

MINUTES OF THE METRO COUNCIL MEETING

August 16, 2001

Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused)

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 COMMUNICATION

Mike Burton, Executive Officer, spoke to the Portland wildfire. He reported that approximately 5 to 7 acres of Metro property were burnt. There were steps being taken for stabilization. The city of Portland had taken the lead on stabilization, minimizing erosion. He expressed hope that council would monitor this issue and plan for efforts to replace vegetation with native plants.

Councilor Monroe spoke to his experience eradicating black berries, they were difficult to kill.

Councilor Park noted his experience as well and then asked how much of the acreage was in danger of erosion right now.

Mr. Burton said it was all subject to the erosion, his assumption was the entire length of the property was subject to erosion.

Councilor Park asked about City of Portland's responsibilities to prevent erosion given the fact that they had not adopted Title III yet.

Mr. Burton said he did to know but would find out.

4. AUDITOR COMMUNICATIONS

There were none.

5. MPAC COMMUNICATIONS

There were none.

6. CONSENT AGENDA

6.1 Consideration of minutes of the August 9, 2001 Regular Council Meeting.

Motion: **Councilor Park** moved to adopt the meeting minutes of the August 9, 2001, Regular Council meeting.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

7. ORDINANCES

7.1 **Ordinance No. 01-914**, For the Purpose of Amending Metro Code 5.01 to Change the Accounting Period for Disposal Limits on Local Transfer Stations from a Calendar Year to a Fiscal Year Basis and Declaring an Emergency.

Motion: **Councilor Atherton** moved to adopt Ordinance No. 01-914.

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

Councilor Atherton indicated that this ordinance was primarily a housekeeping issue but changed the accounting period from a calendar year to a fiscal year. The Solid Waste and Recycling Committee urged a do pass recommendation.

Councilor McLain said they were doing this for efficiency sake which went along with other processes handled on a budget year. The ordinance supported that process and she supported the ordinance.

Presiding Officer Bragdon said this did not change the cap and explained why.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-914. No one came forward. Presiding Officer Bragdon closed the public hearing.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

8. RESOLUTIONS

8.1 **Resolution No. 01-3090**, For the Purpose of Adopting the Regional Environmental Management Department's Strategic Plan for 2001-2002.

Motion: **Councilor Monroe** moved to adopt Resolution No. 01-3090.

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

Councilor Monroe said this was the action to adopt the Regional Environmental Management Strategic Plan. He reviewed items 1 through 5 of the staff report. He noted that the plan would be reviewed periodically and a report made to Metro's elected officials. He noted that the plan may be updated.

Councilor McLain said Janet Matthews promised that Chart 7 would have a title and some modification as advised by the Solid Waste and Recycling Committee. The relationship between RSWAMP and this document was crucial. The implementation needed to be in place to mean

something. She cautioned that this was not done but just the first chapter in meeting goals and responsibilities.

Councilor Park commented on Goal 1. Retail sales of pesticides were not being reported. He was hopeful that the Council would give guidance in this area as the impact could be magnified.

Councilor Monroe urged support of this resolution.

Vote: The vote was 6aye/ 0 nay/ 0 abstain, and the motion passed.

8.2 Resolution No. 01-3094, For the Purpose of Expressing Council Intent to Respond to Court of Appeals Opinions on Two Urban Growth Boundary Amendments Adopted in 1998 and 1999.

Motion: **Councilor Park** moved to adopt Resolution No. 01-3094.

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

Councilor Park reviewed the resolution indicating it clarified the council's intent concerning the remand of Ordinances 98-782C and 99-812A, related to the Stafford and Bethany sites. He explained that the Land Use Board of Appeals and the Court of Appeals stated that Metro's decisions were incorrect and invalidated both of Metro's ordinances governing those areas. The resolution before the Council clarifies the Council's intent, and expresses that Metro will not accept any major amendments in the coming year due to preparation costs.

Presiding Officer Bragdon opened a public hearing on Resolution No. 01-3094.

Steve Schopp, 10475 SW Helenius, Tualatin, OR 97062 addressed the Wilsonville, Coffee Creek Correctional Facility and surrounding area. Although he did not know the timetable, the UGB and annexation processes were yet to be completed.

Dan Cooper, Legal Counsel, interrupted Mr. Schopp to caution the parties that there were currently two quasi-judicial applications in process relating to the Day Road prison area. Mr. Schopp should make his testimony to the hearings officers at the hearings related to the Day Road prison area. Further testimony during this meeting would be considered ex-parte contact, and would be out of order.

Councilor McLain said she wanted to make sure that Mr. Schopp understood that this process was complicated, not that the Council did not wish to hear his testimony.

Presiding Officer Bragdon said the resolution before the Council did not sound as though it pertained to Mr. Schopp's concerns.

Mr. Schopp said he respected Mr. Cooper's recommendation, but questioned the opinion that he was out of order. He requested permission to continue.

Presiding Officer Bragdon asked if his comments pertained to the resolution before this Council.

Mr. Schopp said they did not; but definitely pertained to the approach that Council had taken regarding the urban growth boundary expansion and its criteria.

Presiding Officer Bragdon said if Mr. Schopp wanted to talk in very general terms about the urban growth boundary, he would be allowed to do so.

Councilor Park asked Mr. Cooper to verify that the resolution as currently written did not impact the two quasi-judicial amendments that are in process.

Mr. Cooper responded said yes, that was correct.

Mr. Schopp said he had general comments about the urban growth boundary. He had studied various materials extensively, and it appeared to him that there were inconsistencies, and lack of oversight by the Council and staff.

Presiding Officer Bragdon thanked the witness.

Mr. Schopp said he respected the clarification and noted the lack of detailed agenda information on the website.

Councilor McLain thanked him for his testimony.

Councilor Monroe commented further that ex-parte contact greatly complicated the situation.

Presiding Officer Bragdon closed the public hearing.

Councilor McLain said the Council was giving a signal that it was not willing to go back to court, and that it wanted answers before the decision was made, not afterwards.

Councilor Park closed by saying the answers being sought were for the present as well as the future.

Councilor Atherton responded to Councilor Park's commented about the 20 year land law. He noted the cities of Portland, Milwaukie, West Linn, Oregon City, and others have all passed legislation urging the repeal of the expansion of the urban growth boundary.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

8.3 **Resolution No. 01-3096**, For the Purpose of Council Approval of Rock Creek Greenway Management Plan, Pursuant to the IGA Between Metro and the City of Hillsboro.

Motion: **Councilor McLain** moved to adopt Resolution No. 01-3096.

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

Councilor McLain invited the City of Hillsboro and **Charles Ciecko**, Director of Parks and Greenspaces to come to the testimony table.

Mr. Ciecko said this issue had to do with the council authorizing the IGA for the Nofziger Property in Hillsboro. Mr. Ciecko introduced Mary Ordal and Scott Talbot from the City of Hillsboro.

Ms. Mary Ordal thanked the council and explained the aerial photo (included in the meeting record) and slides of the site. She spoke to the possible plan for the site, the main features of the site, the vegetative buffers, and the trail system. She noted the passive recreation areas and the open space benefits.

Councilor Monroe asked how much of the property was under water in 1996.

Ms. Ordal said about one third of the property was under water.

Councilor Burkholder asked where the lightrail station was.

Ms. Ordal showed the council on the map.

Councilor Burkholder spoke to the value for wildlife and the policy concerning dogs on the property.

Mr. Ciecko spoke to Metro's policy, they did not allow pets, in some areas horses were allowed.

Ms. Ordal spoke to the issues of dogs.

Councilor Burkholder said it was a particular issue for the Metro Council and felt they should be talking about it.

Mr. Talbot clarified that they had discussed the dog issue at length. There was a fairly established constituency that wanted a place to take their dogs. It was Hillsboro's current policy to allow dogs on this type of land.

Councilor McLain said in her experience at the Washington County Fair she had received many comments about dog parks. She suggested that they recognize the issue and that it needed to be discussed.

Mr. Ciecko responded that he was more than happy to take up the issue. Currently the policy was that pets were not allowed.

Councilor McLain said the discussion should be with other park providers.

Ms. Ordal said in Hillsboro the fine for dogs off lease was \$175.00. They had discussions about other sites being off lease sites for dogs.

Councilor McLain thanked Hillsboro for their hard work. She pointed out that there was more work than any of us could do.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed

8.4 **Resolution No. 01-3100**, For the Purpose of establishing criteria for the Green Ribbon Committee to utilize to open and operate certain Metro Greenspaces Sites to the public.

Motion: **Councilor Park** moved to adopt Resolution No. 01-3096.

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

Councilor Park reviewed the resolution noting the information in the staff report (a copy of which was in the meeting record).

Presiding Officer Bragdon commented that they were asking the committee to do a pretty big job. It was the council's opinion that they owed them some guidance on what made a site worthy as well as the type of support that was out there both intergovernmental and volunteer. He commended the resolution.

Councilor Park urged an aye vote.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed.

9. COUNCILOR COMMUNICATION

Councilor McLain spoke to the cancelled budget meeting and noted that it would be rescheduled.

Councilor Park welcomed back Councilor Burkholder who had come back from Argentina.

Councilor Burkholder shared some of his experience about his travels.

Councilor Atherton asked Councilor Burkholder about sprawl in Argentina.

Councilor Burkholder indicated that it was very dense and designed around people walking.

Councilor Park said he was glad to learn that land use planning was cultural.

Presiding Officer Bragdon said they would not be having any council meetings in the next two weeks. The first Green Ribbon Committee would be August 20th and the tour was scheduled for September 8th.

Councilor Monroe reviewed the MTIP process, including the September 4th Community Planning public hearing in the evening and that it would be before JPACT on September 13th.

Presiding Officer Bragdon said that MTIP would be considered at the September 20th Metro Council meeting.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:10 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 16, 2001

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
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