

MINUTES OF THE COUNCIL INTERGOVERNMENTAL RELATIONS
COMMITTEE OF THE METROPOLITAN SERVICE DISTRICT

Special Meeting
September 5, 1989

Committee members present: Jim Gardner (Chair), Larry Bauer,
Tom DeJardin and Richard Devlin

Committee members absent: Tanya Collier (Vice Chair)

Also present: George Van Bergen

Chair Gardner called the meeting to order at 4:07 p.m.

1. Consideration of Minutes of July 18, 1989

Councilor Devlin noted page 1 of the minutes of July 18, 1989, read "He noted he was present at the June 6 meeting and the Clerk misquoted Councilor Collier who said Councilor Bauer not Councilor Devlin." Councilor Devlin said that it should read Councilor DeJardin not Councilor Bauer.

Motion: Councilor Devlin moved to approve the minutes of July 18, 1989, as corrected.

Vote: Councilors Bauer, DeJardin, Devlin and Gardner voted aye. The vote was unanimous, and the minutes were approved as corrected.

2. Resolution No. 89-1141, Authorizing the Office of General Counsel to Coordinate with the Home Builders Association of Metropolitan Portland, 1000 Friends of Oregon, and the State Department of Land Conservation and Development in Preparing an Amicus Brief to be Filed with the State Land Use Board of Appeals in Support of Appellant Regarding City of Milwaukie Zone Change Case File No. ZC-89-01

Richard Carson, Director of Planning and Development, presented the staff report. He said it was General Counsel's position that the action of the City of Milwaukie may conflict with Oregon statutes requiring lands within urban growth boundaries to develop for urban uses once public services were available. Also, Mr. Carson said the City's action conflicted with their own zoning ordinance implementing the comprehensive plan when they decided not to comply with LCDC law. He said the City Council's action was also inconsistent with the Department of Land Conservation and Development's Metropolitan Housing Rule.

Mr. Carson added that by coordinating with the Home Builders Association of Metropolitan Portland, 1000 Friends of Oregon and the State Department of Land Conservation and Development (DLCD) in this action, Metro might help to promote sound planning

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practices within the region. He said that it was his feeling that the City of Milwaukie needed to be forced to uphold their zoning laws.

Chair Gardner opened the public hearing at 4:15 p.m.

Phil Grilla with the Milwaukie City Attorney's office spoke on behalf of the City. He urged the Committee to stand with the City of Milwaukie and not join in on the amicus brief. He said he was available to answer any questions the Committee might have regarding Milwaukie's position. Councilor DeJardin asked why, if the City violated their own ordinance, should Metro back Milwaukie? Mr. Grilla replied the City's position was that they did not violate their zoning ordinance; they chose to apply various policies of land use. He said that he had not seen any information that Milwaukie violated the Metropolitan Housing Rule. If the Housing Rule had been violated, he said the State would make the City aware of the violation. Mr. Carson then noted that DLCD was appealing the decision.

There being no further public testimony, Chair Gardner closed the public hearing at 4:20.

Metro Councilor George Van Bergen addressed the Committee. He said no one involved with this issue was damaged by Metro not being involved; however, Metro could be damaged if it were to get involved. He noted some very reputable organizations were showing their support of the rezoning request and that would be enough to ensure if the City of Milwaukie was in error, it would be so advised. He stated further Metro's role should be as a supporter of the District's cities, not as an adversary. Councilor Bauer noted he also felt it was not Metro's role to be involved in this particular issue.

Upon further discussion, Councilor Devlin said he also had a problem with the resolution for the following reasons: 1) he did not like having Metro placed in a position of determining the validity of the City of Milwaukie's position; 2) he was uncomfortable with the idea of Metro filing jointly with other parties who might say something publicly with which Metro was not in agreement; and 3) he was uncomfortable with the idea of a public agency spending the public's money to support a private party to the detriment of another public agency. It was also noted the public's interests were already being served and Metro should not be put in the role of adding to problems of a city that is already "down".

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In response to further questions from Councilors, Metro Legal Counsel Larry Shaw noted a joint brief was recommended instead of a separate Metro filing because of the short time element.

Councilor Bauer reiterated he saw no pressing need for Metro to become involved and wondered if Metro should intervene in local housing issues. Councilor DeJardin added Metro's interests would be better served by not taking aggressive action. Councilor Gardner said he felt the issue would be well examined and Metro should not be involved.


Motion: Councilor Bauer moved to table consideration of Resolution No. 89-1119.

Vote: Councilors Bauer, Devlin and Gardner voted aye. Councilors DeJardin and Collier were absent. The vote was unanimous and the motion passed.

Councilor Van Bergen asked the Committee about the water authority situation between the Clackamas Water District and Barlow Water District, noting he hoped the Committee would exercise full authority in water issues. Chair Gardner said he had not had any discussion with the Presiding Officer on this issue. Councilor Devlin noted the Clackamas Water District's presentation to the Committee in August had been informational only and no decision was made.

There being no further business, Chair Gardner adjourned the meeting at 5:00 p.m.

Respectfully submitted,



Ann Brunson
Committee Clerk

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