

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, April 11, 2002  
McGill Auditorium, Pacific University  
Forest Grove

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

Councilors Absent:

Presiding Officer Hosticka convened the Regular Council Meeting at 7:04 p.m.

### 1. INTRODUCTIONS

Mayor Richard Kidd, City of Forest Grove, welcomed the Metro Council to Forest Grove.

President Gabelnick, Pacific University, also welcomed the Council to the campus. Pacific University was engaged in its community. She overviewed the assets of Pacific University, its history and its national academic standing. She encouraged the Council to meet on their campus again.

Councilor McLain thanked all that participated in the day's events in Forest Grove and at Pacific University.

Presiding Officer Hosticka spoke to the Council's goal of meeting in the region as well as at Metro. He briefed the audience on the meeting items.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, spoke to the Council concerning the Urban Growth Boundary decisions being made by December 2002. He encouraged the Council to consider the subregional analysis. He noted a letter he had provided to the Council concerning the two step process and recommended direction (a copy of which is found in the meeting record).

Presiding Officer Hosticka explained subregional analysis more thoroughly. It was a process by which Metro would look at the needs of parts of the region and try to meet those needs as they considered the Urban Growth Boundary in addition to looking at the needs of the region as a whole. He then introduced Andy Cotugno, Planning Director.

### 4. SUBREGIONAL DISCUSSION

Andy Cotugno, Planning Director, said he would describe how subregional might be done and where it stands in the process. He said they had proposed a rule to Land Conservation Development Commission (LCDC) that would establish how Metro might do subregional analysis and try to take what they thought was a logical process. He said Metro was required to provide a twenty-year land supply for expansion for the region as a whole. They had

acknowledged in the proposed rule that if we did have a need on a subregional basis that it would have to be part of that regional need. They had also not concluded what particular subregional need might be. What they called for in that rule was to say, if you give us the rule that allows us to do it, what we would anticipate those rules to say was first you have to define what the problem was that you were trying to solve on a subregional basis and second, that you have a reasonable expectation that if you actually amend the boundary on a subregional basis in a subregion would it in fact help solve that problem? They hadn't concluded that there was a subregional need, they were trying to get the rules straight on how they might examine subregional need. They had to go through that process once the rules had been given to Metro. He noted a key part of the whole process was that, in meeting the regional need for UGB expansion Metro first looked at exception lands before moving to farm and forestlands. That hierarchy would also apply on a subregional basis. The rule itself was intended to trigger that process. He talked about MPAC's discussion on subregional analysis. The MPAC Chair did a good job at trying to elicit from other local jurisdictions what they were looking for in the subregional process. Their basic message was they needed to have this as a useful and effective tool. It was more important to do it right rather than do it fast.

Councilor Bragdon asked about assumptions under the rule. Was the only remedy to a subregional problem an Urban Growth Boundary amendment or were there other potential solutions to subregional issues that could be explored under the rule?

Mr. Cotugno responded that the way they had proposed the rule they were in a land use process, and the point of the land use process was to evaluate the existing Urban Growth Boundary in determining that there was limited or an adequate supply of land for growth in the existing UGB. Metro was required to either expand or make changes in the current boundary to accommodate growth in other ways. It was true for a general regional need in and outside the boundary. The rule that had been proposed would have that same practice applied in a subregion if they did something on a subregional basis. A key issue that was raised a lot, particularly in Forest Grove, was the question if there was enough tax base to support public services. Did they have non-land use related solutions?

Councilor McLain said they were not just looking at subregional. She spoke to other issues that were under consideration including other avenues that they might have to deal with conflicting uses such as natural areas, homes and jobs. Mr. Cotugno said there were two specific land use needs that had been raised as part of the periodic review discussion, first, the general requirement of jobs and housing and second, specially identified land needs, one being the need for large lot industrial - warehousing and high tech. He explained their specific land needs. Councilor McLain said they didn't need to wait on that just because they were waiting for an answer on subregional. When they had a specific identified land use need was part of today's rules. Mr. Cotugno said today's rules were more clear on that specific identified land use need.

Dan Cooper, Legal Counsel, reminded the Council of the context of why we were seeking formal legal guidance from LCDC. He gave the Council an overview of the process that Metro had gone through and the result. On all three occasions, Metro learned that LCDC and Court of Appeals said that Metro did not have the legal basis for doing what they proposed. He spoke to the detailed staff oriented process that Metro was going through concerning Periodic Review. The Council had asked legal counsel to get guidance from the State. Making a mistake and discovering Metro had done something wrong and had it rejected again would have some serious implications, one, they would have to continue the process to make up the deficit and two they would spend a lot of staff resources. He explained what they had gone through to date concerning rule making and the timeframe. He said assuming the LCDC did establish rule making, then they

would establish a schedule of public hearings and those public hearings would give interested parties an opportunity to testify. In the fall, the Commission would be prepared to make a final decision. They anticipated that it was likely that adoption could be appealed. If it were appealed, it would go straight to the Court of Appeals. He spoke to specific land needs, there seemed to be a lot more certainty in the law as to what you can do with that provision of the state statute. He gave an example of school districts special land needs.

Councilor McLain asked about conversations with entities such as school districts and the process for specific land use needs being rolled into the work that Metro was doing right now? Mr.

Cooper responded that there were two separate processes available that they had been working with the school districts on, one was the formal process, a quasi-judicial event. He explained this process. While in current periodic review they had been working with school districts at the staff level and giving guidance to what work the district needed to be doing inside their school district.

Councilor Park asked why Metro had been unsuccessful on land use decisions in the past. Mr. Cooper said he thought that Metro did not do enough level of detail analysis and explained why adding farmland for a subregional need benefits the entire region on the inside. What the courts had said to Metro was they thought, in theory, Metro could do this but needed to explain what the policy basis for it was and tie that back into the existing plan that the Council had already adopted that LCDC had acknowledged. You had to be consistent, they needed to identify what the problem was, determine whether or not adding land to the boundary was an appropriate way to solve the problem before going forward. In the past Metro's analysis had been limited, they needed to be able to explain in more detail and why it worked better to do it a certain way.

Councilor Park said the criteria for bringing in land was very specific. If the hierarchy did not exist as it currently does how would council's decisions be different? He said the reason he brought this up was that the region was within the State of Oregon and they had outlined certain processes. If this hierarchy didn't exist, how would things be different? Mr. Cooper said the statutory hierarchy was a statute of what had long been viewed as a rule statewide goal hierarchy established by the goals adopted by the Commission in the 1970s. Those goals were viewed as taking into consideration multiple factors and balancing those factors against each other. The statute made the hierarchy of farmland protection a little more certain and less flexible. The needs needed to be demonstrated.

Councilor Park followed-up by saying that the lands that had been identified first to satisfy the need were non-farmlands. This was why they were taking the subregional question so seriously. What they were suggesting in this process was the ability to jump to that priority prior to bringing in land, as it was agreed upon, in the agreement that was made that gave you the offset on maintaining the 20-year land supply on one side but then said which areas should come in first based upon state criteria in terms of protection of ag lands. As we moved through this process, he suggested keeping in mind that they should be thinking outside the box since they were asking for something extra ordinary such as putting in conditions. They were asking for the deal to be changed that was put in place in 1995. He thought the subregional issue was very important but they also needed to recognize they were asking for something important.

Councilor McLain spoke to Measure 7. She felt that it would effect the Council's review of the urban growth boundary and Goal 5 decisions. Measure 7 needed to be on the list to review in reference to these decisions. She noted the timing on the fish and wildlife habitat and how this fit into the decision making. They were parallel processes.

## **5. FOREST GROVE TRANSFER STATION ENHANCEMENT GRANT PROGRAM**

Leann Linson, REM Division Manager, overviewed the Enhancement Grant Program. She introduced, Vergie Ries, City Manager of Forest Grove who would also spoke about the enhancement grant in the area. Ms. Linson talked about the history of the enhancement grant program, \$.50 per ton of solid waste would be collected and be returned to community for enhancement and rehabilitation. The program had been in existence in Forest Grove since 1989. The city council of Forest Grove acted as the committee to review the applications and then made decision concerning the grant funds. They had collected and passed through \$509,000.00 since 1989.

Ms. Ries, City Manager explained the reason for the enhancement grants and the process for awarding grants. The funds were designed to help offset negative impacts of the transfer station within the community. She spoke to the categories in the fund, which emphasized beautification. They usually gave out about \$70,000 to \$80,000 per year. She gave a sampling of the grant fund awards; landscape projects, hanging flower baskets, Theater in the Grove exterior renovation, historic improvements, wetland enhancements, economic development enhancement projects, farmers market, neighbor woods project, homeless family lodging, and kids domain.

Councilor Atherton asked about the impact of the garbage trucks on streets. Were maintenance needs higher? Ms Ries responded that they watched the impact carefully, it was being monitored. Councilor Atherton asked if they had seen any adverse effects on the streets? Ms. Ries said no.

Councilor Burkholder said he was chair of two committees on enhancement grants in North Portland. He asked how the Forest Grove process for funding worked? He wanted to know how they worked with the community in terms of analyzing who got funding. Ms. Ries explained the process.

Councilor McLain suggested that the city, company, Metro and the neighborhoods would benefit from the Transfer Station Committee being more involved in the process. It was her opinion that they needed to meet more often so that the neighborhoods felt that there was an ongoing presence. The committee needed to do a review of the project as they came through.

Dean Kemper, Waste Management, was happy to be a good neighbor in this community. The enhancement grant process was a good opportunity to meet with the community.

Mayor Kidd addressed the issue of traffic and deterioration of roads. Councilor Atherton explained why he had asked about road deterioration. Mayor Kidd said the majority of heavy trucks were not traveling on the city streets.

## **6. MPAC COMMUNICATIONS**

Councilor McLain said MPAC had a report on the Westside Economic Alliance. They also had a presentation on transportation. MPAC wanted to weigh in on the MTIP process for the land use transportation connection.

Councilor Park spoke to the subregional subcommittee conversation. He noted how well educated the region was. One of the clusters, the nursery industry, was noted as important. He felt that MPAC showed a good spirit of cooperation between partners of the region. He said guidance from both the State and partners were important in the decision processes. He talked about application to other areas of the State.

**7. CONSENT AGENDA**

7.1 Consideration of minutes of the April 4, 2002 Regular Council Meeting.

Motion	Councilor Atherton moved to adopt the meeting minutes of the April 4, 2002, Regular Council meeting
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Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**8. ORDINANCES – FIRST READING**

**8.1 Ordinance No. 02-941**, For the Purpose of Annexing Lands Containing the Christian Life Center Church to the Metro Jurisdictional Boundary.

Presiding Officer Hosticka assigned Ordinance No. 02-941 to the Council.

**9. ORDINANCES - SECOND READING**

9.1 **Ordinance No. 02-940**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2002-03, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency. (Public Hearing only, no final action)

Councilor Burkholder overviewed the process of the budget, the summary of this year’s budget and funded programs (a copy of the summary was included in the meeting record).

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-940. No one came forward. Presiding Officer Hosticka closed the public hearing

Councilor McLain said she would be bringing an amendment forward to the budget to include restoring \$30,000 of the auditor’s budget in Contracted Professional Services. She explained her original vote at this week's Budget meeting and the need to restore a portion of the services in the auditor's office.

Alexis Dow, Metro Auditor, appreciated Councilor McLain bringing forward the amendment. She explained further the amendment and what work still needed to be completed.

Councilor McLain said she was bringing this amendment forward even though she voted against the \$67,000 for Contracted Professional Services. She said, after further discussion with the auditor, she was willing to bring forward the following amendment.

Motion	Councilor McLain moved to amend Ordinance No. 02-940 to include restoring \$30,000 of Contracted Professional Services in the auditor's budget (auditor amendment #2)
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Seconded:	Councilor Atherton seconded the amendment.
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Vote:	Councilors McLain, Bragdon, Atherton, Monroe, and Presiding Officer Hosticka voted aye, Councilors Park and Burkholder voted nay. The vote was 5 aye/2 nay/ 0 abstain, the motion passed.
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## 10. RESOLUTIONS

10.1 **Resolution No. 02-3170**, For the Purpose of Approving the Year 13 Partnership Plan for the Waste Reduction (Fiscal Year 2002-03).

Motion	Councilor Atherton moved to adopt Resolution No. 02-3170.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said this resolution was to approve Year 13 Partnership Plan for reducing waste. He introduced Meg Lynch, Waste Reduction Supervisor. She said this was an annual cooperative plan. It will be the thirteenth year that Metro had done this plan. It was the vehicle by which the local governments and Metro designed and carried out a cooperative waste reduction plan. It was the plan to put recycling on the ground in our communities. She spoke to the long-term goals of the plan and the performance measure requirements for existing and future programs as well as the evaluation methodology. She talked about the three main elements of this year's plan.

Presiding Officer Hosticka said Metro was at 51%. Ms. Lynch agreed and explained the change in the recovery goals that Metro had to meet. Metro had to recover 62% in order for the State to get to its 50% recovery goal. She said even though this was a big challenge, Portland was already at 60%. Presiding Officer Hosticka noted that progress was being made over the past five years.

Councilor McLain thanked Ms. Lynch for her work. She noted the importance of the performance measures. She looked forward to the report on those measures. Ms. Lynch said this was a major reason why they were focusing on the three areas: construction demolition, food waste and commercial waste. These were the remaining big recovery areas.

Councilor Burkholder asked what percentage of the waste stream were tires? Ms. Lynch said about 2%. Councilor Burkholder said if we had a statewide tire recycling program, this would be about 2%? Ms. Lynch said it was 2% of the waste stream, this did not equate to 2% of the recovery. For each 1% of recovery, you had to recover about 20,000 tons. Councilor Burkholder summarized that this would have a significant impact. Ms. Lynch concurred.

Councilor Park asked about food waste. Many individuals used garbage disposals. He asked if it was true that the recovery per ton out of the sewage waste system on food waste was about \$600 per ton? Ms. Lynch responded that the city of Portland was thinking about implementing a program, which would charge users of disposals on a volume basis. Councilor Park said he thought it was important. He noted other programs, which dealt with food waste such as composting. He encouraged looking at other program to keep food waste out of the sewage waste system. Ms. Lynch said they were also trying to provide money through a grant program to help food rescue organizations improve their ability to accept higher amounts of donated food. This could be used to feed people and keep it out of the waste stream totally.

Councilor Atherton closed by highlighting this year's emphasis on recovery and the tracking of this recovery. He urged support.

Vote:	Councilors Burkholder, McLain, Bragdon, Atherton, Monroe, Park and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**10.2 Resolution No. 02-3175**, For the Purpose of Confirming the Appointments of Ron Carley, Clifton Deal, Linda Dobson, Rebecca Geisen, Chris Hathaway, Lynne Kennedy, Joel Komarek, Debrah Marriott, Chris Noble, Lorna Stickel and Tom Wolf to the Water Resources Policy Advisory Committee.

Motion	Councilor McLain moved to adopt Resolution No. 02-3175.
Seconded:	Councilor Burkholder seconded the motion.

Councilor McLain explained the appointments and urged an aye vote.

Vote:	Councilors McLain, Bragdon, Atherton, Monroe, Park, Burkholder, and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**11. COUNCILOR COMMUNICATION**

Councilor McLain thanked all that attended the day's events.

Councilor Park also appreciated the opportunity to be in Forest Grove, On May 2<sup>nd</sup>, Metro Council would be in the Gresham area and at Mt. Hood Community College. He reviewed what they would be looking at.

Presiding Officer Hosticka thanked Forest Grove and Pacific University for hosting the event.

**12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 8.40 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 11, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
3.0	MEMO ON 2-STEP UGB EXPANSION	4/10/02	A MEMO TO COUNCILORS PARK AND HOSTICKA FROM DICK BENNER RE: OPTIONS FOR TWO-STEP UGB EXPANSION	041102C-01
5.0	BRIEFING ON FOREST GROVE TRANSFER STATION COMMUNITY ENHANCE. GRANT PROGRAM	4/11/02	COUNCIL BRIEFING FROM LEANN LINSON, REM, ON FOREST GROVE TRANSFER STATION COMMUNITY ENHANCEMENT GRANT PROGRAM	041102C-02
7.1	MINUTES	4/4/02	MINUTES OF 4/4/02 COUNCIL MEETING FOR COUNCIL CONSIDERATION AT THE 4/11/02 COUNCIL MEETING	041102C-03
9.1	BUDGET SUMMARY	NO DATE	METRO FISCAL YEAR 2002-03 BUDGET SUMMARY AND POWER POINT PRESENTATION PROVIDE TO COUNCIL FROM FINANCIAL PLANNING DEPT AND JOHN HOUSER, COUNCIL ANALYST	041102C-04
9.1	BUDGET AMENDMENT	4/11/01	TO METRO COUNCIL FROM COUNCILOR McLAIN PROPOSED FY 02-03 BUDGET AMENDMENT CONCERNING RESTORING IN PART AUDITOR'S CONTRACTED PROFESSIONAL SERVICES	041102C-05
10.2	COMMITTEE REPORT	4/5/02	COMMITTEE REPORT ON RESOLUTION NO. 02-3175 TO METRO COUNCIL FROM MICHAEL MORRISSEY	041102C-06