro City Council. The Hillsboro City Council put its decision on hold, pending the Metro Council's vote on the Title 4 map changes.

Councilor Burkholder expressed concern that land zoned for industrial use could slip into big box use in the future. Until the City Council adopted a prohibition, it was still a threat.

Councilor Atherton questioned whether it was premature to adopt the map change before the City of Hillsboro adopted its ordinance.

Presiding Officer Bragdon opened a public hearing. No one appeared to speak with regard to Ordinance No. 00-893. Presiding Officer Bragdon closed the public hearing.

In answer to a question from Councilor Park, Dan Cooper, General Counsel, said the ordinance as drafted was prepared by his office and approved as to format and timing.

Councilor Park said there were three issues to discuss in the future. First, as Councilor Burkholder suggested, should the council consider all map changes once a year in order to see the cumulative effect? Second, Councilor McLain raised the question of when the map changes became effective. Third, Larry Shaw, Senior Assistant Counsel, asked whether Metro was directing a local jurisdiction to change its zoning, or whether the local jurisdiction was asking Metro to change its zoning. Consequently, which jurisdiction was responsible for the findings? He paraphrased Mr. Cooper, saying that if a jurisdiction has not received an extension for compliance with Metro's Functional Plan, and makes a decision that does not comply, then that decision can be appealed to the Land Use Board of Appeals. Therefore the protection still exists, even though a particular jurisdiction has not yet enacted it.

Mr. Cooper said that was likely true, but there was some doubt because it had not been tested in court.

Councilor McLain noted that in discussions at Community Planning Committee, MPAC and MTAC, it was decided to consider the requested changes as map changes. The minutes clearly reflected that the Council's vote would not set a precedent concerning a high standard for the exceptions process. She requested an aye vote.

**Vote:**

The vote was 4 aye/2 nay/1 abstain. Councilors Burkholder and Atherton voted no. Councilor Hosticka abstained. The motion passed.
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## 10. RESOLUTIONS

- 10.1 **Resolution No. 01-3051**, For the Purpose of Authorizing the Issuance of a Request for Personal Services for the South Corridor Study Supplemental Draft Environmental Impact Statement

**Motion:** Councilor Monroe moved, seconded by Councilor Hosticka, to adopt Resolution No. 01-3051.

Councilor Monroe presented Resolution No. 01-3051. A Community Planning Committee Report to the resolution contains information presented by Councilor Monroe and is included in the meeting record.

**Vote:** The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

- 10.2 **Resolution No. 01- 3053**, For the Purpose of Granting an Easement to the Joint Water Commission for Non-Park Use through Metro Property Adjacent to Fern Hill Road in Washington County

**Motion:** Councilor McLain moved, seconded by Councilor Hosticka, to adopt Resolution No. 01-3053.

Councilor McLain presented Resolution No. 01-3053. A Natural Resources Committee Report to the resolution contains information presented by Councilor McLain and is included in the meeting record. She noted that the agreement specified that the Joint Water Commission shall restore the vegetated surface of the easement with native plants.

**Vote:** The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

- 10.3 **Resolution No. 01-3054**, For the Purpose of Confirming the Appointments of James Strathman and Bernard Deazley to the Solid Waste Rate Review Committee

**Motion:** Councilor Atherton moved, seconded by Councilor Monroe, to adopt Resolution No. 01-3054.

Councilor Atherton presented Resolution No. 01-3054. A staff report to the resolution contains information presented by Councilor Atherton and is included in the meeting record.

**Vote:** The vote was 7 aye/0 nay/0 abstain, and the motion passed unanimously.

## 11. COUNCILOR COMMUNICATION

Presiding Officer Bragdon announced that the Budget and Finance Committee would meet at 3:30 p.m., following the council meeting. He briefed the council on his meeting with the Gilliam County government last Friday, and noted Metro's commitment to the people of Gilliam County. He added that there would be no council meeting on April 19.

Councilor Burkholder said he would attend the Oregon Zoo Foundation board meeting on Thursday, April 19, at 2 p.m.

**12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:15 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

**Attachments to the Public Record for the Meeting of April 12, 2001**

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

<b>Document Number</b>	<b>Document Date</b>	<b>Document Title</b>	<b>TO/FROM</b>	<b>RES/ORD</b>
041201c-01	4/5/2001	Minutes of the Metro Council Meeting	TO Metro Council/ FROM Chris Billington	Consent Agenda
041201c-02	4/5/2001	Community Planning Committee Report, Ordinance No. 01-893	TO Metro Council/ FROM Susan McLain	Ord. No. 01-893
041201c-03	4/6/2001	Natural Resources Committee Report, Resolution No. 01-3053	TO Metro Council/ FROM Susan McLain	Res. No. 01-3053