

A G E N D A

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TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: April 18, 2002
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. ANNUAL SALMON REPORT

Helm

4. CONSENT AGENDA

4.1 Consideration of Minutes for the April 11, 2002 Metro Council Regular Meeting.

5. ORDINANCES - SECOND READING - PUBLIC HEARING

5.1 **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*)

6. ORDINANCES - SECOND READING - QUASI-JUDICIAL PROCEEDING

6.1 **Ordinance No. 02-941**, For the Purpose of Annexing Lands Containing the Christian Life Center Church to the Metro Jurisdictional Boundary, and Declaring an Emergency.

McLain

7. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for Week of April 18, 2002 (TVCA)

	Sunday (4/21)	Monday (4/22)	Tuesday (4/23)	Wednesday (4/24)	Thursday (4/18)	Friday (4/19)	Saturday (4/20)
CHANNEL 11 (Community Access Network) (most of Portland area)						2:00 PM	
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M.	1:00 AM		7:00 P.M.			
CHANNEL 30 (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)	7:00 P.M.	1:00 A.M.		7:00 P.M.			
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 PM (previous meeting)						
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
CHANNEL 33 (ATT Consumer Svcs.) (Milwaukie)		10:00 AM 2:00 PM 9:00 PM					

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.

<i>Portland Cable Access</i>	www.pcatv.org	(503) 288-1515
<i>Tualatin Valley Cable Access</i>	www.tvca.org	(503) 629-8534
<i>West Linn Cable Access</i>	www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm	(503) 722-3424
<i>Milwaukie Cable Access</i>		(503) 654-2266

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of the April 11, 2002 Regular Metro Council Meeting minutes.

Metro Council Meeting
Thursday, April 18, 2002
Metro Council Chamber

Agenda Item Number 5.1

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.

Second Reading -Public Hearing - No Final Action

Metro Council Meeting
Thursday, April 18, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE)
ANNUAL BUDGET FOR FISCAL YEAR 2002-)
03, MAKING APPROPRIATIONS, AND)
LEVYING AD VALOREM TAXES, AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. 02-940

Introduced by
Mike Burton, Executive Officer

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2002-03 Metro Budget," in the total amount THREE HUNDRED TWENTY-SEVEN MILLION THREE HUNDRED FOURTY-TWO THOUSAND FOUR HUNDRED (\$327,342,400) DOLLARS, attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per thousand dollars of assessed value for Zoo operations and in the amount of SIXTEEN MILLION SEVEN HUNDRED NINETY SEVEN THOUSAND THREE HUNDRED EIGHT FIVE (\$16,797,385) DOLLARS for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2002-03. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Zoo Tax Rate Levy	\$0.0966/\$1,000	
General Obligation Bond Levy		\$16,797,385

3. The Smith & Bybee Lakes Trust Fund is hereby renamed the Smith & Bybee Lakes Fund. The purpose of the fund remains the same.

4. The Regional Parks Trust Fund is hereby renamed the Regional Parks Special Accounts Fund. The purpose of the fund remains the same.

5. In accordance with Section 2.02.125 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2001, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

6. The Executive Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

7. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2002, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this _____ day of June, 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-940 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2002-03, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: February 11, 2002

Presented by: Mike Burton
Executive Officer

BACKGROUND

I am forwarding to the Council for consideration and approval my proposed budget for Fiscal Year 2002-03.

Council action, through Ordinance No. 02-940 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan must be completed by June 30, 2002.

Once the budget plan for Fiscal Year 2002-03 is adopted by the Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's appropriations in the period between Council approval and adoption.

Exhibits B and C of the Ordinance will be available at the public hearing on March 7, 2002.

ANALYSIS/INFORMATION

1. **Known Opposition** – Council hearings will be held on the Proposed Budget during the months of March and April 2002. Several opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2002. The Commission will conduct a hearing during June 2002 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2002-03 budget, effective July 1, 2002.
4. **Budget Impacts** – The total amount of the proposed FY 2002-03 annual budget is \$327,342,400.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 02-940.

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Agenda Item Number 6.1

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

Second Reading - Quasi-Judicial Proceeding

**Metro Council Meeting
Thursday, April 18, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

**FOR THE PURPOSE OF ANNEXING)
LANDS CONTAINING THE)
CHRISTIAN LIFE CENTER CHURCH)
TO THE METRO JURISDICTIONAL)
BOUNDARY, AND DECLARING AN)
EMERGENCY)** **ORDINANCE NO. 02-941**

Introduced by:
Councilor Susan McLain

WHEREAS, the duty and authority to review and approve annexations to the Metro jurisdictional boundary is granted to Metro pursuant to Oregon Revised Statute 268.354 (3) (c); and

WHEREAS, Metro received a complete petition from the property owners and registered voters of a certain tract of land depicted on the attached map and described in Exhibit A to this ordinance, requesting that their property be annexed to Metro; and

WHEREAS, Metro received written consent from a majority of the electors in the territory to be annexed and owners of more than half the land in the territory proposed to be annexed, as required by ORS 198.855 (3); and

WHEREAS, Metro Council in Resolution No. 02-3153 has expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include the territory described in Exhibit A within 30 days of receiving notification that the territory has been annexed to Metro; and

WHEREAS, a report was prepared as required by law and Metro having considered the report and the testimony at the public hearing, does hereby favor annexation of the subject property based on the findings and reasons for decision attached hereto as Exhibit B; now therefore

THE METRO COUNCIL ORDAINS;

1. The territory described in Exhibit A and depicted on the attached map is hereby annexed to the Metro jurisdictional boundary.
2. Pursuant to Metro Code 3.09.050 (f), the effective date of this annexation decision shall be immediately upon adoption of this ordinance.

3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because it is necessary to allow the Council to subsequently change the Urban Growth Boundary in a timely fashion. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39 (1).

ADOPTED by the Metro Council this _____ day of _____ 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form

Recording Secretary

Daniel Cooper, General Counsel

EXHIBIT A

Map 1S214DC, Tax Lot 6200 and is more particularly described as follows, to-wit:

A tract of land in Section 14, Township 1 South, Range 2-West of the Willamette Meridian, in the County of Washington, State of Oregon, described as follows:

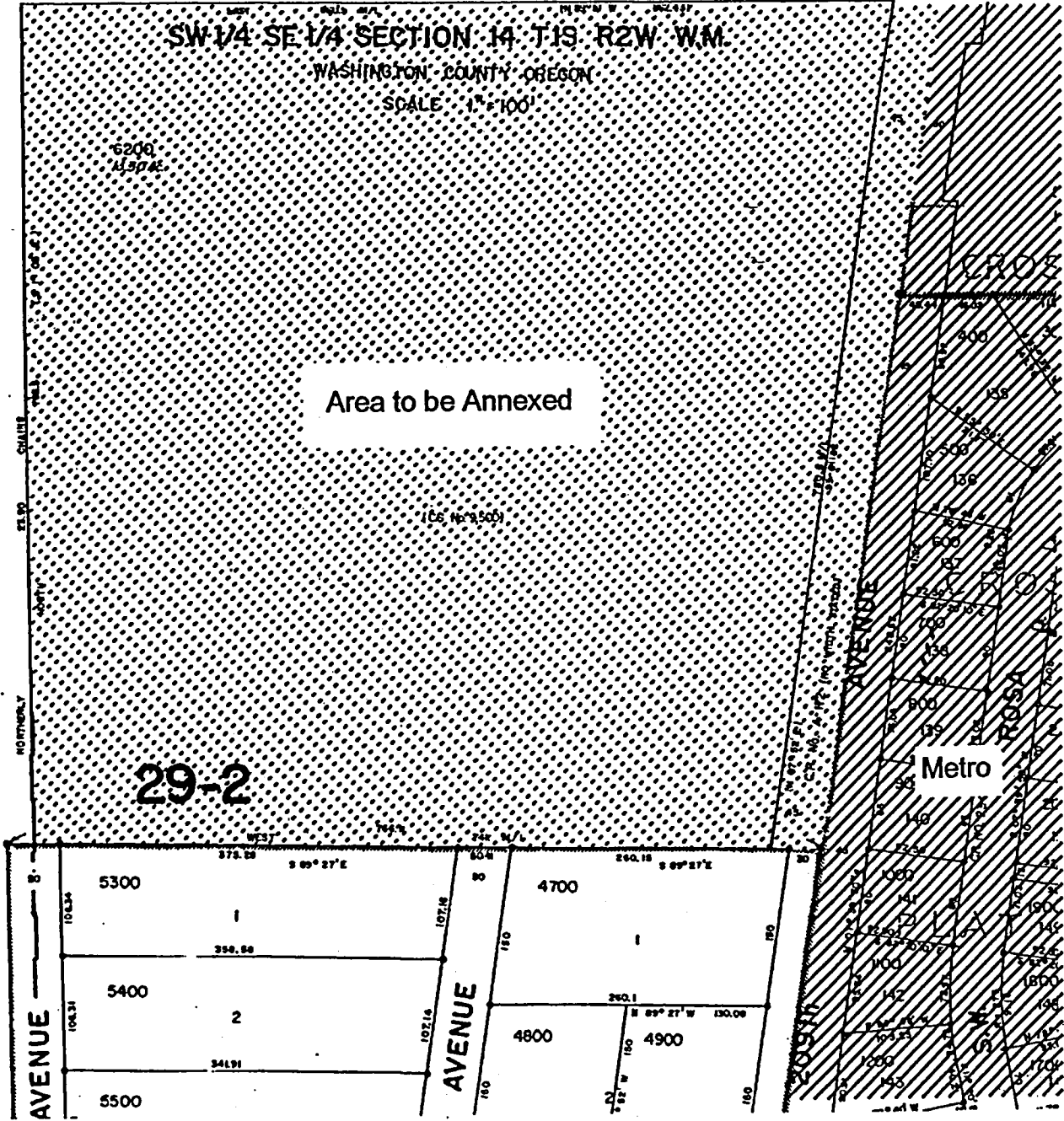
Beginning at a point in the West line of the A. J. Masters Donation Land Claim in Section 14, Township 1 South, Range 2 West of the Willamette Meridian, Washington County, Oregon, 780 feet North of the, Southwest corner of said claim; thence North on said West line of the A. J. Masters Donation Land Claim about 768.5 feet to the Northwest corner of the land, deeded to the Oregon Realty Co., by J. B. Kishpaugh, et al, and recorded in Book 95, Page 56 on November 14, 1912; thence East 860.5 feet, more or less, to the center of the county road; thence Southwesterly along the center of said county road 780.5 feet, more or less, to the Northeast corner of the land deeded by the Oregon Realty Co. to Geo. Chlebowski on February 26, 1914, and recorded in Book 101, Page 360; thence West along the North line of the land deeded by the Oregon Realty Co. to Geo. Chlebowski about 741 feet, more or less, to the point of beginning.

Proposal No. MU0102



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

Annexation to the Metro Jurisdictional Boundary
Washington Co.
Map 1S2W14DC



PROPOSAL NO. MU0102
METRO JURISDICTIONAL BOUNDARY
Figure 2

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory to be annexed contains 13.3 acres, a church and a church school serving about 200 students.
2. The annexation is being sought so that the Urban Growth Boundary locational adjustment can be finalized. The UGB change was sought to legitimize the urban nature of the educational use of the site. In their application for the UGB change the petitioners stated:

Petitioner for this locational adjustment wants the land to be included in the UGB so there will be no question regarding the continued operation of the educational portion of its ministry. Washington County has determined the percentage of students attending petitioner's school who reside in urban areas is not permitted under the present zoning, and thus denied permission to operate and ordered the school closed.

3. Oregon Revised Statute 198.852 directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party. [A necessary party is governmental entity which is providing or might provide an urban service to the area to be annexed.]
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The site is basically flat. It contains a 38,000 square foot church and related educational facility with associated parking. The territory to be annexed also contains a soccer field and two softball fields. To the west of the site lies vacant EFU land. To the north and south is rural residential land containing single family dwellings on large lots. To the east are residential subdivisions inside the UGB.
5. This territory abuts the Metro jurisdictional boundary and the regional Urban Growth Boundary (UGB) on the east along SW 209th Avenue.

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

6. The Metro Council recently considered a proposal to add this property to the regional Urban Growth Boundary. On February 7, 2002 the Council expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include this territory. The Council Resolution (No. 02-3153) states this ordinance will be adopted within 30 days of receiving notification that the property has been annexed to Metro.
7. The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

This territory is zoned AF-10, Agriculture and Forestry. The AF-10 designation is intended to retain the area's rural character and conserve natural resources while providing for rural residential uses. This designation normally requires a minimum lot size of 10 acres. The Planning designations are the same as the zoning designations on the Washington County Comprehensive Plan. Churches are permitted in AF-10 areas.

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy

is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

8. The territory is not within any city's Urban Planning Area since it has been outside the regional Urban Growth Boundary. No urban planning area agreements cover this territory. The City of Beaverton's Urban Planning Area Boundary lies along SW 209th Avenue. Notice of this annexation was sent to the City.
9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in this general area to date. In fact the requirement for urban service agreements only applies to areas within urban growth boundaries. Thus no ORS 195 agreements were required relative to the territory since it has been outside the regional UGB.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

10. Some urban services are currently extended to this site despite the fact that it is not within an urban growth boundary. The County granted approval for extension of public sewer service to the site from the Clean Water Services county service district. The Boundary Commission approved extension of water service to the site from the Tualatin Valley Water District.

Annexation to Metro in and of itself will not make additional urban services available because the services which Metro offers are not what would generally be described as *urban services*.

11. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is at SW 209th & Blanton about a mile north of the territory to be annexed.

The site is within the Hillsboro School District and the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

Other services are provided generally at a rural level by Washington County. This includes police protection, the Courts, tax collection, etc.

12. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and tentatively approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

13. There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Council decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Council has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.
2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 12 Metro has no relevant service agreements.
3. Metro Code 3.09.050 (d) (1) requires the Council to address the consistency between its decision and any urban service agreement or annexation plan under ORS 195. There are no ORS 195 agreements or annexation plans in place in this area (see Finding No. 9). Therefore the Council concludes that its decision is not inconsistent with any such agreements or plans.
4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There are no urban planning area agreements covering the area to be annexed.
5. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Council decision and any

"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ." As noted in Finding No. 5 there are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.

6. Metro Code 3.09.050 (e) (5) states that another criteria to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Council finds that the provision of public facilities and services to this area has already been addressed. As noted in Findings 10 & 11 all necessary urban services have already been made available to the site. Therefore the Council finds that this annexation does not interfere with the timely, orderly and economic provision of public facilities and services.
7. Metro Code 3.09.050 (d) (6) states that if a proposed boundary change is for annexation to Metro, a determination by the Council that the property should be within the UGB shall be the primary criteria for approval. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds that the primary reason for approving this proposal is the determination that the property should be within the UGB.
8. The final criteria to be considered under the Metro Code 3.09.050 (d) (7) is consistency with other applicable criteria under state and local law. The applicable criteria under state law were covered in Reasons No. 1 & 2 above. No other local laws applying to this annexation were found to exist.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-941 FOR THE PURPOSE OF ANNEXING LAND CONTAINING THE CHRISTIAN LIFE CENTER CHURCH TO THE METRO JURISDICTIONAL BOUNDARY, AND DECLARING AN EMERGENCY.

Date: March 29, 2002

Prepared by: Ken Martin, Annexation Staff

SECTION I: APPLICATION SUMMARY

CASE: AN-0102, Annexation To Metro Jurisdictional Boundary

APPLICANT: Christian Life Center Church

PROPOSAL: The petitioner is requesting annexation to the Metro boundary following the Metro Council's "expression of intent to amend the urban growth boundary" on February 7, 2002.

LOCATION: The territory is located on the west edge of the District on the west edge of SW 209th Ave. north of Vermont St. and south of the SW Hagg Ln. (See Figure 1).

PLAN/ZONING AF-10, Agriculture and Forest - 10

APPLICABLE REVIEW CRITERIA: ORS Chapter 198, Metro Code 3.09

SECTION II: STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 02-941 approving Boundary Change Proposal No. AN-0102, annexation to Metro.

SECTION III: BACKGROUND INFORMATION

Initiation: Proposal No. AN-0102 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition).

Site Information: The territory to be annexed is located on the west edge of the District on the west edge of SW 209th Ave. north of Vermont St. and south of the SW Hagg Ln. The territory contains 13.3 acres, a church and a church school serving about 200 students.

REASON FOR ANNEXATION

The annexation is being sought so that the Urban Growth Boundary locational adjustment can be finalized. The UGB change was sought to legitimize the urban nature of the educational use of the site. In their application for the UGB change the petitioners stated:

Petitioner for this locational adjustment wants the land to be included in the UGB so there will be no question regarding the continued operation of the educational portion of its ministry. Washington County has determined the percentage of students attending petitioner's school who reside in urban areas is not permitted under the present zoning, and thus denied permission to operate and ordered the school closed.

CRITERIA

Oregon Revised Statute 198.852 directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
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3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary

change is not being contested by a necessary party so these additional criteria need not be addressed.

LAND USE PLANNING

SITE CHARACTERISTICS

The site is basically flat. It contains a 38,000 square foot church and related educational facility with associated parking. The territory to be annexed also contains a soccer field and two softball fields. To the west of the site lies vacant EFU land. To the north and south is rural residential land containing single family dwellings on large lots. To the east are residential subdivisions inside the UGB.

REGIONAL PLANNING

This territory abuts the Metro jurisdictional boundary and the regional Urban Growth Boundary (UGB) on the east along SW 209th Avenue.

Regional Framework Plan

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

Tentative Urban Growth Boundary Change

The Metro Council recently considered a proposal to add this property to the regional Urban Growth Boundary. On February 7, 2002 the Council expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include this territory. The Council Resolution (No. 02-3153) states this ordinance will be adopted within 30 days of receiving notification that the property has been annexed to Metro.

COUNTY PLANNING

The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

This territory is zoned AF-10, Agriculture and Forestry. The AF-10 designation is intended to retain the area's rural character and conserve natural resources while providing for rural residential uses. This designation normally requires a minimum lot size of 10 acres. The Planning designations are the same as the zoning designations on the Washington County Comprehensive Plan. Churches are permitted in AF-10 areas.

County 2000

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

CITY PLANNING

The territory is not within any city's Urban Planning Area since it has been outside the regional Urban Growth Boundary. No urban planning area agreements cover this area. The City of Beaverton's Urban Planning Area Boundary lies along SW 209th Avenue. Notice of this annexation was sent to the City.

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in this general area to date. In fact the requirement for urban service agreements only applies to areas within urban growth boundaries. Thus no ORS 195 agreements were required relative to the territory since it has been outside the regional UGB.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

Urban Services. Some urban services are currently extended to this site despite the fact that it is not within an urban growth boundary. The County granted approval for extension of public sewer service to the site from the Clean Water Services county service district. The Boundary Commission approved extension of water service to the site from the Tualatin Valley Water District.

Annexation to Metro in and of itself will not make additional urban services available because the services which Metro offers are not what would generally be described as *urban services*.

Other Services. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is at SW 209th & Blanton about a mile north of the territory to be annexed.

The site is within the Hillsboro School District and the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

Other services are provided generally at a rural level by Washington County. This includes police protection, the Courts, tax collection, etc.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and tentatively approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including

the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

SECTION IV: ANALYSIS/INFORMATION

1. **Known Opposition** - There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.
2. **Legal Antecedents** - This annexation is a follow-up to the tentative UGB change passed by the Council as Resolution 02-3153. The annexation is being processed under provisions of ORS 198 and Metro Code 3.09.
3. **Anticipated Effects** - No significant effect is anticipated. The uses allowed on this site are already in place.
4. **Budget Impacts** - None

SECTION V: SUMMARY AND RECOMMENDATION

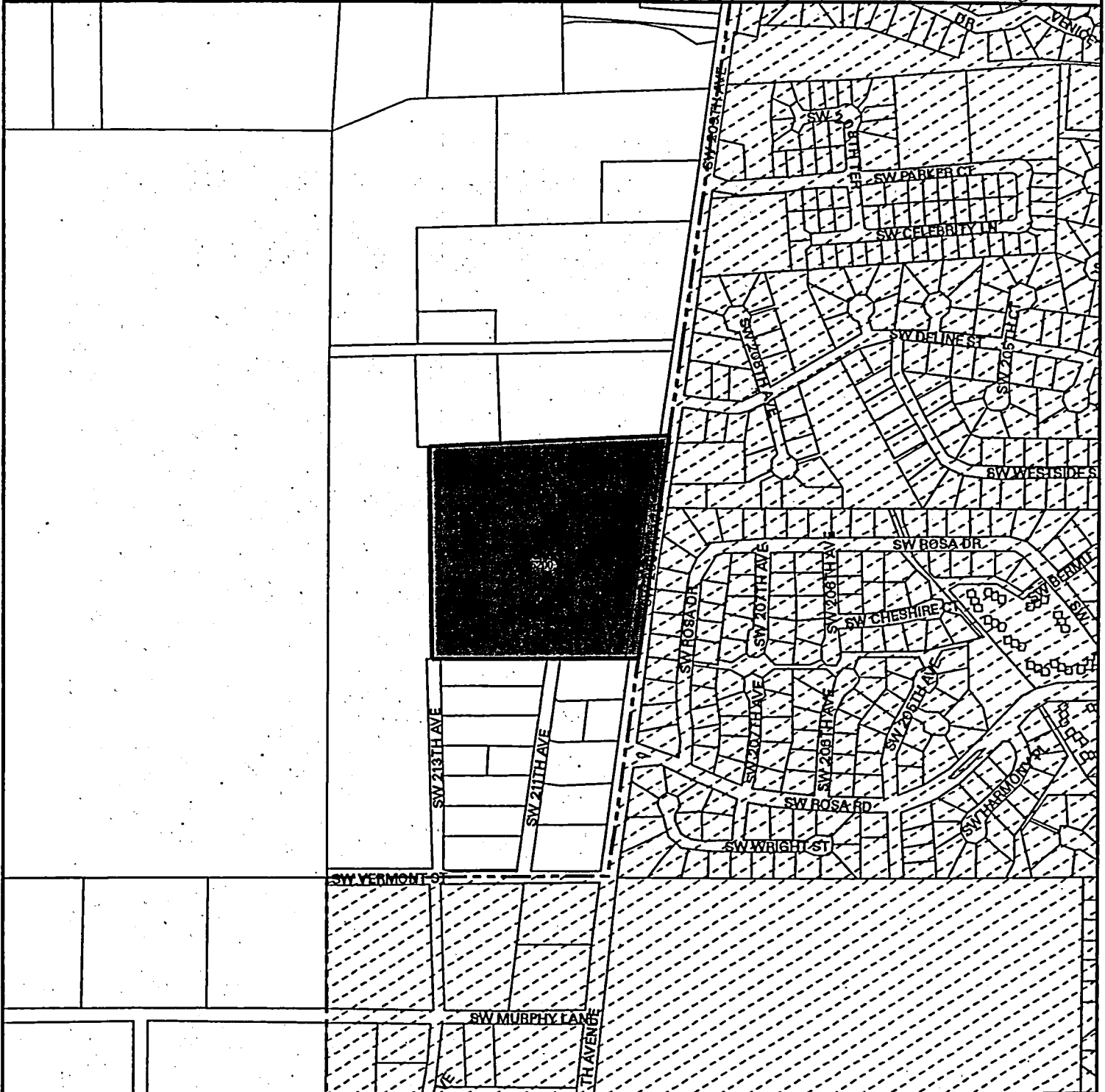
This petition seeks to annex approximately 13.3 acres of land into the Metro Jurisdictional boundary in order to allow expansion of the UGB. This expansion will legitimize the urban use of the land which includes a church and school. Based on the study above and the proposed Findings and Reasons For Decision found in Exhibit A, the staff recommends that Proposed Annexation No. AN-0102 be *approved*. This approval should be implemented by adoption of Ordinance No. 02-941 (attached).

Proposal No. MU0102

1S2W14DC

Annexation to the Metro Jurisdictional Boundary

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



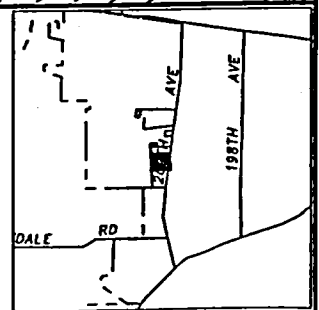
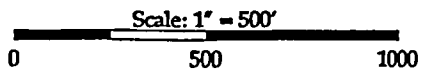
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 787-1742
FAX 503 787-1909
Email dro@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Can you believe it the accuracy of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- Metro boundary
- Annexation boundary
- Area to be annexed

Proposal No. MU0102
METRO JURISDICTIONAL BOUNDARY
Figure 1

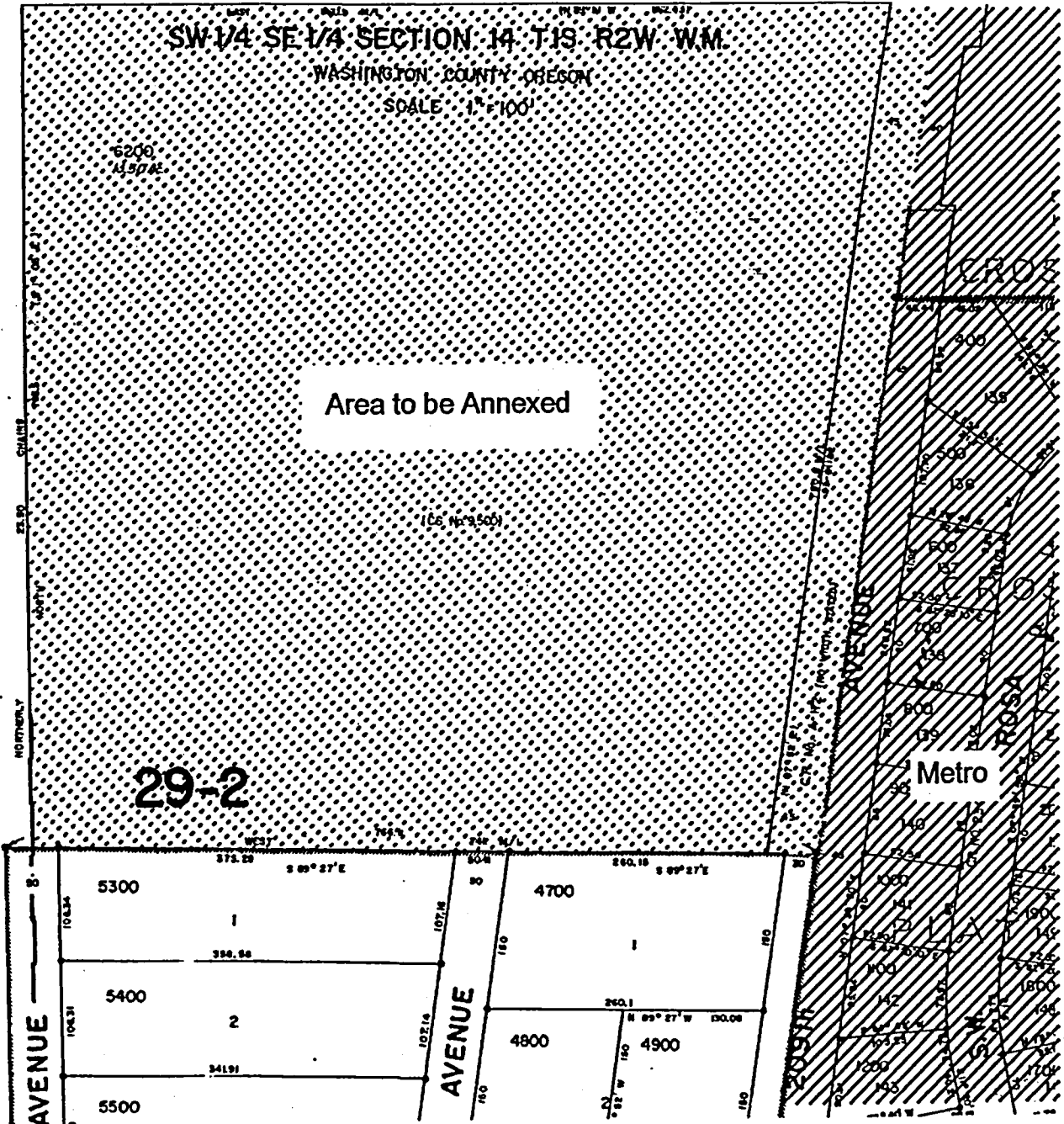


Proposal No. MU0102



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Annexation to the Metro Jurisdictional Boundary
Washington Co.
Map 1S2W14DC



PROPOSAL NO. MU0102
METRO JURISDICTIONAL BOUNDARY
Figure 2

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory to be annexed contains 13.3 acres, a church and a church school serving about 200 students.
2. The annexation is being sought so that the Urban Growth Boundary locational adjustment can be finalized. The UGB change was sought to legitimize the urban nature of the educational use of the site. In their application for the UGB change the petitioners stated:

Petitioner for this locational adjustment wants the land to be included in the UGB so there will be no question regarding the continued operation of the educational portion of its ministry. Washington County has determined the percentage of students attending petitioner's school who reside in urban areas is not permitted under the present zoning, and thus denied permission to operate and ordered the school closed.

3. Oregon Revised Statute 198.852 directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party. [A necessary party is governmental entity which is providing or might provide an urban service to the area to be annexed.]
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The site is basically flat. It contains a 38,000 square foot church and related educational facility with associated parking. The territory to be annexed also contains a soccer field and two softball fields. To the west of the site lies vacant EFU land. To the north and south is rural residential land containing single family dwellings on large lots. To the east are residential subdivisions inside the UGB.
5. This territory abuts the Metro jurisdictional boundary and the regional Urban Growth Boundary (UGB) on the east along SW 209th Avenue.

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

6. The Metro Council recently considered a proposal to add this property to the regional Urban Growth Boundary. On February 7, 2002 the Council expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include this territory. The Council Resolution (No. 02-3153) states this ordinance will be adopted within 30 days of receiving notification that the property has been annexed to Metro.
7. The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

This territory is zoned AF-10, Agriculture and Forestry. The AF-10 designation is intended to retain the area's rural character and conserve natural resources while providing for rural residential uses. This designation normally requires a minimum lot size of 10 acres. The Planning designations are the same as the zoning designations on the Washington County Comprehensive Plan. Churches are permitted in AF-10 areas.

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy

is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

8. The territory is not within any city's Urban Planning Area since it has been outside the regional Urban Growth Boundary. No urban planning area agreements cover this territory. The City of Beaverton's Urban Planning Area Boundary lies along SW 209th Avenue. Notice of this annexation was sent to the City.
9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in this general area to date. In fact the requirement for urban service agreements only applies to areas within urban growth boundaries. Thus no ORS 195 agreements were required relative to the territory since it has been outside the regional UGB.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

10. Some urban services are currently extended to this site despite the fact that it is not within an urban growth boundary. The County granted approval for extension of public sewer service to the site from the Clean Water Services county service district. The Boundary Commission approved extension of water service to the site from the Tualatin Valley Water District.

Annexation to Metro in and of itself will not make additional urban services available because the services which Metro offers are not what would generally be described as *urban services*.

11. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is at SW 209th & Blanton about a mile north of the territory to be annexed.

The site is within the Hillsboro School District and the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

Other services are provided generally at a rural level by Washington County. This includes police protection, the Courts, tax collection, etc.

12. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and tentatively approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

13. There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Council decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Council has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.
2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 12 Metro has no relevant service agreements.
3. Metro Code 3.09.050 (d) (1) requires the Council to address the consistency between its decision and any urban service agreement or annexation plan under ORS 195. There are no ORS 195 agreements or annexation plans in place in this area (see Finding No. 9). Therefore the Council concludes that its decision is not inconsistent with any such agreements or plans.
4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There are no urban planning area agreements covering the area to be annexed.
5. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Council decision and any

"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . " As noted in Finding No. 5 there are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.

6. Metro Code 3.09.050 (e) (5) states that another criteria to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Council finds that the provision of public facilities and services to this area has already been addressed. As noted in Findings 10 & 11 all necessary urban services have already been made available to the site. Therefore the Council finds that this annexation does not interfere with the timely, orderly and economic provision of public facilities and services.
7. Metro Code 3.09.050 (d) (6) states that if a proposed boundary change is for annexation to Metro, a determination by the Council that the property should be within the UGB shall be the primary criteria for approval. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds that the primary reason for approving this proposal is the determination that the property should be within the UGB.
8. The final criteria to be considered under the Metro Code 3.09.050 (d) (7) is consistency with other applicable criteria under state and local law. The applicable criteria under state law were covered in Reasons No. 1 & 2 above. No other local laws applying to this annexation were found to exist.

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.
-------	--

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 2nd, 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

04/1802c-02

Real Estate The Island Visit and Understand The Developer Request



DEWEES ISLAND

"This is a place where just is time well spent."

The Developer > Managing Director

Map Dewees Island Facts

Managing Director


John L. Knott, Jr.
CEO \ Managing Director Dewees Island

John L. Knott, Jr. is CEO \ Managing Director of Dewees Island. Knott is a third-generation builder/developer, who comes from a family heritage of 83 years of involvement in major urban rehabilitation and historic preservation projects. For the past 33 years he has followed in his father and grandfather's footsteps, who, in 1908 began restoring buildings in and around the Baltimore area. Today Knott is considered to be one of the most versatile, exciting and environmentally innovative builder/developers in the business.


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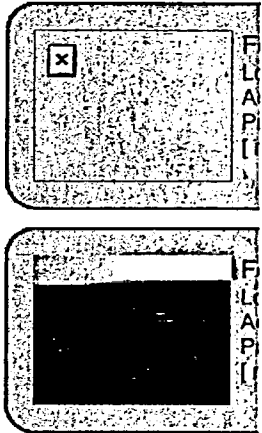


Dewees Island
46 41st Avenue
Isle of Palms,
SC 29451-2662
800.444.7352 (toll free)
843.886.8783 (local)
843.886.5836 (fax)



Read the Philosophy of Dewees Island by John L. Knott, Jr., CEO / Managing Director Dewees Island.

[Click Here](#)



Leadership Positions

- Chairman - White House Exchange with Soviet Union - City Re-Development \ Historic Preservation
- National Chairman and National Life Director - National Assoc. of Home Builders (NAHB)
- Member of NAHB President's Council
- Faculty member for "Main Street" program for National Trust
- Faculty member for "Urban Ventures" and "Art of Rehab" schools for National
- Housing Partnership

Environmental Leadership

- Founding member, Chairman of the Board - Clean Water Council - A non-profit foundation with a goal to eliminate effluent discharges into East Cooper area waterways and rivers.
- Founder, Chairman of Board - The Harmony Project - A non-profit foundation promoting the development of sustainable communities through technical assistance, information exchange and cooperation.
- Habitat For Humanity - Environmental Initiative Director
- Global Green USA - Advisory Board "Blueprint for Greening Affordable Housing"

Featured Speaker

- Canadian Land Institute
- Canadian Solar Society
- International Energy Efficient Building Assoc.
- E.O.S. Institute
- Southeast Architects Regional Conference
- S.C. Energy Symposium
- American Solar Energy Assoc.
- International Energy Agency Future Buildings Forum - Switzerland
- North East Sustainable Energy Assoc.
- International Coastal Society

- A.I.A. International Conference
- N.C. Green Building Conference
- S.C. A.I.A.
- A.I.A. SC Annual Conference
- A.I.A. Tennessee
- Canadian Solar Energy Society
- Ontario Builder Forum '97
- Clemson University
- Governors Circle on Sustainable Development, Fla.
- American Solar Energy Society - Washington, DC
- Concern, Inc. - Washington, DC
- SARC Conference, A.I.A.
- U.S. Green Building Council

Member

- National Advisory Board - Environmental Building News
- A.I.A. \ Nathan Cummings Roundtable
- National Renewable Energy Laboratory's Forum on Future Building Technology
- Co-Author of the Sanborn Principles for Social & Environmental Sustainability
- D.O.E. Forum on Sustainable Building
- Contributor to New Urban Land Institute Guidelines - "The Ecology of Development" Integrating the built and natural environments
- D.O.E. Forum on Sustainable Building
- ULI Environmental Council
- ULI Environmental Forum
- Habitat for Humanity/Environmental Initiative
- Global Green International/Advisory Board



Steelhead



Chinook Salmon (male)



Chum Salmon (female)



Chum Salmon (male)



Coho Salmon (male)



Cutthroat Trout (male)



Pink Salmon (male)



Sockeye Salmon (male)

*Watershed and
Fish Conservation,
Protection and
Recovery Activities*

Metro Council Annual Report

2001



METRO
Regional Services
*Creating livable
communities*

Metro

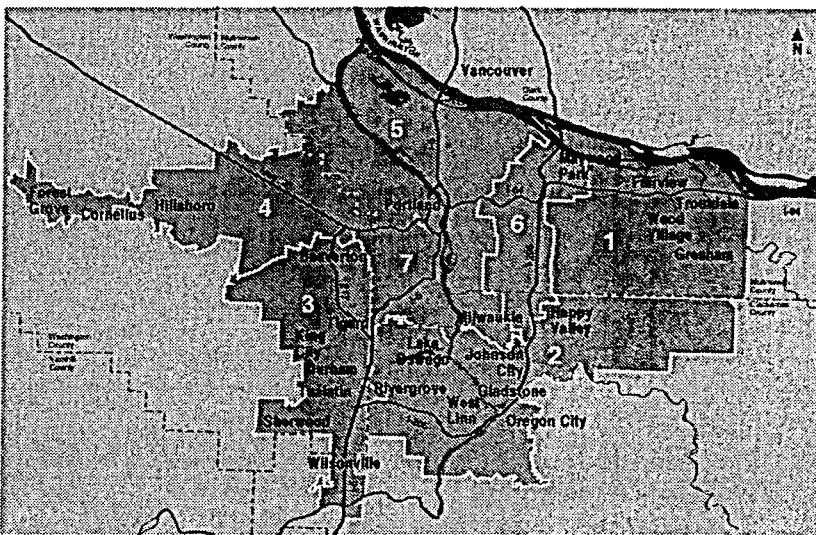
It's better to plan for growth than ignore it. Planning is Metro's top job. Metro provides a regional forum where cities, counties and citizens can resolve issues related to growth – things such as protecting streams and open spaces, transportation and land-use choices and increasing the region's recycling efforts. Open spaces, salmon runs and forests don't stop at city limits or county lines. Planning ahead for a healthy environment and stable economy supports livable communities now and protects the nature of our region for the future.

Metro serves 1.3 million people who live in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan area. Metro provides transportation and land-use planning services and oversees regional garbage disposal and recycling and waste reduction programs.

Metro manages regional parks and greenspaces and owns the Oregon Zoo. It also oversees operation of the Oregon Convention Center, the Portland Center for the Performing Arts and the Portland Metropolitan Exposition (Expo) Center, all managed by the Metropolitan Exposition-Recreation Commission.

For more information about Metro or to schedule a speaker for a community group, call (503) 797-1510 (public affairs) or (503) 797-1540 (council).

Metro's web site: www.metro-region.org



Council districts

Metro is governed by an executive officer, elected regionwide, and a seven-member council elected by districts. An auditor, also elected regionwide, reviews Metro's operations.

Executive Officer
Mike Burton

Auditor
Alexis Dow, CPA

Council

Presiding Officer
Carl Hosticka
District 3

Deputy Presiding Officer
Susan McLain
District 4

District 1
Rod Park

District 2
Bill Atherton

District 5
Rex Burkholder

District 6
Rod Monroe

District 7
David Bragdon

Metro's Recovery Goal

Metro will work to ensure regional urban streams and associated habitats are conserved, protected, and restored so that they support all life stages of native fish. Metro will work to ensure the safe migration both upstream and downstream for juvenile and adult native fish.

Metro's Vision

“Our region places a high priority on the protection of its streams, wetlands and floodplains to maintain access to nature; sustain and enhance native fish and wildlife species and their habitats; mitigate high storm flows and maintain adequate summer flows; provide clean water; and create communities that fully integrate the built and natural environment. As ribbons of green, stream and river corridors maintain connections with adjacent upland habitats, form an interconnected mosaic of urban forest and other fish and wildlife habitat, and contribute significantly to our region's livability.”

Accepted by the Metro Council and the Metro Policy Advisory Committee from the Streamside CPR Purpose, Vision, Goal, Principles and Context Statement

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Purpose of this Report

This is the third annual report on Metro's efforts to assist in the recovery of threatened and endangered salmon and steelhead in the Metro region. Metro has been doing this work for many years, even before the recent listing of many fish species under the Endangered Species Act. In 1999, the Metro Council adopted Resolution No. 99-2815A to emphasize the Council's desire to protect and recover salmon and steelhead, and to identify related goals and objectives for Metro as an agency. The objectives fall into four categories: (1) monitoring Metro's activities to avoid "taking" listed salmon and steelhead; (2) providing education and outreach on salmon and steelhead recovery; (3) assisting local and regional partners in protecting and recovering listed salmonids; and (4) developing tools to aid recovery of listed salmon and steelhead.

This report chronicles both the new and the ongoing Metro activities that benefit salmon and steelhead as they live in and migrate through this region. It also identifies important work that Metro will undertake for the next year with federal, state and regional partners.

Metro's Activities and Operations

Objective - Metro will ensure its own activities, operations and policy development processes contribute towards the conservation, protection, and restoration of native fish species and their habitats.

Early in 2000, Metro's ESA Steering Committee initiated an assessment of Metro's activities to ensure that those activities do not have the potential to "take" listed salmonids. Over the course of several meetings, the Salmon Recovery Coordinator and Office of General Counsel interviewed committee members on their departments' activities. The results of the interviews showed that operations and practices at Metro facilities and property have very little potential to "take" listed salmonids.

During 2001, the ESA Steering Committee met periodically to share information on planned projects that might impact listed fish. Through these meetings the Salmon Recovery Coordinator continues to monitor and track Metro operations and projects that may require consultations with the National Marine Fisheries Service. One of the projects that required consultation in 2001 involved the removal of a dam on Johnson Creek at the Hogan Cedars acquisition area. The consultation was successful and NMFS endorsed the project.

Education and Outreach

Objective - Metro will provide education and outreach services and information to its local partners and to the public at large on how institutions and individuals can contribute to regional salmon recovery.

Oregon Zoo

The Oregon Zoo is developing an Eagle/Salmon exhibit as the third phase of its Great Northwest expansion. The first two phases, Cascade Crest and Steller Cove, opened in 1998 and 2000 respectively. The Eagle/Salmon exhibit will explain the relationships between healthy watersheds and endangered species recovery to over 1.4 million yearly Zoo visitors. It offers the opportunity to convey Metro's watershed and stream protection efforts to a broad cross-section of our region's citizens.

Parks and Greenspaces

- With funds made available by the U.S. Fish and Wildlife Service, Metro awarded a total of \$80,000 in grants to support 14 environmental education projects that engage hundreds of people in the Portland/Vancouver metropolitan area in hands-on learning and stewardship activities.
- The 18th annual Salmon Festival was a success again this year. More than 7,700 participants attended the festival during the fall chinook spawning run. Each October, the Salmon Festival offers a rare opportunity for people to participate in a variety of activities that relate to the salmon's struggle for survival and what can be done to help.
- Many citizen volunteers are involved in enhancement and restoration activities on Metro's regional parks and greenspaces. In this report period, over 900 people donated over 10,000 hours of their time and skills in a variety of activities including invasive species removal, riparian and wetland restoration, environmental monitoring, data base management and environmental education.
- In 2001, more than 10,000 people participated in environmental education programs sponsored by Metro's Regional Parks and Greenspaces Department. Many of these programs focused on stream and riparian health which supports salmonid recovery.

Regional Environmental Management

- In September 2000, the metro area's first natural techniques garden opened. The garden is a cooperative partnership between Metro and Portland Public Schools Green Thumb Horticulture program. The garden will provide residents the opportunity to see successful natural gardening techniques in action and will be open to the public seven months per year (April through October). The garden is located at 6800 SW 57th Avenue in Portland.
- REM continues to use the natural techniques garden to demonstrate chemical free gardening practices to the public. The garden is open seven days per week April through October. A solar powered gate controls opening and closing hours. A spring 2002 Natural Celebrity Series was developed to introduce the garden to the public. The six metro area speakers included garden writers, landscape designers and naturalists that are successful chemical free gardeners. Reservations were required and each session achieved the maximum attendance of 50 people. Garden event attendance included guests from as far as Aloha, Beaverton, Oregon City and Vancouver, Washington as well as the Portland area. Garden tours are an integral part of the event. The natural techniques garden was awarded habitat achievement certification from the National Wildlife Federation. The award was based upon our garden design for habitat and our chemical free practices.
- REM continues to partner with 5 metro area nurseries to offer continuing natural gardening for their customers and integrated pest management training for nursery management. The partnership is in its fourth year. Nursery customers have the opportunity to learn about natural gardening where they shop and nurseries support this effort by providing retail space and coupon discounts for organic products. REM partnered with OSU Extension Service and the Master Gardener program to offer Integrated Pest Management training for metro area nursery management. Twelve nursery managers attended the six-hour January training session and requested an additional training. A 2002-IPM training has been scheduled.
- REM conducted its third annual Gardens of Natural Delights tour. Twenty-one Host gardeners from the Portland Metro area demonstrated successful natural gardening techniques to 1,500 attendees. The tour was developed to provide novice and seasoned gardeners with the opportunity to talk with successful chemical free gardeners and to see first hand, that you can have healthy, attractive gardens and yards without the use of chemicals. The emphasis is on minimal or no lawns since homeowners tend to use more chemicals on lawn than any other area of the garden. The tour has a seasoned volunteer base of 144 members that support the host gardeners in educating the public about natural gardening techniques. A representative tour comment was provided by Candis Condo (Portland). "I learned more about natural Gardening techniques in 6 hours on this tour than in 6 hours of gardening. Seeing is believing."

- REM created the Natural Gardening Shopper's Guide to educate gardeners about credible organic products that are available. Forty-six nursery metro area nurseries met the participation criteria and are published in the guide. Each nursery was required to stock a minimum of 15 natural/organic products from the 10 product categories. The guide is distributed through Metro and Metro events as well as nurseries and retail garden stores. Six thousand guides were distributed last year.

Growth Management

- Growth Management produced an exhaustive research document entitled "Metro's Scientific Literature Review for Goal 5," as part of developing its Fish and Wildlife Habitat Conservation program. The Science Review contains the best and most recent scientific information on the topics of riparian habitat and its benefits to fish and wildlife. The report received a favorable peer review by the Governor's Independent Multidisciplinary Science Team.

Assisting Metro's Partners

Objective - Metro will work for native fish and rivers with its partners in the overall ESA effort, and facilitate a watershed approach to salmon and steelhead recovery.

During 2001, Metro continued to assist and participate in local, regional and state efforts to recover listed salmonids.

- ***Pleasant Valley*** - Metro has participated as a member of the Pleasant Valley Concept Plan Steering Committee which makes recommendations to the cities of Gresham, Portland (and potentially Happy Valley) on the urban concept plan for the Pleasant Valley area. The Steering Committee has made several recommendations that if accepted will improve conditions for fish. Those recommendations include limiting road crossings over streams, constructing bridges instead of culverts at all crossings, and restoring degraded riparian corridors.
- ***Regional Coalition for Clean Rivers & Streams*** - In 1994, several local governments and special districts formed the Regional Coalition for Clean Rivers and Streams to develop a broad-based, coordinated stormwater pollution public awareness campaign. Metro joined the campaign in 2001. This cooperative effort enables multiple jurisdictions to leverage limited resources by developing a single, region-wide campaign capable of reaching 1.4 million citizens in more than 26 cities in the Metro-Vancouver region. One of the primary goals of the Coalition is to raise public awareness about the connection between stormwater pollution and prevention and the recovery of fish in our region. This year, the Coalition has successfully conveyed this and other related messages through a campaign entitled "*The River Starts Here*" which focuses on what citizens can do to keep pollutants out of area stormwater.

- ***Willamette Urban Watershed Network*** – In 2001, Metro expanded its participation with this group of Willamette Valley cities and special districts. WUW-Net provides a forum for coordination and collaboration in the development of strategies to help solve watershed and salmonid species problems related to urbanization in the valley. Metro supported and helped WUW-Net plan a very successful conference held in October entitled “At the Water’s Edge, Science-based Approaches to Managing Urban Riparian Areas for Salmonid Protection and Recovery.”
- ***Willamette Restoration Initiative*** – Metro’s Executive Officer, Mike Burton continued to serve on WRI’s Executive Committee during 2001. WRI achieved one of its primary goals in 2001 by completing the Willamette Restoration Strategy which outlined 27 critical actions for improving the health of the Willamette River. Metro anticipates supporting WRI as it moves forward to implement the strategy.

Tools Supporting Recovery

Objective - Metro will work to develop the necessary tools to conserve, protect, and restore native fish and their habitats, and will ensure these tools are developed in a scientifically sound, collaborative manner, and made available to our local partners for their consideration and adoption.

Oregon Zoo

- The Oregon Zoo was once one of the region’s major water users. Through an award winning conservation program, the Zoo reduced its water consumption from 161 million gallons in 1991 to only 96 million gallons in 2001, a savings of 65 million gallons a year! Water conservation measures are still being implemented, including repair of the Cascades Stream water system in 2002.

Parks and Greenspaces

- Metro continues the partnership with The Nature Conservancy, to monitor and control the highly invasive Japanese Knotweed populations along the Sandy River.
- Parks completed a new septic system at Oxbow Regional Park that will move potentially harmful pollutants (septic effluent) away from the Sandy River to a large drain field about ¼-mile from and 500 feet above the river.
- Parks initiated the design and approval process to remove a water control structure at Smith and Bybee Lakes, constructed in the 1980’s, thus restoring the lakes back to a natural freshwater tidal marsh. Ducks Unlimited is assisting Metro with funding and project management.

- Regional Parks and Greenspaces department is leading a regional effort to establish an interconnected system of parks, natural areas, greenways and trails for fish, wildlife and people. Key to this effort is work to identify effective conservation and habitat protection incentives for private land owners. Metro is working with local park providers to identify regional minimum management standards for habitat and waterways included in the regional system. One example is the study Metro recently commissioned on proper siting and design of trails in riparian areas.
- Metro's Open Spaces Acquisition program added approximately 6 miles of property along regional streams in 2001. Combined with prior acquisitions, Metro has purchased land comprising a total of about 51 stream miles.
- A small dam was removed from Johnson Creek on the Hogan Cedars property in Gresham. Fish are now able to pass to the upper reaches of the stream.
- Work continues to the Multnomah Channel to improve wetland habitat along the waterway.
- Parks prepared land use review applications for master plan improvements at the M. James Gleason Boat Ramp located on the south shore of the Columbia River at river mile 109.4. An Environmental Assessment was completed as part of the City of Portland's land side review process. A Biological Assessment for water related improvements is in the draft stage currently being reviewed by the Division of State Lands, NMFS, Oregon Department of Fish and Wildlife, and the Army Corps of Engineers.
- Metro and several local government and special district partners engaged a consulting team to research and create a report entitled "Implementation Strategies for Natural Area Protection Incentives." The report describes strategies and tools for financing conservation, restoration and protection of natural areas in the Metro region.

Regional Environmental Management

- In late summer 2001, REM installed a cement-bentonite slurry wall along 1000 lineal feet of the perimeter dike around St. Johns Landfill. This improvement is intended to inhibit the potential migration of contaminants through a dike section where waste was buried near surface water. This improvement completed a two-phase effort, begun in 2000, to stabilize three critical areas of the perimeter dike.
- REM installed a fish protective screen over a pump intake at St. Johns Landfill. The pump draws water from the Columbia Slough. This improvement was considered desirable enough that the Oregon Department of Fish and Wildlife reimbursed Metro for 60% of the cost.

- REM has continuously promoted composting and “grasscycling” to minimize erosion, increase water conservation, and reduce the use of lawn fertilizer. The department has set up demonstration sites and sold 70,000 composting bins in the past six years.
- In October 2000, Metro sponsored a one-day seminar titled “Soils for Salmon.” The seminar focused on the relationship between urban soils, hydrology, and salmon habitat, and identified methods to increase the use of compost to benefit salmon recovery. Over 160 urban development professionals attended. In 2001 a Soils for Salmon steering committee has been established with members representing DEQ, metro and local governments. The committee has developed a mission statement with defined goals and a action plan for the next two years that evaluates resources, identifies opportunities and develops education materials.
- In 2001 REM hired a full-time Household Hazardous Waste (“HHW”) Education Specialist and launched an expanded HHW education campaign. As one element of this effort REM undertook an expanded series of HHW collection events, known as roundups. Roundups were held in a variety of locations around the region every weekend mid-March through mid-November, and included education of customers as an integral part of the event. The HHW educator also participates as a member of the Regional Coalition for Clean Rivers and Streams.

Transportation

- Metro has identified more than 150 culverts on regional transportation facilities requiring repair to be “fish friendly.” These will be prioritized to assist in determining where federal and state transportation programs and funding allocations should be allocated to replace or repair these fish access problems.
- Metro is working to make regional transportation plans fish friendly through the Green Streets program to develop fish friendly design solutions. The Transportation department is developing a best practices handbook to assist local governments to design fish friendly street systems. The handbook will provide guidance on how to minimize impacts of roads on streams and riparian areas and on how to manage storm water runoff in a manner the mimics the natural hydrology of a watershed. The draft handbook has been endorsed by NMFS for use in development of transportation projects in the metro area. See, Appendix 3.

Growth Management

- Metro remains committed to improving water quality and assisting in meeting regional Clean Water Act requirements. Metro’s Water Quality and Floodplain Management Program (Title 3) is nearing full implementation by local governments. All local governments will have adopted applicable changes to their local plans by Summer 2002.

- During the past year, Metro updated and improved the data base for inventorying potential regional fish and wildlife habitat areas. The Metro Council adopted criteria for identifying regional riparian corridors in December, 2001. The criteria identify functional values of riparian as they occur on the landscape. Based on these criteria, the Metro Council will finalize riparian corridor inventory maps this Spring which will be the basis for subsequent steps in Metro's process consistent with Statewide Planning Goal 5.

Next Steps

In 2002, the Metro Council will continue to work toward its long term goal of improving the habitat and conditions for fish and wildlife and to assist in the recovery of listed salmon and steelhead. Recent litigation such as the federal court decision on coastal coho in the *Alsea Valley Alliance* case makes the application of the Endangered Species Act less certain than in 2001. Nevertheless, Metro will pursue the policy objectives of improving water quality and fish and wildlife habitat that are set forth in the 1996 Urban Growth Management Functional Plan.

In the year 2000 Annual Report, Metro identified several "Next Steps" in working toward salmon and steelhead recovery in the region. Substantial progress was achieved in each of those areas. In 2002, Metro will seek to expand its involvement with local governments, special districts, watershed councils, the newly formed Tualatin Basin Natural Resources Coordinating Committee, and other groups working on salmonid recovery in the Willamette River Valley, Lower Columbia River including Vancouver and Clark County, and the Sandy River basin.

Monitoring Metro Activities – As in 2001, Metro will monitor its operations and practices to promote recovery of listed salmonids. Cooperative consultations with NMFS will be pursued where required by the ESA. The Metro ESA Steering Committee will continue to meet on a periodic basis to share information among Metro departments and review new projects.

Fish and Wildlife Habitat Conservation Program – Metro's Fish and Wildlife Habitat Conservation program will again be a high priority in 2002. As the program moves on from the inventory of fish and wildlife areas to the balancing of economic, social, environmental and energy consequences, Metro will continue to engage local partners and the public in the analysis and development of a plan to protect these critical areas.

Coordinate with and Support Federal, State and Local Recovery Efforts – In 2001, Metro participated in a wide variety of planning efforts aimed at improving the habitat and conditions that salmon and steelhead need to recover. Those actions are reported above. In 2002, Metro will continue to interact with groups such as the Willamette Restoration Initiative, Willamette Urban Watershed Network, Regional ESA.

Coordinators, and the Lower Columbia River Estuary Partnership as those groups pursue actions that benefit fish. In addition to working with these and other groups, Metro anticipates increased interaction and support of local watershed councils and participation in the state's Technical Assistance Team for the Oregon Plan. Metro also desires to help support and plan regional conferences on topics such as fish recovery, riparian area restoration and stormwater management.

Metro will continue to interact with and participate in federal efforts to recover salmon and steelhead. The Northwest Power Planning Council will be undertaking subbasin planning for the lower Willamette and Sandy River basins. Metro will provide data and comment into those subbasin planning processes. Federally mandated recovery planning is currently underway at NMFS for listed salmonids in the Willamette and Lower Columbia River basins. Metro will monitor and support those recovery efforts to the extent that they intersect with Metro's charter responsibilities.

Communication with Salmon and Steelhead Management Agencies –In the past, Metro has communicated and commented on federal and state salmonid management policy. For example, in 1999 Metro submitted comments on NMFS's proposed Section 4(d) rule for stocks of listed salmon and steelhead. In 2001, Metro provided portions of its riparian corridor inventory data to the U.S. Fish and Wildlife Service in response to USFWS's request for data related to cutthroat trout populations and habitat. Metro also provided comments to the Governor's Office on a proposed State Riparian Policy.

In 2002, Metro stands ready to comment on federal, state and local proposals or rule making that may affect salmon and steelhead recovery. Metro anticipates that comments will be confined to proposals that have the potential to impact Metro facilities or operations such as Oxbow Regional Park or the management of Metro open space acquisitions. Several such processes have already begun, and Metro anticipates that involvement and comment on at least the following projects may be appropriate:

- The Oregon Department of Fish and Wildlife's development of a Native Fish Policy (Spring/Summer 2002).
- NMFS development of recovery criteria for Willamette and Lower Columbia salmon and steelhead stocks.
- NMFS consideration of delisting petitions for Willamette and Lower Columbia salmon and steelhead stocks (Summer/Fall 2002).
- Northwest Power Planning Council subbasin planning for the Willamette and Sandy River basins.

Appendix 1

METRO ESA STEERING COMMITTEE

<i>Name</i>	<i>Department</i>	<i>Phone</i>	<i>E-mail</i>
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Charlie Ciecko	Parks & Greenspaces	797-1843	cieckoc@metro.dst.or.us
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John Donovan	Communications Team	797-1871	donovanj@metro.dst.or.us
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Ken Helm	Office of General Council	797-1882	helmk@metro.dst.or.us
Bob Hillier	REM	797-1667	hillierr@metro.dst.or.us
Paul Ketcham	Growth Management	797-1726	ketcham@metro.dst.or.us
Tom Kloster	Transportation	797-1832	klostert@metro.dst.or.us
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Ted Leybold	Transportation	797-1759	leyboldt@metro.dst.or.us
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Dennis O'Neil	REM	797-1697	oneild@metro.dst.or.us
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Casey Short	Administrative Services	797-1556	shortc@metro.dst.or.us
Bob Spier	OCC Operations	731-7872	spierb@metro.dst.or.us
Jeff Stone	Council	797-1538	stoneja@metro.dst.or.us
Mark Turpel	Growth Management	797-1734	turpelm@metro.dst.or.us

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OGC/KDH/kvw (04/05/02)

041802c-04

April 2, 2002

RE: Proposal No. MU0102/AN-0102 (Christian Life Center Church)

Metro
600 NE Grand Ave.
Portland, OR 97232-2736
FAX 503 797-1797

Dear Metro:

Please consider this testimony for denial of annexation: Proposal AN-0102 to METRO which is to have a public hearing by and before the Metro Council on April 18, 2002.

As stated in February's Oregonian Letter to the Editor "Metro rewards misconduct" from Mel Mortensen, North Plains:

"The Christian Life Center, a small private school in Aloha, 'is not supposed to exist under Washington County regulations' ("Metro initiates process to include church school," Metro/Washington County, Feb 11).has operated illegally for four years and now is going to profit from its unlawful conduct, inasmuch as Metro will condone the school's conduct by allowing for an activity that is not permitted. Therefore, the lesson to be learned is that one can will fully disregard requirements or regulations, break the law, act 'immorally', and in time, the misconduct will be rewarded...."

I have been involved with the concerned Christian Life Center property since before 1993 when the then suburban church located miles away at 185th and TV Highway first decided to purchase and develop it. It was evident that the cheaper property outside of the Urban Growth Boundary was a primary concern. It was stated clearly by the then pastor of not having any designs for creating a school on the property. Concerns about rural sizing and servicing about the church structure and mission were presented. This is not a time to reward a deceptive start.

August 1996 Washington County Casefile 96-288-SU/SU/D(INS) the Applicant's (Christian Life Center) request for Special Use and Development Review for a Private School was denied. From the onset, this applicant has presented proposals that are contrary to the purpose and spirit of Oregon's land use and planning laws. The Urban Growth Boundary was established to provide appropriate and planned rate of development. The Christian Life Center located outside the UGB had clear knowledge of Oregon's purpose and spirit of land use in containing urban uses to urban areas and protecting areas outside the UGB from being exploited. Sizing and servicing the area outside of the UGB has not been to scale. This is not a time to reward poor planning on the applicant's part.

June 1998 referenced in Washington County' Department of Land Use and Transportation Recommendation and Staff Report Casefile: 98-206-SU/D(INS) recommended denial of the Special Use and Development Request. This is also cross-


referenced with Casefile 86-342-SU/D. At a church meeting it was clearly stated by the church's pastor the intent to pull school students from the area outside the Urban Growth Boundary all the way to Forest Grove. Again, apparent disregard towards Oregon, LUBA, Washington County and Metro's charge of UGB management. **This is not a time to reward this misuse outside the Urban Growth Boundary.**

This annexation concerns the integrity of Metro going against its own professionally trained, hired and experienced staff-researched finding and recommendations. Where was the Hearing Officer coming from to weigh in on the side of the applicant? (Case 01-01: Christian Life Center Church) The June 1, 2001 Staff Report to Hearing Officer was very clear and thorough. Please review this clear history of behavior and intent.

As Mel Mortensen letter was so accurately titled:

"Metro rewards misconduct"

This is the time to not make two rewards to the applicant but to **deny this annexation anomaly to the Urban Growth Boundary.**

Sincerely, 
Tom Bunker
5365 SW 209th Ave.
Beaverton, OR 97007
Rural resident adjacent to property in question