

APPROVED
Date 11/22/94

MINUTES OF THE METRO COUNCIL

October 27, 1994

Council Chamber

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Ed Washington, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore and George Van Bergen

Councilors Absent: Roger Buchanan

Presiding Officer Wyers called the regular meeting to order at 4:03 p.m.

1. INTRODUCTIONS

None

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 LCDC Rule Making Re. Rural Communities

General Counsel Dan Cooper explained that LCDC had progressed rapidly on rule making for more detailed regulation for "rural communities," or unincorporated areas outside the Urban Growth Boundary (UGB) where there had been a pattern of development in the past. He said Larry Shaw, Legal Counsel, briefed the Planning Committee on the same issue and that the Committee had approved Mr. Shaw giving a presentation to LCDC so that their rule making would be consistent with Metro's stance on lands outside the UGB. He said Metro had not taken any formal position with LCDC as yet. He said Mr. Sadlo made a presentation to LCDC this date on Metro's behalf.

Councilor Van Bergen asked what LCDC's intent was. Legal Counsel Todd Sadlo explained the issues arose via Curry County in 1000 Friends of Oregon v. LCDC. He said it was now commonly called the "Curry County Case." He said the question being asked was what must a county do before allowing urban uses on rural lands and its holdings. He said the Court stated that urban uses could not take place on rural lands unless either a showing was made that the jurisdiction had complied with Goal 14 or that an exception had been taken to Goal 14, the urbanization goal. He said up to that point, Goal 14 had related only to changing UGBs. He said before that, counties had traditionally taken exception to Goals 3 and 4, the farm and forestry goals, to explain why they wanted to put non-farm or non-forestry uses on rural lands. He said the Curry County case occurred because that county proposed putting certain densities of uses on lands that they had used Goals 3 and 4 for in exceptions in the past. He said eight years later, it was still not clear what urban and rural uses were and how intense those uses could be before Goal 14 was invoked. He said it was not clear what densities of housing, commercial or industrial uses could be applied and when it was appropriate to install water and sewer hook-ups or other uses considered to be urban or urban services. He said according to DLCD, there were 363 unincorporated communities in Oregon, most of which were store, gas station, church and some houses types of communities developments, but said some of those were the size of cities such as Boring and Damascus which were not incorporated and not within Metro's jurisdictional boundaries. He said Metro's interest was in LCDC's proposed amendments to Goal 11, the urban services goal, and Goal 14, the urbanization goal, and their rules dealing with same. He said the new rules would allow unincorporated communities to have water and/or sewer systems and would define the kinds of commercial and industrial uses they could make. He said the counties would draw boundaries around their now unincorporated communities and then follow the new rules being

Metro Council
October 27, 1994

Page 2

developed by LCDC. He said if that was done, they would not have to follow the exceptions process on those properties when they underwent periodic review. He said testimony to the LCDC was mostly in support of such amendments. He said Metro offered amendments to require that county plans and land use regulations related to unincorporated communities must be applied consistent with Metro's Regional Urban Growth Goals and Objectives (RUGGOs) and Metro's Regional Framework Plan when that was finalized. He said Metro was not seeking to extend its authority, just to have it recognized within its boundaries. He said Metro was also inadvertently left out of a section stating that unincorporated community planning must be coordinated with other jurisdictions, special districts and nearby cities that might be affected by the changes. He said LCDC staff agreed and would present those amendments to the LCDC board.

The Council and Mr. Sadlo discussed the issues. Councilor Van Bergen said the issues were complex and would be problematic in the future.

4. ORDINANCES, FIRST READINGS

4.1 Ordinance No. 94-574, An Ordinance Repealing Ordinance No. 94-556C Relating to Taxation

The Clerk read the ordinance for a first time by title only.

Presiding Officer Wyers referred Ordinance No. 94-574 to the Finance Committee for consideration.

5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 94-576A, Relating to the Naming of Facilities Owned or Operated by Metro

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-576 was first read on September 22, 1994 and referred to the Regional Facilities Committee for consideration. The Committee considered the ordinance on October 5 and 19 and referred Ordinance No. 94-576A to the full Council for consideration.

Motion. Councilor Gates moved, seconded by Councilor Devlin, for adoption of Ordinance No. 94-576A.

Councilor Gates gave the Regional Facilities Committee's report and recommendations. He explained the ordinance would remove the Council from the process of naming facilities that Metro did not own. He said Section E stated that part of a facility could be named after a person or persons, living or deceased, with exceptions and said the committee established the criteria for naming facilities for living persons. He said the committee specifically wished to prevent facilities from being named after politicians when they were serving in their office.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

The Council briefly discussed the ordinance.

Vote: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was 12/0 in favor and Ordinance No. 94-576A was adopted.

5.2 Ordinance No. 94-579, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$35,000 from the General Fund Contingency to Materials & Services in the Regional Parks and Greenpaces Department and Recognizing a \$2,000 Grant from the USDA Soil

Conservation Service for the Purpose of Matching Federal Funding to Support the Columbia Slough Envirocorps Project; and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced that Ordinance No. 94-576 was first read on October 13 and referred to the Regional Facilities and the Finance Committees for consideration. The Regional Facilities Committee considered the ordinance on October 19 and the Finance Committee considered it on October 26. Both committees recommend the ordinance to the full Council for adoption.

Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Ordinance No. 94-579.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the project would be a joint effort between various agencies providing funds with Metro serving as the host agency. He said college students hired had already started work on the project and listed the benefits to the area and citizens because of this project.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

Councilor Van Bergen said he had asked Council Administrator Don Carlson to submit a memorandum assessing the fiscal issues related to this ordinance. He expressed concern about the status of the General Fund Contingency because it was half way through the 1994-95 fiscal year and said many more demands would be made on the Contingency fund before the end of the fiscal year. He advised the Council to be aware of the balance of that account as additional ordinances to amend the Budget came before them.

The Council briefly discussed the issues. Councilor Hansen noted that the ordinance would help supplement and complete other projects started in relation to Metro's various functions such as closing the St. Johns Landfill, environmental work and the Greenspaces Program.

Vote: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was 12/0 in favor and Ordinance No. 94-579 was adopted.

6. RESOLUTIONS

6.1 Resolution No. 94-1974, For the Purpose of Extending the Fuel Purchase Agreements with Devlin and Stein Oil Companies Until May 31, 1995

Main Motion: Councilor Hansen moved, seconded by Councilor Gates, for adoption of Resolution No. 94-1974.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She explained in April 1994 Metro began purchasing fuel used by Jack Gray Transport (JGT) used by their trucks to transport solid waste to the Columbia Ridge Landfill in Gilliam County. She said that decision was saving Metro money now, but noted that staff had asked for an extension to allow them to work on contract details further.

First Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Kvistad, to change the May 31, 1995 date to January 31, 1995.

Councilor Van Bergen explained the May deadline gave staff too much time. He said other options could be used to deal with the contract, such as putting the contract out to bid. He said the fuel could be procured at different locations.

The Council discussed the motion to amend. Councilor Moore noted Solid Waste Department staff's memo on the issues and asked staff to explain same.

John Houser, Senior Council Analyst, said the Committee wanted staff to explore the various possibilities for the contract. He said federal regulations regulating the trucking industry had changed, and said there were also a possibility of getting gas from Tri-Met. He said Tri Met received very favorable rates and said staff needed time to explore and pursue different options that would save Metro funds.

Second Motion to Amend: Councilor Gardner moved, seconded by Councilor Devlin, to change the May 31, 1995 date to March 31, 1995.

The Council discussed the second motion to amend. Councilor McLain said there were other demands on Solid Waste demand that also required timely response. She did not favor the January 31 end date.

Vote on Second Motion to Amend: Councilors Devlin, Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore and Washington voted aye. Councilors Kvistad, Van Bergen and Wyers voted nay. Councilor Buchanan was absent. The vote was 9:3 in favor and the motion to substitute March 31 for January 31 passed.

The Council discussed the issues further.

Vote on First Motion to Amend: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. Councilor Buchanan was absent. The vote was 11:1 in favor and the motion to amend the date May 31, 1995 to March 31, 1995 passed.

Vote on Main Motion as Amended: Councilors Devlin, Gardner, Gas, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. Councilor Buchanan was absent. The vote was 11:1 in favor and Resolution No. 94-1976 was adopted as amended.

2. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

2.1 Metro Legislative Agenda

Merrie Waylett, Director of the Office of Public and Government Relations, distributed her memorandum dated October 27, 1994, "Implementation of Consideration of Metro's 1995 State Legislative Process and Agenda" and explained same.

Noel Kline, Western Advocates, discussed their efforts on Metro's behalf. He said their goal had always been to talk to elected officials before the beginning of State Legislative sessions. He said he did not expect to know what policy direction Metro would wish to take until after the November 8 General Election.

Councilor Moore said issues of concern to her were the possibility of state funding for the Metro Washington Park Zoo's new entrance, funding for regional recreational facilities, transportation package funding and overall funding concerns for the agency as a whole. She said the State Legislature should also be urged to support Metro's RUGGOs.

Councilor McLain asked for a listing of legislative committees, their membership and when they would meet.

Presiding Officer Wyers asked if legislative issues should continue to be processed by Council committee for direction. Councilor Gates said the Governmental Affairs Committee had traditionally reviewed legislative issues. The Council as a whole agreed that the Governmental Affairs Committee should continue to process the issues.

Councilor Moore supported Item B in Ms. Wallet's memorandum: "Approve in concept, prior to the end of this year the recommended guidelines and process for considering legislation when the session begins as proposed in the attached draft." The Council as a whole agreed to that procedure also.

The Council thanked Ms. Waylett and Mr. Kline for their efforts on Metro's behalf.

Councilor Gates discussed End of the Oregon Trail Interpretive Center construction now in progress in Oregon City.

Councilor Gates discussed Metro Committee for Citizen Involvement funding. He said it cost 7.5 cents per citizen in the region to maintain that funding and asked the Council to continue it in the future.

Councilor Kvistad reported on "Listening Post" hearings held throughout the region on Metro Region 2040 Program. He said the hearings to-date had been really well received and that Metro had received a lot of positive feedback. He thanked the Planning Committee, Council Department staff Gail Ryder, Senior Council Analyst, and Susan Lee, Committee Recorder; Planning Department staff, especially Mark Turpel and John Fregonese for their presentations; and also from the Planning Department, Ken Gervais, Sherry Oeser and Mary Weber. He thanked the members of the Metro Committee for Citizen Involvement who came and served as volunteers and thanked Rick Bullock, Security Officer, for his assistance at meetings.

Councilor Kvistad said he wanted to cancel the next regular Planning Committee meeting only one legislative item was pending and proposed scheduling that at the next regular Planning Committee meeting because the Planning Committee had met numerous times via the "Listening Posts." Councilors Kvistad and Moore discussed the proposed cancellation. Councilor Moore said the Committee could use that meeting date to do further work on 2040.

Councilor Moore said last week she attended "Partnerships for the Willamette Valley's Future" in Corvallis sponsored by the Portland Progress Board. She said the meeting was quite valuable and the issues were relevant to the issues facing Metro today.

Councilor Moore said she and Mel Hue, Senior Regional Planner, hosted a Regional Trails Workshop last Saturday at Metro Regional Center and that persons from Washington, Idaho and Montana attended. She said the issues were very interesting and covered various trail types and their locations.

Councilor Hansen said a special Regional Facilities Committee meeting would be held November 30 to take care of extra work.

Councilor Hansen said she had enjoyed participating in the Listening Post meetings and said citizens had been really responsive and positive about meetings held in their communities to solicit their opinions.

Councilor McLain discussed the Water Resource Policy Advisory Committee meeting which met October 26 and discussed the 2040 Plan. She said representatives from various water districts and sewer agencies were there. She said those in attendance were enthusiastic about various aspects in the 2040 Plan and were eager to apply them to their own various operations.

Councilor Kvistad also thanked Andy Cotugno, Director of Planning; Lisa Creel, Senior Public Affairs Specialist; and Cheri Arthur, Council Department Secretary, for their assistance on the Listening Post meetings. He said Ms. Arthur had been particularly helpful in fielding calls from the public.

Presiding Officer Wyers said she met with Pamela Webb, executive officer of the Portland Progress Board, the date of this meeting. She said the Board wanted local governments to commit to their benchmarks. She said she told Ms. Webb that she could not commit for the Council without consulting them and could not commit for the 1995 Council.

Metro Council
October 27, 1994
Page 6

Presiding Officer Wyers said no Council meetings would be canceled in November or December to accommodate or adjust for the holidays. She said the only change would be to move the regular November 24 Council meeting to Tuesday, November 22, to accommodate for the Thanksgiving Day holiday.

Mr. Carlson announced that Gail Ryder, Senior Council Analyst, had submitted her resignation and had given one week's notice. He said he would work with the Planning Department to see if existing Metro staff could fill her place until the 1995 Council took office in January.

Presiding Officer Wyers introduced ex-Councilor-appointee Ed Gronke who was in attendance at this meeting.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 5:40 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paulette Allen", with a long horizontal flourish extending to the right.

Paulette Allen
Clerk of the Council
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