

MINUTES OF THE METRO COUNCIL MEETING

Thursday, March 4, 2004
Metro Council Chamber

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

Councilors Absent: Rex Burkholder and Rod Park (excused)

Council President Bragdon convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the February 26, 2004 Regular Council Meetings.

Motion:	Councilor Newman moved to adopt the meeting minutes of the February 26, 2004, Regular Metro Council.
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Vote:	Councilors McLain, Monroe, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 04-1034**, For the purpose of Annexing into the Metro District Boundary approximately 202.9 Acres at Evergreen and Shute Roads in the City of Hillsboro and Declaring an Emergency

Motion:	Councilor McLain moved to adopt Ordinance No. 04-1034.
Seconded:	Councilor Newman seconded the motion

Dan Cooper, Metro Attorney, explained the quasi-judicial nature of the proceedings. He explained that this was a proposal for annexation to the Metro boundary. Criteria in the Metro code governs how Council will make the decision. He stated that the decision that needs to be made must be based on the Staff Report provided by land use consultant, Ken Martin and any testimony heard today. Any information received from other parties about this property should be disclosed, but councilors need not disclose information received about this property from considering the Urban Growth Boundary (UGB) amendment previously in the fall of 2002.

Councilor McLain pointed out that Exhibit B explains why this property represents an important addition to the urban growth boundary. She noted that the information provided by Ken Martin

(Boundary Commission), provides criteria and findings. The property was brought into the urban growth boundary in December 2002. All of the appropriate planning and conditions were met (as per Metro's Boundary Officer, Bob Martin).

Council President Bragdon opened a public hearing on Ordinance No. 04-1034.

Becky Berger, 5455 NW Birch Avenue, Hillsboro, OR 97219, submitted a letter that is in the record. She represents the landowners of the Shute Road site. They are in unanimous agreement for this action. She thanked Council President Bragdon and Metro staff for their work and support to get this property shovel-ready.

Council President Bragdon closed the public hearing.

Councilor McLain closed by reiterating that this case has met all the requirements of the Metro code and boundary amendment process issues.

Vote:

Councilors Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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- 4.2 **Ordinance No. 04-1033A**, For the Purpose of Amending Metro Code Chapter 3.09 (Local Government Boundary Changes) to Allow Use of the Expedited Process for Changes to the Metro District Boundary and to Clarify Criteria for Boundary Changes, and Declaring an Emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 04-1033A.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain explained that this resolution has been under consideration for some time. She reiterated the reasons for this resolution – to make the process of annexing territory to the Metro district easier and gives the process and criteria for incorporating a new city into Metro's boundary. She added that it has been discussed at length by Metro council, was fully reviewed by Metro Technical Advisory Committee (MTAC) and Metro Policy Advisory Committee (MPAC). Their suggested changes were included in the amended ordinance.

Council President Bragdon opened a public hearing on Ordinance No. 04-1033A. No one came forward. Council President Bragdon closed the public hearing.

Council President Bragdon concurred with Councilor McLain's comments.

Vote:

Councilors Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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5. RESOLUTIONS

- 5.1 **Resolution No. 04-3427**, For the Purpose of Responding to USDOT Concerns, Revising the Conformity Determination Report and Re-adopting the Portland Area Air Quality Conformity Determination for the 2004 Regional Transportation Plan and 2004-07 Metropolitan Transportation Improvement Program.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3427.
Seconded:	Councilor Hosticka seconded the motion

Councilor Monroe expressed his hope that this would be the end of the “saga” to meet the federal air quality conformity, explaining the reasons why the US Department of Transportation (USDOT) did not approve the air quality conformity determination approved by the Council on January 15, 2004. He cited three concerns: inadequate length of public comment period, not enough documentation on some transportation control measures, and a request for some emission credit calculations. A revised determination was passed on February 12 addressing all these concerns and a fourteen-day comment period was opened, along with advertising in The Oregonian. Councilor Monroe noted that there were approximately 30 visits to Metro’s website per week and 7 documents downloaded, but no comments were received. No public testimony was received at the public hearing on February 26. On March 1, 2004, Transportation Policy Advisory Committee (TPAC) approved the measure after adopting some minor changes proposed by Department of Environmental Quality (DEQ). It was approved by a special meeting of Joint Policy Advisory Committee on Transportation (JPACT) members on March 1. With the approval of this measure today, several projects will be able to get underway immediately.

Vote:

Councilors Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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5.2 Resolution No. 04-3428, For the Purpose of Entering an Order Relating To Compliance with the Urban Growth Management Functional Plan.

Motion:	Councilor McLain moved to adopt Resolution No. 04-3428.
Seconded:	Councilor Newman seconded the motion

Councilor McLain explained that this resolution is being submitted to meet requirements of Metro Code Section 3.07.880.b that asks the Metro Council to set a public hearing date to determine if regional jurisdictions have been able to comply with the functional plan. She noted that on Table A, most of the jurisdictions have almost met total compliance. She also stated a full list of reports on Title 7 has been submitted. Only a few of the facilities are still working on Title 3 issues (e.g., Clackamas County). This resolution will confirm compliance and direct staff where further work needs to be pursued. This report is a success story thanks to the hard work of the staff and local jurisdictions.

Council President Bragdon spoke to the affordable housing issue (delegated to Councilor Burkholder) and concept planning for the newly urbanizing areas. He said more discussion is needed in these areas.

Councilor Hosticka noted that this resolution adopts the report and findings. Councilor McLain added that the resolution also provides Metro the opportunity to tell jurisdictions that they have completed their work.

Councilor Hosticka asked if there are established time limits for taking action on those areas that are not in compliance. Dan Cooper noted that compliance limits are set in the functional plan. In most cases, those time limits have passed, with the exception of some of the Title 7 reporting requirements. Some extensions have been asked for and granted. He explained that this is a

report of those jurisdictions that have complied. Enforcement actions for those that have not passed are subject to further Council discussion and action.

Vote:

Councilors Hosticka, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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Councilor McLain explained that this is the last report that Brenda Bernards will work on before leaving for Tennessee. She applauded Brenda for her outstanding work that has been very useful to the Council and jurisdictions. She expressed the hope that Brenda will adequately train someone to fill her shoes.

6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan thanked Council President Bragdon and Chief Financial Officer (CRO) Bill Springer for their support in taking budget talks on the road. He also mentioned March Madness (Goal 5 and Industrial Lands) demands being placed on staff. The first meeting in Oregon City pointed out the need for additional staff at the open houses and staff have volunteered. In addition, Mr. Jordan noted that some property owners did not get their notice in the mail. A technical glitch relating to the transfer of data (from one program to another) occurred. Approximately 4,400 property owners did not get picked up on the mailing list – spread throughout the region. This error is now being corrected, and another open house will be held at Metro Regional Center to accommodate those people who did not receive the initial notice. Mr. Jordan has been assured by attorney Dick Benner that this error will not affect either of Metro's legal requirements, either under Measure 56 or 26-29.

7. COUNCILOR COMMUNICATION

Councilor Newman noted that an open space tour of the Butler Ridge property in Damascus is scheduled for Saturday, March 6th in conjunction with the Three Rivers organization. The focus of the tour will be on Damascus environmental issues and future plans to protect the buttes. He also noted his absence from Metro for one month – a fellowship in Europe that will focus on trans-Atlantic issues, European governance and environmental and urban growth management issues and policies. He noted that his trip is not funded by Metro but by the German Marshall Fund. Councilor Newman noted that if any of his constituents needed assistance, they should contact Councilor Newman's assistant.

Councilor President Bragdon acknowledged Councilors McLain and Newman's help at the Open House in Oregon City, which unexpectedly turned into a question and answer session, rather than the informal format planned. It was very productive and helpful for the hundreds of people in attendance.

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8. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 2:30 p.m.

Prepared by

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Acting Clerk of the Council

Patty Unfred Montgomery
Council Support Specialist

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 4,
2004

Item	Topic	Doc Date	Document Description	Doc. Number
4.2	Res. 04-3427	2/27/04	Ordinance No. 04-1033A	030404c.01
5.2	Res. 04-3428	3/04/04	Revised pages to Exhibit A, Part 2 (pages 45, 53 and 54)	030404c.02