

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 14, 2005  
Metro Council Chamber

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

Councilors Absent:

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

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

Councilor Hosticka announced that Willamette Resource Inc. had received an award for outstanding recycling efforts.

Ray Phelps, Willamette Resources, Inc., 10295 SW Ridder Rd, Wilsonville, OR 97070 noted a letter he had provided. He summarized his comments concerning Columbia Environmental and Release For Proposal (RFP) for Disposal System Planning Analysis (a copy of the letter is included in the meeting record).

Council President Bragdon asked him to clarify his objection to the RFP. Mr. Phelps explained his objections. Councilor McLain spoke to the need for the RFP and further explained why the need for the RFP. Mr. Phelps explained his rationale for not considering it an acceptable process. Councilor McLain appreciated his comments and wanted to have a further conversation with him. Councilor Liberty said he assumed that they would have a thorough conversation about the disposal system with the industry participating.

Richard Reese, 12301 NW Laidlaw, Portland OR 97229 property owner in Area 93 spoke to the Council about his concerns with Multnomah County's and City of Portland's unwillingness to complete concept planning for their area. He noted that he had provided a letter to the Council concerning compliance with the Urban Growth Management Functional Plan (a copy of his letter is included in the meeting record). He asked about the enforcement proceedings.

Gerald Harris, 12020 NW Laidlaw, Portland OR 97229 added that their area was a high demand area in terms of where people wanted to live, close to the city center and the Hwy 26 corridor. Properties were sold very quickly and it was a high demand area. It was not prime farmland. There had been no action. He pointed out the area was very desirable to live.

Bob Schallberger, 12050 NW Laidlaw, Portland OR 97229 said he and his neighbor had a total of 22 acres. There were three offers on the table for development. He was here today to tell Council that he would consider Measure 37 if something didn't happen soon. He suggested pushing Multnomah County right now.

Councilor Newman said he thought Area 93 was illustrative of what was happening all over the region. He explained Metro's responsibilities and that the local governments were responsible for

concept planning. He felt Metro needed to address this issue. He thought the Council President was convening a committee to look at the issue. They liked to give local governments the time to plan and often gave extensions.

Councilor McLain responded to Mr. Schallberger. She felt these neighbors had been more than patient. She suggested getting Washington County involved. They had gotten Multnomah County and City of Portland together and nothing had happen. She urged action from Metro. She said we couldn't do our job without going to the legislature. It was time to proceed with using Title 8. She asked the Council President to have a discussion about the steps to use against Multnomah County. She urged putting a timeline to this issue.

Councilor Burkholder asked what was the status of this area and the pending litigation. Dick Benner, Metro Senior Attorney, responded to his question. Councilor Burkholder said the 2002 decision was being held up because it was in the Court of Appeals. There was difficulty in the system because of financial constraints.

Councilor Liberty asked Mr. Benner about the parties in the West Linn case? Mr. Benner responded to his question. He noted there was new political leadership in the City of West Linn. Councilor Liberty asked about the citizen enforcement provisions and did these apply to Metro? Mr. Benner said yes, but it had to be a violation of a statewide planning goal. Councilor Liberty asked about Metro having the authority to do the planning. Mr. Benner said the language was general but Metro could do the planning. Councilor McLain asked if we had to put Multnomah County on notice to use potential solutions available to Metro. Mr. Benner said yes Metro did have to notify them. He explained the process. Councilor McLain said we have a hearing coming up in September. She said we have a Title 8 and urged that we use it. Mr. Benner explained compliance issues. They would be out of compliance as of March 2005. Councilor McLain felt they needed to start the process.

Councilor Park asked about service provisions and our ability to enforce service provisions. Mr. Benner said Metro didn't have anything in our Code to provide for service enforcement. Councilor Park said this problem had been ongoing even for areas that had been brought in 1998. Councilor McLain said the first step was the concept planning. The issue was that we had motivated property owners with proposals on the table. Councilor Liberty added his comments about concept planning and the need to engage service providers. Council President Bragdon said this illustrated a breakdown in the system. The dilemma that we faced was there were local governments who either didn't want to plan the area or couldn't afford to plan the area. They had hoped the legislature would help mediate the solution. Those negotiations had broken down. Therefore, they would be convening a group of local jurisdictions and citizens to come up with solutions. Metro shared their frustration. Councilor McLain asked that this Council put Multnomah County on notice that we felt that they were not meeting the compliance requirement. She was willing to sponsor the legislation.

Sarah Harris, 12020 NW Laidlaw, Portland OR 97229 said she had listened to the discourse. The workable relationship needed to be with the Area 93 citizens. Where was the responsibility to the public?

John Cooper, 12003 Laidlaw, Portland, OR said his property was vacant and they had been trying to put one house on their five acres. Washington County was not providing water to anyone in Area 93.

### **3. ORGANICS UPDATE**

Jennifer Erickson, Solid Waste and Recycling Department, provided an update on the Organics program (a copy of the power point presentation is included in the record). Councilors asked about the program. Ms. Erickson responded to their questions. She said City of Portland had been an incredible partner in this process.

**4. CONSENT AGENDA**

4.1 Consideration of minutes of the July 7, 2005 Regular Council Meetings.

Motion:	Councilor Burkholder moved to adopt the meeting minutes of the July 7, 2005 Regular Metro Council.
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Vote:	Councilors Burkholder, McLain, Liberty, Park, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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**5. ORDINANCES – SECOND READING**

5.1 **Ordinance No. 05-1077A**, Amending the Regional Framework Plan and The Urban Growth Management Functional Plan Relating to Nature in Neighborhoods.

Council President Bragdon said the motion was currently on the table. Councilor Hosticka suggested first considering the technical amendments to the model ordinance. He asked Chris Deffebach and Malu Wilkinson, Planning Department, to summarize the amendments.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 05-1077A with the technical amendments to the model ordinance.
Seconded:	Councilor Liberty seconded the motion

Malu Wilkinson, Planning Department, summarized the technical amendments (a copy of these amendments are included in the record). They had worked with Metro Technical Advisory Committee (MTAC). The organization of the model ordinance was changed, planting standards and process of notification was revised, drainage district and utility issues addressed, the discretionary review revised, map administration simplified, and density transfers were changed. The model ordinance was substantially reorganized. The process they went through was very useful. Chris Deffebach, Planning Department, said both MTAC and Metro Policy Advisory Committee (MPAC) recommended adoption. Council President Bragdon asked about the changes to the map. Ms. Wilkinson responded to his question.

Councilor Hosticka urged support and noted that there were policy questions that still needed to be addressed which they would bring forward for consideration in September.

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 05-1077A with the conforming amendments to the Urban Growth Management Functional Plan.
Seconded:	Councilor Liberty seconded the motion

Councilor Hosticka summarized the amendments. Councilor Liberty clarified that they were amending a proposed ordinance. Councilor Park asked about water storage issues. Ms. Deffebach talked about the habitat friendly development practices. Council President Bragdon echoed Councilor Hosticka's comments.

Vote to Amend:

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

David White, ORRA/TriCounty Haulers, 1739 NE 156<sup>th</sup> Ave Beaverton OR 97006 commented on the ordinance about the \$1.25 million taken from the Recovery Rate Stabilization fund to support the Nature in Neighborhoods program. He asked if the money was earmarked for illegal dumping issues. He was getting calls from industry people about the money. Council President Bragdon said this ordinance was just a piece of Nature in Neighborhood program. Mr. White said they supported the idea of using this money for illegal dumpsite clean up. Councilor Park commented that they had still not written the criteria as to how the money would support the program. There were linkages to restoration. There would also be pieces on beefing up the enforcement side of the illegal dumping. Councilor McLain appreciated the comment. They had a number of issues that still had to be addressed. Council President Bragdon closed the public hearing.

Councilor Hosticka addressed the public, because we were considering this ordinance in September, there would be a notice mailed to all effected property owners. Councilor McLain said she had a request from Washington County to allow them to review the notice before it was mailed. Council President Bragdon talked about pending policies. These would be addressed. The ordinance would be considered on September 22, 2005.

## 6. RESOLUTIONS

6.1 **Resolution No. 05-3597**, Appointing Roger Vonderbarr, Jeanneatte Hamby and Jill Thorn to the Metro Boundary Appeals Commission.

Motion:	Councilor Park moved to adopt Resolution No. 05-3597.
Seconded:	Councilor McLain seconded the motion

Councilor Park said the Metro Boundary Appeals Commission was established in April 2000 with a task of deciding contested cases of final boundary change decisions and was made up of one appointed representative from each of the three Portland metropolitan area counties.

The terms of the original members had all expired. The governments of the counties had provided nominees to the Metro Council President for appointment by the Metro Council. These nominees were: former Oregon state senator, Jeannette Hamby, from Washington County; former mayor of West Linn, Jill Thorne, from Clackamas County; and Roger Vonderharr, former mayor of Fairview and now vice president of the West Columbia Gorge Chamber of Commerce from Multnomah County, from Multnomah County.

Two recent boundary appeals necessitated reforming the Commission, which had not met for the past four years. The city of Happy Valley had filed an appeal to stop annexation by the newly

formed city of Damascus of land between the two cities. The city of Oregon City and its water district had filed an appeal against the decision by Clackamas County to change the boundaries of an adjoining water district.

Council President Bragdon spoke to the individuals who would serve. Councilor McLain acknowledged MPAC's work with this Council on this issue. Having a citizen group who represented different parts of the region was a positive.

Councilor Newman asked, Dan Cooper, Metro Attorney, about litigation processes. What was the process if people weren't happy with the decision of the Boundary Appeals Commission? Mr. Cooper responded to his question. A private citizen would need to bring their dispute to Land Use Board of Appeals. Councilor Newman asked if the Commission was quasi-judicial? Mr. Cooper said they were a quasi-judicial body. Councilor Park said the Commission would schedule and conduct a hearing on the contested cases within 30 days of certification of the boundary change proceedings. The existence of this commission demonstrated Metro's ability to play a convening role, working together with jurisdictions to solve issues around the region. He urged support of the resolution.

Vote:

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

Mr. Cooper updated the Council on legislative issues on transportation and Measure 37.

**8. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordon, Chief Operating Officer, was not present.

**9. COUNCILOR COMMUNICATION**

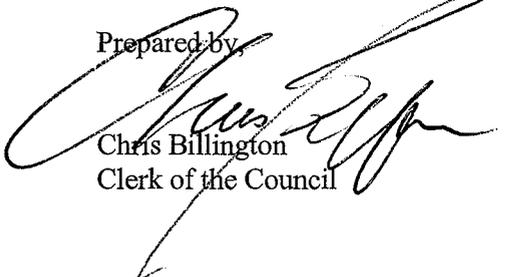
Councilor McLain noted her pleasure with the Oregon Convention Center's practices of sustainability report. She spoke about a Hillsboro celebration this weekend.

Councilor Burkholder reported on Joint Policy Advisory Committee on Transportation action this morning. Councilor Park added his comments on the transportation system being overwhelmed by development of big box stores. Councilor Liberty talked about the centers strategy.

**10. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:45 p.m.

Prepared by



Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 14, 2005**

<b>Item</b>	<b>Topic</b>	<b>Doc Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
4.1	Minutes	7/7/05	Minutes of the Metro Council Meeting of July 7, 2005	071405c-01
3	Power Point Presentation	7/14/05	To: Metro Council From: Jennifer Erickson, Solid Waste and Recycling Department Re: Organics Waste Management Plan	071405c-02
2	Letter and petition	7/7/05	To: Metro Council From: Property Owners of Area 93 Re: UGB Area 93 – request for initiation of enforcement proceedings	071405c-03
5.1	Amendments	7/14/05	To: Metro Council From: Malu Wilkinson, Planning Department Re: Amendments to Ordinance No. 05-1077A	071405c-04
2	Letter	7/14/05	To: Metro Council From: Ray Phelps, WRI Re: Columbia Environmental and Disposal System RFP	071405c-05