

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, August 1, 2006
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Rex Burkholder

Councilors Absent: Carl Hosticka (excused), Rod Park (excused), Brian Newman (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:01 p.m.

1. ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Michael Jordan, Chief Operating Officer, shared his participation in the Innovation Partnership (IP); they have worked with different entities to deal with “intractable” problems. He and the “other” Ruth Scott convened a group of local government officials, starting a year ago, to come up with a project of interest to local regional governments. He distributed a handout regarding their proposal for a fiscal reform initiative (a copy is included in the meeting record). It could be the next “Chalkboard Project.” IP has applied for funding with an announcement to come in mid-August. Mr. Jordan reported to the Council that Councilor Burkholder recently attended IP’s fifth anniversary luncheon. He wanted the Council to know about his involvement. If the project were funded, it would become much higher profile. He welcomed feedback.

Council President Bragdon thought the similarities to the Chalkboard Project were that the usual actors were paralyzed by political forces. The test was, did they have any credibility to actually advance something? He felt Mr. Jordan was well-suited to the project and that there was the potential to make a valuable contribution. Councilor Liberty thought it was a good thing, to facilitate regional cooperation. He was interested in new ways to finance infrastructure.

2. PROCESS AND CRITERIA FOR AMENDMENTS TO TITLE 4 “EMPLOYMENT AND INDUSTRIAL AREAS MAP”

Richard Benner, Office of Metro Attorney, talked about the Title 4 initiative criteria process for changes to the map. Council had previously directed staff to focus on the Title 4 map, not to fix the 2040 growth concept map, and to work with the Metro Technical Advisory Committee (MTAC). Since then, Mr. Benner had been to three fairly lengthy MTAC sessions. It was mostly brainstorming. Now he would like some direction from Council on process and criteria. MTAC had come up with an intriguing idea about process. Previous work focused on making changes to the map. MTAC came up with the idea of not bringing Title 4 map changes to the Council to be changed by ordinance. Rather, Council would specify criteria for changes in designations, and those criteria would apply if the local change involved industrial land on the map. Local jurisdictions would make the change, Title 4 criteria, and then we would not amend but would monitor and review. We would identify and communicate issues of concern and would take problems to the Land Use Board of Appeals (LUBA). This idea came from the City of Portland.

Councilor Liberty asked if it assumed the factors and criteria from the worksheet. Mr. Benner said the criteria on the list were not in the code now but would be added. Councilor Liberty said if changed to monitoring, the criteria would still be included. Mr. Benner said that was right.

Councilor McLain said there had been full-blown conversations with MTAC and the Metro Policy Advisory Committee (MPAC), and every city and county, regarding industrial land, and they went over and over what Title 4 was trying to do, what regionally significant industrial land was trying to achieve. She was confused, since it seemed we were going back to the technical level. This was a bigger issue than just a technical fix. It was hard to monitor without criteria or policy that Metro could evaluate. Other Councilors commented that those criteria had not been decided yet, just suggested. There had not been a decision point then. Council President Bragdon asked how it was linked to urban growth boundary (UGB) decisions. If the Title 4 process were "loosened," would the UGB process be loosened also? Mr. Benner said the local jurisdictions were interested in exploring it. There had not been a vote. Remember, Metro established the criteria; it was not left to the locals to set their own criteria. The locals saw advantages in the proposed process, instead of having two land use decisions, there would be only one. If Metro approved or rejected every amendment, the locals would have to do it also. They would have to make the change to the map and ask Metro to approve and change our map.

Councilor McLain agreed we wanted to be less bureaucratic, but she emphasized the reason that there were two land-use decisions. She explained her understanding of the previous work session and felt that staff was not presenting a proposal consistent with that direction. Mr. Benner said one of MTAC's ideas was that any significant map amendments would go to the Council and smaller decisions would be subject to the new proposed process.

Councilor Liberty supported portions of the proposal but also had some concerns. The suggested criteria were good, but he did not think the City's proposal was necessarily the best solution. Council and staff discussed the principles involved in designating regionally significant industrial areas (RSIA) and employment.

Councilor McLain talked about the Evergreen property that had recently been designated industrial. What would that process have been under the new proposal? Mr. Benner said, once the land was planned (which it hadn't been), and was inside the boundary and put on the Title 4 map, if Hillsboro wanted to take 50 acres out they would do that on their own. Metro would participate in the hearing and appeal to LUBA if we felt it didn't meet the criteria.

Councilor McLain felt the proposal was too simplistic. She supported the criteria but felt factors and criteria were two different things. She felt it needed more attention and that staff should work more with Council. Council President Bragdon said industrial land was a perpetually irksome topic, generally. The more we complicated it, the more complicated it got. The purpose of the whole thing was to preserve land for good jobs in the region.

Councilor Burkholder emphasized that nothing was ever perfect; we needed a flexible process. What was the City of Portland's issue? Mr. Benner said the City planners on MTAC had an example of a problem. Some were simple mistakes. He gave some examples. Some were very significant. We should expect a wide variety of problems, and it would be nice to have a system that could accommodate the range.

Councilor McLain commented on the kind of reporting; that would make a big difference. We did not have a lot of staff for monitoring. We should make any changes for a good policy reason, to have a good regional supply of industrial land. She wanted more time to think about it. Councilor Liberty didn't like ad hoc decision-making. He would prefer a framework with criteria and a process. He liked the outline and would start from there. He valued that the locals came to Council to have a discussion. He wanted to move in the direction of criteria.

Mr. Jordan said it was a question of who could do things more effectively, the locals or Metro? Mr. Benner said MTAC thought it was a good idea, because of the reduced number of decision points. Some people thought Metro should return more to its role of the review mode than the control mode. Other kinds of map changes, that happened in the five years between UGB review, were not frozen until the next cycle; we were continually recalculating.

Mr. Jordan wondered about the frequency when Metro took local jurisdictions to LUBA. Agreed, it was a very infrequent occurrence. He asked Counsel if the Council was in a better position at LUBA in a disputed case, having made a decision on their own functional plan criteria, or challenging a local government's interpretation of the functional plan criteria. Mr. Benner said the former, but LUBA would defer to Metro to a lesser degree if Metro had participated in the hearing and said, "We wrote it, and it means this." Mr. Jordan said we only worried about it when there was a dispute.

Dan Cooper, Metro Attorney, put his oar in. He talked about how the rest of the functional plan enforcement worked with the Metro criteria; Title 1 criteria for housing was an example—we left locals free to make zone changes that might have lower densities, as long as they could show that they made it up elsewhere. Metro or any third party with standing could also bring an appeal. LUBA would then be faced with independently applying the Metro criteria to see if they were satisfied. He recounted some of the recent problems that had been encountered. Decisions that came to Metro for a yes or no might get a more favorable result in LUBA, since we would be interpreting our own criteria.

Councilor Burkholder was convinced we needed a process. It shouldn't rely on us going to LUBA. Mr. Cooper said our current review mode might be sufficient. Councilor Burkholder said we should have some process, with clear criteria. For example, we needed to recognize there were other ways to improve road capacity than widening the lanes. Mr. Benner said that the Oregon Department of Transportation (ODOT) was going to suggest some more specific language, but he hadn't heard back yet. They debated the inclusion of this criterion.

Council President Bragdon asked if this included freight capacity. Councilor McLain asked about the suggested changes. She would like more analysis. They should be as clear and concise as possible. They discussed the eight proposed criteria. Mr. Benner gave the provenance of each one. Councilor Liberty said, in terms of solving unforeseen circumstances, having our normal role of review would be helpful. Also, could Council have a cumulative update each time? Mr. Benner said it was written to be mindful of cumulative impacts; the process would only be during a window, and the applications would be batched. Mr. Benner gathered from Council that they wouldn't leap at the City of Portland's proposal, though they might consider a modification of it, we could maybe identify a class of changes (small in scope, the "mistake" type), and they could go through the city process that we would monitor, but things of larger significance would come to Metro Council. Heads-nods all around. Chris Deffebach, Planning, said she would pull it together for a proposal.

3. BREAK

4. FOLLOW UP TO DISPOSAL SYSTEM PLANNING CONSULTANT REPORT

Paul Ehinger, Solid Waste and Recycling Department, and Dan Pitzler, CH2MHill, reviewed the Disposal System Planning (DSP) work done since their last work session. Mr. Ehinger distributed

two handouts (a copy of each is included in the meeting record). Council President Bragdon said they were looking for feedback and more information on the hybrid model. Mr. Ehinger asked 1) had they properly identified the issues? 2) Did Council approve of the process? 3) Were they ready to write legislation? Some of the questions that were asked were fairly complex. There were many significant questions yet to be raised. Mostly we had been focused on ownership, but there were a lot of other issues also. Council President Bragdon said that it needed to be a more public discussion than a private discussion with the solid waste industry. It would involve public hearings, once it came time for a resolution.

Mr. Ehinger reviewed the proposed schedule, going back to some recent actions and how staff saw the first phase of the DSP going and ending, sometime in October. He talked about future timelines and upcoming goals. The public comment period would start on September 1 and conclude September 21.

Councilor Liberty wondered about the content of the resolution, what would it contain? Mr. Ehinger said it would have a decision on transfer station ownership. Secondly, through an exhibit, it would provide an explanation of why the decision was made and a list of Council values.

Councilor McLain said some of the issues were fairly clear and decided, but others were facing opportunities to achieve goals and opportunities that we hadn't been able to accomplish before. Specific events would have to be taken advantage of as they came up. Council President Bragdon thought, in terms of the wording of the resolution, Councilor Park would have his name on the resolution. He felt this was a pretty fair starting point. Then there would be something for people to comment on. There may be some room for statements of intent as opposed to complete resolutions.

Councilor McLain, in her short-timer mode, said they had been working on these issues for going on four years. It was time to say what was agreed on and what work was yet to be done. She felt it was important to follow the proposed timeline and stick to it, not to waste any more time. Otherwise we might as well start over from the beginning.

Mr. Ehinger asked if the staff notes correctly reflected the Councilors' issues. Councilor Liberty had a comment about rates. Sustainability would include recycling and recovery, under price signals. Councilor McLain said hers were fine. Councilor Burkholder said his comment was that the collection area was the greatest opportunity for savings, was this a convening function that we could perform? Councilor McLain said, regarding the roll-out, all the Councilors would have to be on board and do some good work. Council President Bragdon said, we had talked about different ways of getting to certain objectives, where were we at on that? Mr. Ehinger turned things over to Mike Hogle, Solid Waste Director, to go over the chart. Mr. Hogle said he had tried to assimilate all the Councilor comments and their values from a few years ago, as well as policy drivers from over the past few months, and asked where was there consensus? He was grateful for the decision that had been made to continue Metro ownership of the transfer stations; it cut down on the possibilities that needed to be planned for.

He gave specifics to the timeline issues and talked about the data gathering that was being done to keep staff informed about the best way to negotiate contracts. He talked about some of the upcoming decision points. A big question was, would we be able to make all the decisions we needed to before the Forest Grove transfer station license came up?

Councilor McLain thought the Forest Grove franchise and disposition of Metro South were very different and did not belong in the rest of the chart. One was contractual, and it took five years to site the first one. She felt it was premature to be talking about that. Regarding the disposition of Metro South, did we want houses flooding or transfer stations? What did we want in the flood zone? Also, the Forest Grove transfer station was in a town center and close to the urban area, yet without transfer stations we were limited. Mr. Hoglund said the reason the disposition of Metro South was in a circle, the things in the circles were things we might do or things that might come up. It was not so much ownership that we were talking about now, but siting.

Councilor Burkholder asked about "outliers," players who were somewhat outside the system and without close oversight. How would the current proposal address this? Mr. Hoglund said Lakeside and Hillsboro were unlined and outside our boundary. Councilor McLain recommended a tour of Lakeside. She said we had a designated facility description. We could do more in the criteria to become a designated facility or to upgrade it. Maybe we needed better coordination with the Department of Environmental Quality (DEQ) on who was covering what.

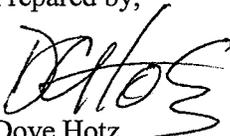
Mr. Hoglund said he would start by working with Councilor Park. He did not foresee the need for another work session. He would do briefings when drafting the legislation. Councilor McLain would like to see it before the ink was dry. Councilor Burkholder appreciated the chart. Council President Bragdon said they had been to Arlington recently. They were working on a barge slip.

5. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Burkholder talked about the Get Centered Vancouver BC trip September 14-16. He was looking for help making phone calls to some of the key people. He asked fellow Councilors to make some phone calls. He ran through a script. He anticipated that the trip would fill quickly. The cost would be \$150 per person, plus cost of hotel. He talked about some of his hopes for outcomes of the event.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:54 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
AUGUST 1, 2006**

Item	Topic	Doc Date	Document Description	Doc. Number
1	COO	7/20/06	To: Metro Council From: Michael Jordan Re: Fiscal Reform Initiative	080106c-01
4	DSP	8/1/06	To: Metro Council From: Paul Ehinger Re: Proposed Schedule for Review and Public Comment, Disposal System Planning, Phase 1	080106c-02
4	DSP	8/1/06	To: Metro Council From: Paul Ehinger Re: Opportunities for Improving the Solid Waste Disposal System	080106c-03