

MINUTES OF THE METRO COUNCIL MEETING

Thursday, April 18, 2002
Metro Council Chamber

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

Councilors Absent:

Presiding Officer Hosticka convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

Mike Burton, Executive Officer, introduced John Knott, Jr., CEO/Manager Director Dewees Island, Island of Palms. He overviewed Mr. Knott's credentials (a copy of which is found in the meeting record). Mr. Knott said he was in Portland as the keynote speaker for the Best Awards Group. He spoke of the importance of partnerships in sustainability efforts and talked about several projects and the different partnerships that were involved in those projects.

Councilor Bragdon asked about the excess government property. Mr. Knott said the naval base was about 600 acres and spoke of the history of the development and partnerships that were necessary to make the concept work. Presiding Officer Hosticka said they would be interested in a more thorough description of the development, as the region was in the process of a similar project where there had been a state hospital. He was interested in what arrangements were made and structures put together in order to achieve the success of the development. Mr. Knott said they thought there was a real need for developing better ways in which to have new relationships. There needed to be new models. The current models weren't working. They had to find a better way to figure these things out.

Councilor Atherton talked about his own restoration efforts on old buildings and what didn't work. Mr. Knott said he would be talking about this at the conference tomorrow. His history was working in redevelopment of cities and working in communities. He was not in the building business but in the human habitat and community building business. It took you to a very different place. It put you in the position of having the citizens and the community people as part of the process of planning. They had been engaged in a community involvement model that took about two years, involving the community in the planning process. It became the community's plan. One of the things political officials and developers had to understand was that it was the community's tent not the developers. We needed to create a process by which we saw ourselves as technical experts and facilitators. There was a partnership between the wisdom and value systems of the community and the technical resources and design of building professionals merging those two together to form a vision for the future. The problem occurred when those two didn't come together. He believed that the most creative resource in this county rested in the building development field. We needed to partner with cities, political leaders and the community in particular. We needed to trust people in the community. We needed to hear their wisdom and trust what they had to bring to the table. Once the dialogue had begun, the relationships that were being built will create a future. Right now all that was being done was creating division. We had to change the climate. Councilor Atherton said he had learned that the value was in the vision and in cooperation.

Mr. Knott concluded by saying every project of every day was a new adventure. He believed in the essence of the importance of the value of respect. His mother said, walk in the Indian's moccasins a mile first. We didn't do that enough. We assumed too much, their motivations; we didn't give cognizance or value to why they were frustrated or upset. We must start from a perspective that we were all human beings that had basic needs of fresh air, clean water, good schools, and healthy environment and communicate at that level.

Mr. Burton said Mr. Knott would be at Metro for the next several hours and encouraged Council to speak to him.

2. ANNUAL SALMON REPORT

Ken Helm, Senior Assistant Counsel, presented a report on Watershed and Fish Conservation, Protection and Recovery Activities, the third Metro Council Annual Report 2001 on salmon (a copy of which is found in the meeting record). He synopsized the report, which included Metro's operations and activities, outreach efforts, partnerships, tools supporting recovery and future steps in the program. He gave his thanks to the ESA Steering Committee, Mr. Burton and Mr. Sandrock as well as his paralegal, Kathryn Wilson.

Councilor Burkholder added that work at the EXPO Center and OCC's storm water projects, the ENACT group's efforts, recycling paper, alternative means of transportation by Metro employees, and sustainable managed wood products policy were all part of this effort.

Councilor Monroe asked about the Crystal Springs Lake project and the status of salmonoids in the lake. Mr. Helm said he didn't know specifically about the project's results and spoke of several other projects. Councilor Monroe said there had been discussion about removing dams.

Councilor McLain thanked Mr. Helm for his efforts on the report. One of the unresolved elements was what the next steps were in the budget in terms of ENACT, Goal 5, and storm water projects.

Councilor Atherton asked about culverts and cost figure analysis to repair these. Mr. Helm said he didn't think there was cost figure that had been attached to culvert repair. He explained the methodology and the goal of the work, which was primarily to first identify the culverts. He estimated the average cost of repair of one culvert was \$300,000.

Councilor Atherton asked about measurements of success? Mr. Helm explained that they were still at the beginning of fish recovery.

3. CITIZEN COMMUNICATIONS

Mayor Charlotte Lehan, City of Wilsonville, said she just came from a press conference where there was six of the 24 mayors of the region. She said all 24 mayors opposed Measure 26-11 and endorsed Measure 26-29. They also iterated how important Metro's work was to the region.

Councilor McLain thanked Mayor Lehan for her leadership.

4. CONSENT AGENDA

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

Motion	Councilor Atherton moved to adopt the meeting minutes of the April
--------	--

	11, 2002, Regular Council meeting
--	-----------------------------------

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

5. ORDINANCES - SECOND READING

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.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-940. No one came forward. Presiding Officer Hosticka closed the public hearing. He explained the process and timeline for the budget approval.

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.

Motion	Councilor McLain moved to adopt Ordinance No. 02-941.
Seconded:	Councilor Bragdon seconded the motion

Presiding Officer Hosticka asked Dan Cooper to overview this quasi-judicial proceeding. Dan Cooper, General Counsel, explained the rules of the quasi-judicial proceeding. This ordinance and the public hearing being held today was the process by which the Council decide whether or not to annex land to the Metro Jurisdictional Boundary. This was a separate quasi-judicial proceeding. There were both ordinance and state law criteria for annexation to special districts that applied. He said the Council had recently heard a report from a hearings officer on an application for an amendment to the Urban Growth Boundary for the same parcel of land. The criteria that Council established for annexing land to Metro stated its primary criteria was whether or not the Council intended to add the land to the Urban Growth Boundary. Council had already made that determination by resolution. This was the next step in that process for deciding formally to annex the land to the Metro Jurisdictional Boundary. If Council approved the annexation then the third step would be to bring an ordinance in front of council to complete the process by amending the UGB and making a final land use decision there. This was a separate land use decision Council was making. He said if Council had ex-parte contact outside the record Council should disclose at this time.

Councilor Burkholder said he had received a letter from neighboring residents. Mr. Cooper explained the letter was part of the record. He noted the public hearing notice and the record differences from the resolution.

Ken Martin, Annexation Coordinator, talked about the criteria that Council must consider, which was laid out in State law, ORS 198 and Metro Code. He noted, for the record, the letter that had been received in opposition to the proposed Urban Growth Boundary amendment. The letter had to do mostly with issues that related to the UGB decision. It didn't address the criteria that Council was to look at on the annexation. He didn't recommend any changes in the proposed findings.

Presiding Officer Hosticka asked for clarification on annexation criteria. Was it whether it corresponded to a comprehensive plan? Mr. Martin talked about the seven criteria laid out in the Metro Code for this kind of an annexation. The only applicable criterion of the seven was the one that said, if you had made a tentative UGB decision that would be the major criteria to consider. Mr. Cooper added that six of the seven criteria were adopted by the Council after the legislature abolished the Portland Metropolitan Boundary Commission and authorizes the Metro Council to adopt general criteria and procedures for all annexations to cities or special districts within the Metro area. The Council, after hearing from an MPAC recommendation, adopted an ordinance that set forth all of the criteria. The criteria, in general, applied and made a lot of sense to an annexation to a city or an expansion of a special district which was providing sewer, water or fire services. The generic criteria were not of great relevance to the question of annexation to Metro itself since Metro was not in the business of providing urban services.

Presiding Officer Hosticka asked specifically about taxation and voting issues. Mr. Martin responded that there were no voting residents and they had a waiver on taxation. Presiding Officer Hosticka asked for clarification on the opposition letter. Mr. Cooper responded that at the time the staff report was prepared there was no opposition, there was now one letter in the record in opposition.

Councilor Burkholder asked about Washington County's comprehensive plan and how that effected uses in and out of the urban boundary. On annexing this parcel to the district, did Washington County then treat this land as being part of its urban zoning comprehensive plan. Did they have to take steps to annex? Mr. Cooper responded, in general, no, being annexed to Metro did not change the zoning or land use status. He gave past annexation examples, some of which were still rural and not part of the UGB. Councilor Burkholder asked, in this case both of these conditions had been met? Mr. Cooper said the Council had one more decision to make after this one. If the Council adopted Ordinance No. 02-941 as recommended by staff based on the preliminary decision council took before, then, the Council would be presented with an ordinance that would be the final action which would actually move the UGB. That would complete the process. Councilor Burkholder asked, assuming Council completed the process, what happened with Washington County's process? Mr. Cooper said once the process was completed and there was a final decision, then Washington County could amend its comprehensive plan and its zoning to put an urban zone on this parcel and complete the process.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-941.

Bill Cox, 0244 SW California St., Portland, OR 97219, on behalf of the applicant, said he agreed with Mr. Martin's comments. He was correct about the letter from Mr. Bunker. It was not relevant to today's proceedings.

Presiding Officer Hosticka closed the public hearing.

Councilor McLain suggested that this could be continued until she would be present (not by phone) at the next Council meeting. She spoke to the annexation criteria, the process as well as the positive and negative elements. She said this was a partner action to the resolution. She spoke to the advantages of being in the Metro Jurisdictional Boundary. She also talked about the outstanding issues, this was the last quasi-judicial adjustment process under the old rules. Councilor Monroe said he didn't any reason to delay or postpone this issue. Councilor McLain said if the rest of the council was ready to vote, then she was also ready to vote. She wanted to make sure there was no further testimony or outstanding issues.

Councilor Park spoke to the three-step process, this was the second step in that process. He was ready to vote on this issue today. Presiding Officer Hosticka said that the action today was exclusively focused on the jurisdictional boundary so it was appropriate to vote on. The question as to whether the Council moved the UGB would come later.

Councilor McLain closed by saying that this was only dealing with the Metro Jurisdictional Boundary. They were in a three-step process, she urged support.

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

7. COUNCILOR COMMUNICATION

There were none.

8. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:13 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 18, 2002

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
4.1	MINUTES	4/11/02	METRO COUNCIL MINUTES OF APRIL 11, 2002 SUBMITTED FOR APPROVAL	041802C-01
1	WEBSITE SUMMARY OF JOHN KNOTT	4/17/02	JOHN KNOTT, CEO AND MANAGING DIRECTOR DEWEES ISLAND SUMMARY TO METRO COUNCIL	041802C-02
3	METRO COUNCIL ANNUAL REPORT 2001	2001	WATERSHED AND FISH CONSERVATION, PROTECTION AND RECOVERY ACTIVITIES PRESENTED BY KEN HELM, TO METRO COUNCIL	041802C-03
6.1	FAX LETTER ON ORDINANCE NO. 02-941	4/2/02	LETTER TO METRO COUNCIL FROM TOM BUNKER CONCERNING CHRISTIAN LIFE CENTER CHURCH	041802C-04