

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, February 14, 2006
Metro Council Chamber

Councilors Present: Carl Hosticka (Deputy Council President), Susan McLain, Rod Park, Robert Liberty, Brian Newman

Councilors Absent: David Bragdon (excused), Rex Burkholder (excused)

Deputy Council President Hosticka convened the Metro Council Work Session Meeting at 2:06 p.m.

1. ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

There were none.

2. HOUSING CHOICES TASK FORCE FINAL REPORT

Councilor Liberty introduced Housing Choice Task Force (HCTF) members Gerry Uba, Planning, Hal Bergsma, City of Beaverton, and Margaret Bax, City of Portland. Mr. Uba distributed the draft report (a copy is included in the meeting record). It included the history of some previous housing studies as well as data and analysis. People have different housing needs based on their lifestyles and stages of life. Unfortunately, barriers to people's choices still exist. The report gave some suggested new solutions. The Portland metro area is ahead of the curve compared to other cities in studying this problem. Mr. Uba distributed a page describing a "Conflict Handling Mode Instrument" (a copy is included in the meeting record). There are competing interests in providing housing; this tool is intended to help resolve such conflicts.

Councilor Liberty discussed a draft "Regional Housing Choice Implementation Strategy" (a copy is included in the meeting record). Funding would be required for many of the recommendations. There are a number of different solutions that could be tried at different cost levels. Councilor Liberty addressed the issue of land use and regulatory options; more surveys should be done, and the focus would be away from punitive regulation and more towards collaborative, voluntary opportunities. One option would be to remove inclusionary zoning for areas that support housing choice, such as centers. We could also work to provide expedited review of zoning, as well as technical assistance.

Councilor Liberty addressed the recommended solutions that could be combined as a part of the New Look – issues such as parking ratios, building design, and height limitations, which may be limiting housing choice. One suggestion would be to help analyze the available land, to provide suggested regulatory frameworks, and to show the community some attractive designs, to increase acceptance. Other recommendations addressed the issue of condominium conversion and manufactured home parks. Finally, the report included a suggestion for a pilot project in Wilsonville. There was no getting around the fact that more money will be needed to help implement these solutions.

A chart labeled "Metro Staffing and Budget Options" (a copy is included in the meeting record) was given out. This gave suggested levels of involvement and how Metro could make the biggest impact for most efficient investment.

Mr. Bergsma described his involvement with the process as productive and creative. Ultimately, there was a lot of work yet to do, such as policy development and drafting regulations. The consensus of the task force was that there needed to be some ongoing commitment at the staffing level, perhaps including an ongoing task force.

Ms. Bax agreed that more money would be needed. She said an increased commitment from Metro could be uniquely helpful to those jurisdictions that wanted to pursue it. It was not just Portland for whom this was a problem anymore; it was much more widespread today. There was a lot of expertise available throughout the region that could be coordinated to benefit all the stakeholders. She thought any money invested could be used as leverage, not to spend \$10 million building affordable housing but in making connections and providing assistance to bring in more dollars toward this issue. Councilor Liberty added that one approach might be to provide extra (small) rewards to recognize achievement.

Mr. Bergsma further commented that the HCTF's perspective was not necessarily the broadest one, but it was one he supported. He agreed that coordination and directing efforts towards the same goals was key. The most effectiveness would be achieved by all jurisdictions doing their part. It would not be fair for one jurisdiction to provide the lion's share of affordable housing; this could be economically disadvantageous. Thus Metro's opportunity to be a coordinating body.

Deputy Council President Hosticka asked if this was indeed the final report. Mr. Uba said it was still a draft; it would be presented to the Metro Technical Advisory Committee (MTAC) tomorrow; any changes they made would require another draft. The HCTF will go to the Metro Policy Advisory Committee (MPAC) on February 22 and to the state housing council on February 24. They will present the final report to Council on March 23 with a resolution to accept the report and direct staff to make changes to the functional plan. Councilor Liberty clarified that MPAC and MTAC would be talking to the Council about the report, but they did not want to influence the HCTF.

Deputy Council President Hosticka's felt that the report provided a good set of options, for those willing to take the steps, but it did not have a lot of analysis about the results of their proposed solutions. He would prefer to see more information about possible outcomes.

Councilor McLain appreciated the efforts of the task force. She felt the current report was a continuation of a historically intractable problem. Many of the proposed solutions had been tried in the past; she wondered what the current proposal offered that was really new and would be effective. There was a lot of support for providing affordable housing; she would like to see some success stories and see how the current effort would build on that.

Deputy Council President Hosticka asked what the main goal of the report was, was it to build goodwill? Councilor Liberty said that Metro would need to take the lead on finding some funding. The Wilsonville pilot project would provide a lot more data to see which solutions would be the most effective.

Councilor Newman wondered when there would be an opportunity to have a larger conversation. Deputy Council President Hosticka said there would be ongoing opportunities. Councilor Liberty said there were the budget discussions and the New Look discussions where such ideas could be discussed. Also, the compliance report – if any changes were made to Title 7, this could happen here.

Councilor Park wondered what a victorious outcome for this process would be. He understood the need for affordable housing, but given the pressures of in-migration in our area, how realistic was the effort to maintain affordable housing? The market influence would be extremely difficult to counteract. Councilor Liberty appreciated the question. He thought the goal was to make things “somewhat better,” not to solve the problem in its entirety. Also, the housing “bubble” might eventually make housing more affordable in the future.

3. METRO NATURAL AREAS BOND MEASURE

Jim Desmond and Chris Carlson, Regional Parks and Greenspaces Department, came to discuss the opportunity grant portion of the bond measure. Ms. Carlson passed around a draft “2006 Bond Measure, Opportunity Grant Program” (a copy is included in the meeting record). Mr. Desmond identified the urgent issues as the amount, the project type, the criteria, and the match. Less urgent were the amount per year, the applicants, the project selection process, and the name.

He discussed the goal of the opportunity grant program. The current draft reflected previous Council opinion. The opportunity grants may provide an option for projects that were not strictly focused on habitat. This brought up the question of what exactly a “capital” project would be. Jeff Tucker, Parks, answered that funding would be in the nature of general obligation bonds; these are designated by law for capital projects only. Parks provided a definition of what a capital project would be, trying to be as liberal as possible but still within the restrictions of the law. The biggest obstacle was “just trees.” Just sticking a tree in the ground was not considered a capital item. Councilor Liberty asked if this applied to landscaping in general; Mr. Tucker responded that landscaping could be part of a larger project, such as moving dirt and building berms or dykes. If you added wetland plants, including trees, then this would count. Basically, the only thing not included would be “street trees.” Deputy Council President Hosticka thought there might be an opportunity here for this definition of street trees to be pushed.

Dan Cooper, Metro Attorney, put his oar in by stating that not everything needed to be decided right this minute. Councilor Liberty was made nervous by the possibility that removing invasive plants would not be an option under these rules. Mr. Cooper said that putting habitat into a “stable state” had been allowed previously under capital expenditures. The ongoing landbanking costs of having somebody go out and inspect the property and doing maintenance, however, was not approved. Councilor Liberty wondered if funds could be used to remove invasive plants on property already owned by Metro. Mr. Cooper thought that was probably correct, but we might be able to find creative alternatives.

Councilor Newman said he was comfortable in his understanding to date with the presentation from Parks. The low-income piece had been improved. As far as the amount, he was more comfortable with 10% (\$22 million).

Councilor Park asked about intangible property. What was the difference between a deed restriction and an easement? Mr. Desmond explained that an easement was an actual real interest by a second party. A deed restriction was a covenant with a landowner not to do something, that did not necessarily run with the land.

Councilor McLain liked the amount of \$11 million. For a new “tool,” the best approach would be to start smaller and see how it worked out. We wanted to be able to tell the public exactly what they were getting with their money.

Councilor Park agreed with 5%. Councilor Liberty said his constituents were very interested in the grants program. He supported \$25 million – \$10 million in signature projects added to the 5% and adding \$4 million to the total bond measure.

Deputy Council President Hosticka wanted to see some language amendment possibilities before voting. People tended to like to see things happening closer to where they lived. He supported the \$11 million plus the \$10 million out of the signature capital, for a total of \$21 million.

Councilor McLain really wanted the entire package to succeed, so she did not want to nit-pick too much. We have already invested a lot in preparing the bond measure. Mr. Desmond said that the polling that had been done so far did not directly address the opportunity grants. Councilor Liberty said that there would be time between now and the fall to have illustrations of some projects that would be likely to meet the criteria. Mr. Desmond said we could solicit projects before November. Councilor McLain had more interest in big jurisdictions in her area, like Hillsboro, who wanted more local share and less opportunity grant. We needed to be strategic and get all the 25 cities on board, not just Portland. Would the voters be confused by the competition and the number of projects that were being funded? Deputy Council President Hosticka thought there would be opportunities to sell people on the concept. He heard favorable commentary in his district. Mr. Desmond said Council would be provided with a report next week. As a package, the response in the community had been mostly favorable.

In discussing the selection criteria, under ineligible activities, Councilor McLain wondered about projects that satisfied pre-existing requirements. Ms. Carlson said we would only exclude projects that were oriented toward satisfying existing requirements or laws. Deputy Council President Hosticka clarified that we wanted to discourage people from applying for these grants to complete their existing obligations.

Councilor Liberty described the criteria as “anti-backfill.” Council debated the meaning of what pre-existing requirements would be. Councilor Liberty asked what the debate had been in the 1995 bond measure. Staff said it hadn’t come up before. Mr. Desmond thought we could just eliminate the portion of ineligible activities; this was not a legal requirement. Council agreed we didn’t want “backfill” but couldn’t completely agree on what this was. Staff will work on preparing language that will address this confusion.

Councilor Park asked about the selection criteria. He thought there was some conflict between habitat and the neighborhoods. There would be many neighborhood projects that would not be large scale enough to affect habitat and water quality. Council and staff debated how the voters would perceive the complexity of the projects and might be turned off by this. Councilor Park said he would have trouble supporting just projects that were only within the urban growth boundary (UGB). There was a lot of land outside the UGB yet within the jurisdictional boundary.

Councilor Liberty commented that most of the money would be used to buy things outside the boundary of where anyone voting on it lived. He generally liked the project list. He wanted to think more about the criteria. He liked “nature-short” and low-income focus. He provided a handout called “Natural Systems for Managing Stormwater in Urban Neighborhoods” (a copy is included in the meeting record), showing some small-scale projects that could have a good effect on water quality.

Councilors McLain and Park said there were people both either within the UGB but outside the jurisdictional boundary or within the jurisdictional boundary and outside the UGB. They wanted all of their constituents to be able to participate in the program. Deputy Council President Hosticka asked staff to prepare language about the inclusion or exclusion of areas inside the UGB or the jurisdictional boundary.

Council proposed that there be a bonus for a project in a “nature deficient” area. Mr. Desmond thought that there was a lot of overlap with the “low-income” criteria. Council agreed that staff would draft an amendment to include nature deficient bonus points.

Councilor McLain wondered about stormwater management. There were existing agencies with funding to address these specific projects. Why should Metro money be used to fund this? Should this receive bonus points? She thought this ought to be struck. Staff agreed to take this into consideration.

Councilor Park was interested in pursuing a clearer distinction between new projects and backfill. Mr. Desmond stated that this approach essentially punished jurisdictions that had previously addressed the issues on their own. Councilor Liberty said we would have this same problem for all the money, not just the opportunity grants. He did not like “the government” to be viewed as the recipient; it was really money for the people.

Mr. Desmond asked about the match – should it be 2:1, 1:1 or what? Ms. Carlson added that 1:1 was usually easy for grant applicants to meet. 2:1 raised the bar of the whole program and could be an opportunity for high-quality partnerships and projects. Councilor McLain said that projects showing a 2:1 match should be given a bonus point. Mr. Desmond said the history of previous grants was that matches were easily forthcoming. They did not necessarily discriminate by neighborhood income. Also, the funds were not strictly distributed to governments. There was a lot of sweat equity. Stacey Triplett, Nature in Neighborhoods program, agreed that there was a lot of match for her grant projects.

Deputy Council President Hosticka said 2:1 should be the starting point, and for an exceptionally meritorious project, that could be waived. Council and staff agreed.

4. BREAK

5. DECISION COST MATRIX

This is currently being referred to as the Waste Reduction Program Comparison Tool. Mike Hoglund, Solid Waste, said this was an opportunity to get more information. They needed to improve waste reduction. Tom Chaimov and Lee Barrett, Solid Waste and Recycling Department, presented the survey results. Mr. Barrett said they had worked with a few groups and come up with two options for dry waste – mandatory material recovery facility use (MRFing) versus a ban on the disposal of wood, cardboard, and metal; and two options for business waste – mandatory business recycling versus a ban on the disposal of paper and containers.

The approach staff took was to identify options, identify the evaluation criteria, weight the relative importance, estimate program performance, and calculate total scores. Councilor McLain said she thought the system created winners and losers. Mr. Barrett said he thought the process was based on our values. He discussed the historical approach and how they had added the environmental benefits, a hierarchy, and acceptability to the previous criteria of the system cost

and total tonnage. The key findings were that most stakeholders thought that environmental benefits rated the highest; however, the solid waste industry weighed cost higher.

Councilor Liberty asked how things had been done elsewhere. He thought the range in scoring was not extreme. Mr. Barrett said that the program options were ranked accordingly. MPAC, the Solid Waste Advisory Committee (SWAC), and the Council had ranked the options almost identically. Staff was looking for direction on how to proceed with the particulars.

Councilor Park was not fully comfortable with mandatory business recycling. Councilor McLain was not happy with a requirement or point scoring system. Deputy Council President Hosticka asked if anyone wanted the staff to work on the two lower-scored options. No one did. Therefore staff had the direction they needed.

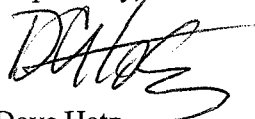
Councilor McLain thought maybe another work session would be helpful. Deputy Council President Hosticka said more time was needed to flesh out the options. Mr. Hoglund said that was in the works. The dry waste recovery program was related to the moratorium that was just passed. It would affect two landfills. Councilor Liberty asked if Mr. Barrett would hesitate to study the ban options. Mr. Barrett said nobody liked those options, including him.

6. COUNCIL BRIEFINGS/COMMUNICATIONS

There were none.

There being no further business to come before the Metro Council, Deputy Council President Hosticka adjourned the meeting at 4:28 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
FEBRUARY 14, 2006**

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	2/16/06	Cancellation of February 16, 2006 Regular Council Meeting	021406c-01
2	HCTF	2/13/06	TO: Metro Council FROM: Housing Choice Task Force RE: Regional Housing Choice, Implementation Strategy	021406c-02
2	HCTF	Undated	TO: Metro Council FROM: Housing Choice Task Force RE: Conflict Handling Mode Instrument	021406c-03
2	HCTF	Undated	TO: Metro Council FROM: Housing Choice Task Force RE: Regional Housing Choice Implementation Strategy	021406c-04
2	HCTF	2/14/06	TO: Metro Council FROM: Housing Choice Task Force RE: Metro staffing and budget options	021406c-05
3	Bond measure	2/13/06	TO: Metro Council FROM: Jim Desmond RE: 2006 Bond Measure, Opportunity Grant Program	021406c-06
3	Bond measure	Undated	TO: Metro Council FROM: Robert Liberty RE: Natural Systems for Managing Stormwater in Urban Neighborhoods	021406c-07
5	Waste reduction	2/14/06	TO: Metro Council FROM: Solid Waste RE: Waste Reduction Program Comparison Survey Results	021406c-08