

# MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 10, 2003  
Lake Oswego Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rod Monroe, Rex Burkholder, Rod Park, Carl Hosticka

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:02 p.m.

## 1. INTRODUCTIONS

Council President John Turchi, Lake Oswego Council President, welcomed the Metro Council to Lake Oswego. He spoke about their town center vision. He expressed appreciation from the citizens of the City for Metro's assistance in the town center development. He spoke to a life center, a large commercial development, and expressed concern about access. He felt it was a threat to town centers concept. He hoped this type of life center wouldn't exist in the future. He spoke to the need for community and partnership. He encouraged Council to come again to Lake Oswego. Councilor Newman thanked Council President Turchi for the invitation. He mentioned a shared concern about commercial activities outside of our Urban Growth Boundary that drained our town centers. He shared their concerns.

## 2. CITIZEN COMMUNICATIONS

There were none.

## 3. CONSENT AGENDA

3.1 Consideration of minutes of the June 26, 2003 Regular Council Meetings.

Motion: 

Councilor Park moved to adopt the meeting minutes of the June 26, 2003, Regular Metro Council meeting.
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Vote: 

Councilors Burkholder, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed with Councilor McLain absent from the vote.
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## 4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 03-1013**, Amending the FY 2003-04 Budget and Appropriations Schedule for the Purpose of Transferring \$47,000 from the Support Services Contingency to the Office of the Auditor Materials and Services.

Motion:	Councilor Monroe moved to adopt Ordinance No. 03-1013.
Seconded:	Councilor Hosticka seconded the motion

Councilor Monroe spoke to the carry over of funds that had been committed but not spent. He noted the budget impact for this amendment. This amendment would allow an audit of financial

statements. Funds for the work occurring after July 1, 2003 would be paid once services were completed. The funds would also cover ACLS training. This service had already been contracted for. He urged support.

Alexis Dow, Metro Auditor, said this was a technical amendment to carry forth funds for work being completed in this fiscal year. The primary contracts that the money was designated for was primarily for the financial audit. There was also a small amount associated with training. There were two other contracts for risk assessment and looking at the Information Technology (IT) controls environment.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Hosticka, McLain, Monroe, and Newman voted aye, Councilor Park, Burkholder and Council President Bragdon voted nay. The vote was 4 aye /3 nay, the motion passed.

**5. RESOLUTIONS**

5.1 **Resolution No. 03-3341**, For the Purpose of Authorizing the Study of Additional Lands to Complete an Alternative Analysis in Anticipation of Possible Urban Growth Boundary Amendments for Industrial Uses.

Motion:	Councilor Newman moved to adopt Resolution No. 03-3341.
Seconded:	Councilor McLain seconded the motion

Councilor Newman reviewed the reason for the resolution and explained further the reason to study the industrial lands. He noted that Tim O'Brien would be going over the map (a copy of the maps are included in the meeting packet).

Tim O'Brien, Planning Department, said in an effort to identify industrial lands, they had first established industrial uses. Access, near other industrial users and work force, and the site must be relatively flat. He explained the process they had gone through and the specifics of each map included in the meeting packet. These maps were considered the initial site filters. Potential areas did not have to meet all of the factors to be studied. The boundaries of the study areas were generally within one mile of the Urban Growth Boundary, which was consistent with other areas studied. He then reviewed the map and explained the specifics of the study areas. He talked about the class one and class two soils. He then spoke to specific areas around the region such as Damascus, Wilsonville, Forest Grove, and Hillsboro.

Councilor Newman stated that although many areas would be studied, only 3% of the areas would be brought in. Council President Bragdon spoke to the discussion at Metro Policy Advisory Committee (MPAC) and MPAC's recommendations (copies of the memos from Tom Hughes, MPAC Chair and Andy Cotugno, Metro Technical Advisory Committee (MTAC) Chair are included in the meeting record). Andy Cotugno, Planning Director, reviewed each memo and both the MPAC and MTAC recommendations. He addressed the MTAC memo concerning lands south of Wilsonville and the MPAC memo as well. They recommended exclusion of studying lands south of Wilsonville. The alternatives analysis must look at similarly situated lands. He spoke to the recommendations and concerns of MTAC and MPAC. He noted testimony from the City of Portland, City of Beaverton, and Clark County. He talked about the numbers of acres needed for industrial lands. He noted Mayor Charlotte Lehan's, City of Wilsonville, testimony

about study areas in her area of Wilsonville. He then addressed MTAC concerns about industrial lands near nursery lands. He explained what areas needed to be studied and why they needed to be studied.

Councilor Newman said he would be supporting the resolution. He said this was a technical phase of the process. State of Oregon authorized Metro to manage the UGB. When studying resource lands, we must study all like lands that fit the criteria. When the Council got to consideration of the lands to be brought in next Spring, when they were evaluating certain resource lands, they could make policy decisions as to where they wanted to grow. They normally don't make early decisions while they were in technical process of studying the lands.

Council President Bragdon opened a public hearing.

Mayor Charlotte Lehan, City of Wilsonville, said the City was unanimously opposed to expansion south of the Willamette River. She had been reassured that this was just a study. She thought that the Council should be uncomfortable with going south of the Willamette River. She suggested if that we were going to let criteria drive us south of the Willamette, the Council needed to rethink their policy direction. She said this process felt backward. It would be a big policy issue throughout this year. She felt it would dominate the whole process. She noted a City of Wilsonville Planning Commission resolution expressing opposition of Metro's proposed study of industrial lands south of the Willamette River (a copy of the resolution is included in the meeting record). She also noted that the City of Canby had opposed this study area was well.

Sparkle Fuller Anderson, FarWest CPO, 27480 SW Stafford Wilsonville, OR 97070, spoke to lands south of Wilsonville. Metro had 2040'd them, the City had visioned them. The effect had been that the farmers had been killed. They had water and irrigation issues. There were already traffic problems interfering with farming. The development had hurt farming badly. The urban areas were right up against this area now. She spoke to a map of the frog pond area. She invited Council to come out and look at the area. She noted that the nurseries, cows and roses were already gone from the area. She also talked about water problems. She talked about letters she had from the property owners in the area. Traffic was also bad. She wanted an opportunity for people who lived in the area to communicate their concerns (a copy of her testimony is included in the record).

Steve Zandhuisen, 5911 SW Briar Patch, Wilsonville, OR 97070 suggested that we study everything. He spoke to unemployment rates. Someone could challenge outcomes if you didn't study everything. If you studied everything you would have a much better answer. Industry had changed and if the south Wilsonville doesn't meet the criteria, they would not be included in the recommended land that would be brought in.

John Turchi, Lake Oswego City Council President, 518 Ridgeway Rd. Lake Oswego, OR 97034 supported the Mayor of Wilsonville and asked for criteria to exclude the area south of Wilsonville.

David Helgeson, 20191 SW Stafford Road, Wilsonville, OR 97070, thanked the Council for looking at the importance of studying industrial area. He spoke to the area he lived in, on Stafford Road. The properties were 40+ acres. These large areas were appropriate for industrial use. He said this area had very little water. He said the State had said the City got the water first. They couldn't get an irrigation permit. He thought the concept of looking at additional industrial land was a good idea. He felt his property was ideal for industrial use.

Stephan Lashbrook, City of Lake Oswego Community Development Director, PO Box 368, Lake Oswego, OR 97035 spoke to Map 1, Attachment 1, he objected to the labeling on the map. Resource land needed to serve exception land.

Jack Collins, 32074 SE Charbonneau, Wilsonville, OR 97070, homeowner south of the Willamette River, said he lived there and did not want to see industrial growth in that area. He asked if Council had considered industrial parks in Canby, Sherwood, Tualatin and Wilsonville when looking for industrial lands under development now. He asked what Council would like to know about land south of the Willamette River.

Council President Bragdon closed the public hearing.

Motion to amend:	Councilor Park moved a technical amendment, amending Resolution No. 03-3341 to be in conformity with the MTAC’s recommendation (a copy of the recommendation is included in the meeting record).
Seconded:	Councilor Burkholder seconded the motion

Mr. O’Brien explained the technical amendment.

Councilor Hosticka clarified that this was policy issue not a technical issue. Councilor McLain asked how far away from the UGB and city limits of Wilsonville was the land to the south? Mr. O’Brien said it was less than two miles. Councilor McLain said there was an agreement to study a minimum of one mile up to two miles. Mr. O’Brien said when they studied land last year it was a minimum of one mile, with exception lands up to three miles. Councilor Monroe expressed concern about studying land south of the Willamette River. He was concerned about the perceptions of those who lived in the area. He would favor sending this package back to staff and asking for criteria that would not force us to study this land. Councilor McLain said they had already studied industrial lands last year but didn’t study enough. They didn’t want to have to go through another study next year to study enough land. They wouldn’t be putting in just general industrial land but land for specific needs. She said they were required by law to study a certain type of land. If they didn’t study all the land, the State would make them restudy it. There were technical aspects that had to be looked at. They couldn’t deal with the agriculture issue if they didn’t study the areas. The agricultural community was participating in this process and was providing information to Metro as to where their important areas were. Out of 67,000 acres, they were only looking for 2,700 additional acres. There was much opportunity to do a good job of taking in the reasoning of specific communities. She supported Wilsonville’s request. Councilor Hosticka opposed the motion to amend. He felt it was moving in the wrong direction. He thought we should be looking for natural boundaries. Councilor Newman said there were two recommendations in the MTAC amendment, he specified those recommendations. Mr. O’Brien said MTAC’s recommendation was to go south of the county line. The exception land was a staff recommendation.

Motion to separate the two MTAC recommendations:	Councilor Newman moved to separate MTAC’s recommendation so that each item could be voted on separately.
Seconded:	Councilor McLain seconded the motion

Councilor Newman explained that he would like to support the exception land but was not comfortable with the other part of the MTAC recommendation.

Vote to separate:

Councilors Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye /1 nay, the motion passed with Councilor Park voted no.

Councilors spoke to their reasoning for supporting the amendment. Councilor Monroe said he opposed studying any land south of the Willamette River.

Vote to amend and consider MTAC recommendation #1:

Councilors Park, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye/1 nay, the motion passed with Hosticka voting no.

Councilors explained their reasoning for their support or opposition. Mr. Cotugno explained the one-mile rule. They had proposed cutting the line at one mile. Exception land could be studied beyond one mile. They studied five miles on exception lands. All resource lands were studied one mile out. Councilor Park asked Dan Cooper, Metro Attorney, which one did they have the best chance of accepting. Mr. Cooper responded to his question. Councilor McLain said she felt that one mile was an issue, it was below the Willamette River. If they made an exception for the river, they did not have consistency. Council President Bragdon said they wanted a defensible consistent study. His concern was that they applied everything consistently. Mr. Cooper said that sticking with the mile uniformly around the region was more defensible. Councilor Park asked, with the exception land that they just added to be consistent, where was the mile? Mr. Cotugno said the mile was from the southern UGB to the black line. Mr. O'Brien showed where this was on the map.

Vote to amend and consider MTAC recommendation #2:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted no of the motion. The vote was 7 nay, the motion failed.

Motion to substitute:	Councilor Hosticka moved to substitute and adopt the MPAC recommendation.
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka explained his motion to substitute. Councilor Monroe asked Mr. Cooper if it was possible to develop legally defensible criteria to exclude the land south of the Willamette River. Mr. Cooper said he didn't know. They had to be careful that whatever criteria was used was applied around the entire region. Councilor Monroe said he would support the motion. Councilor Park said the policy choice would come later. These choices would come up after the next step. He said this was following the same guidelines as the past UGB process. This was consistent with what they had done in the past. Councilor Newman said he was not afraid to take the heat for defending a process that was legally defensible. He spoke to what this motion did. He did not agree with this motion. He felt the debate would happen next Spring, not now. This land should be studied even if it was excluded later. Councilor McLain shared her experience. She said MPAC had agreed on the criteria. She would not support this motion.

Councilor Burkholder asked about taking out Tier 5 lands and what that would mean in terms of the land studied. Mr. O'Brien said the Tier 5 lands as proposed by staff was 8,070 acres. Councilor Burkholder said the choice was did they study Tier 5 or not. Could they study 59,000 acres rather than 62,000 acres? He didn't support the motion to substitute. Council President Bragdon said he would not be supporting the motion to substitute. Councilor Hosticka said he didn't think this was an unprecedented activity. He respected other Councilors' opinion.

Vote: to substitute

Councilors Park, Burkholder, McLain, Newman and Council President Bragdon voted against of the motion, Councilors Monroe and Hosticka voted in support of the motion.. The vote was 2 aye/5 nay, the motion failed.

Motion to amend:	Councilor Hosticka moved to strike the numbers in any of the resolution's "whereas".
Seconded:	Councilor McLain seconded the motion

Councilor Park said Land Conservation Development Commission (LCDC) had acknowledged the numbers. It had changed. Councilor McLain said she would support this motion and explained her reasoning. We needed to verify the number as we did this study. Council President Bragdon said he would support the motion and further specified why.

Vote to strike numbers from the whereas's:

Councilors Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion with Councilor Park voting no. The vote was 6 aye/1 nay, the motion passed.

Council President Bragdon said he would be supporting the amended resolution. He felt staff had done a good job. Councilor Burkholder spoke to key lessons. They should be looking at these to check result. They were following State rules. They were learning from this process where they didn't want to be.

Vote as amended:

Councilors Park, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye/1 nay, the motion passed with Councilor Hosticka voting no.

## 6. CONTRACT REVIEW BOARD

6.1 **Resolution No. 03-3343**, For the Purpose of Authorizing Execution of Change Order 29 to the Contract for Waste Transport Services for the Installation of particulate filters.

Motion:	Councilor Burkholder moved to adopt Resolution No. 03-3343.
Seconded:	Councilor McLain seconded the motion.

Councilor Burkholder reviewed the resolution. He said that these filters would help reduce diesel impact in the gorge. Council President Bragdon expressed support for the resolution. Councilor McLain said it was important to show leadership in this area. It was a beginning and a model for other agencies and companies.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

## 7. COUNCILOR COMMUNICATION

Councilor Newman invited the Council to see Millennium Park. It was a good example of a gathering place they wanted to develop.

Metro Council Meeting

07/10/03

Page 7

Councilor McLain invited Council on the first greenspace tour on Saturday, July 12th to see openspaces. There would be 7 other tours in July and August to see the greenspaces Metro had purchased over the last 7 years.

Council President Bragdon felt the work session on Tuesday was a good policy debate. He felt today's debate had been good as well. He announced that the Council would meet at Fairview next week for the Council meeting.

**8. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:57 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 10, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Memo	7/10/03	To: Rod Park, Deputy Council President From: Rooney Barker, Council Support Specialist Re: Ordinance No. 03-1013	071003c-01
5.1	Memos	7/10/03	To: David Bragdon, Council President From: Tom Hughes, MPAC Chair Re: MPAC Recommendation Regarding Industrial Land Alternative Analysis Study Areas and To: Tom Hughes, MPAC Chair, From: Andy Cotugno, MTAC Chair Re: MTAC Recommendation Regarding Industrial Land Alternative Analysis Study Areas	071003c-02
5.1	Resolution	6/9/03	Resolution No 03PD01 A Resolution of the City of Wilsonville Planning Commission in Opposition of Metro's Proposed Study of Industrial Lands South of Willamette River	071003c-03
5.1	Testimony	7/01/03	To: Metro Council From: Sparkle Anderson Re: Opposing studying industrial lands in the Frog Pond area (south of Wilsonville)	071003c-04