

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, October 3, 2006
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Metro Council Work Session Meeting at 2:02 p.m.

1. CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Daniel B. Cooper, Metro Attorney, briefed Council on the City of Portland's reporting requirements for lobbying entities. As a registered lobbying entity, Metro was subject to the ordinance. He talked about lobbying activities and affected staff as defined in the ordinance. We were required to file detailed reports of contacts, back to April 1, 2006. Reporting was due October 15. Public Affairs would be the clearinghouse. Mr. Cooper advised Council to make a good-faith effort to comply. Councilor Park asked what the penalty for noncompliance was. He felt it was a bit of overkill. He proposed that Metro decline to report, because of the immense paperwork and burden on staff. Perhaps we could find an alternative. Councilor McLain agreed in principle but said we needed to pick our fights. Councilor Newman suggested sending a letter outlining Metro's concerns. Council President Bragdon asked Mr. Cooper to draft a letter for Council signature, stating the requirement was onerous and contrary to public interest. Councilor Liberty asked what the public value in providing the documentation would be. Perhaps the City could be asked for some modifications to make it less burdensome. Councilor Park asked for an estimate of Metro's administrative costs.

2. COLUMBIA CROSSING

Councilor Burkholder said we were at the point of narrowing alternatives. John Osborne, Oregon Department of Transportation, and Kris Strickler, deputy project director, were also present. Richard Brandman, Deputy Planning Director, said the project was significant at every level, including nationally. The Oregon and Washington Departments of Transportation were the leads. Metro was playing a substantive support role. He recapped the previous work.

Mr. Strickler went through a PowerPoint presentation (a copy is included in the meeting record). There were six additional handouts (a copy of each is included in the meeting record). He reviewed the problems with the current situation. Commuters and public transit faced continually increasing travel times and decreasing vehicle speeds. Mr. Strickler listed the pros and cons of some of the transit alternatives. He reviewed the representative alignment as well as the highway portion, including design assumptions. Air and water travel imposed serious clearance constraints. Council questioned the need to meet the airport requirements. Mr. Strickler stated it was a historic airport. Councilor Liberty suggested this imposed a large cost for a small benefit. Mr. Strickler showed the Columbia River channels in this area. He gave some details on the specifications and use of the lift bridge. The rail bridge was not part of the project.

He went over the details of the remaining viable alternatives. He defined the geographical area. The team was trying to narrow it down to about four alternatives by the end of the year. He talked about their outreach. Councilor Liberty was interested in more information on the affected natural

areas. Mr. Strickler agreed to look into it. He said the existing bridge basically was not safe and that keeping it had many drawbacks. The lift bridge for river traffic was a nightmare. Since the bridge was of historic significance, a preservation option was required. The Coast Guard recommended that the bridge be removed if not used for transportation.

Mr. Strickler discussed the next steps. He reviewed performance measures and the project timeline. The preferred alternative should be presented in early 2008, with a decision by the end of that year. It was an ambitious timeline, but the problem was dire. Councilor Burkholder requested Councilor feedback. Councilor Newman asked about separating through traffic from arterial traffic. Mr. Strickler gave some of the pros and cons. He talked about travel patterns and projections and impacts to downtown Vancouver. Councilor Park asked if there were any solutions that kept the existing I-5 bridge and also took care of the barge traffic problem with the railroad bridge, so that river traffic would not have to make the S-turn around the pilings. Mr. Strickler said none of the alternatives had a good solution for this. Councilor Park thought a closer examination of the rail bridge would be helpful. Councilor Burkholder agreed but talked about some of the constraints on factoring the rail bridge into the project. Councilor McLain said the experts ought to come up with a diagram listing the pluses and minuses of the alternatives; the stand-alone outlines were hard to compare.

Councilor Liberty thought the problem identification was too narrow. He would like to look more closely at why the congestion existed in the first place. Were there other ways to address the congestion than building something? Could I-205 be used more effectively? He was concerned about the impacts if a structural solution was successful—how much more construction would this cause? He also wanted to look again at the so-called “absolutes” that were placing huge constraints on the project, such as the airpark. He thought the problem statement was limited and would like to see more prioritization. Council President Bragdon asked for a definition of arterial traffic. Mr. Strickler defined it as a short trip. The design would be based on the number and speed of vehicles making the trips. Council President Bragdon requested clarification of the staff decision on who would use which roads. Mr. Strickler talked about how various alternatives could address these issues. Council asked to see plans going all the way to Marine Drive.

Mr. Osborne, the project co-director, said his modeling suggested that 10-15 % of the traffic would be arterial. Councilor Burkholder said that good financial analysis would not be available until the option went forward. Were we being premature? If we removed a whole class of alternatives, we lost the ability to compare costs. Mr. Strickler said a large amount of data would be coming out, before the narrowing decision was made. He talked about the timeframe for upcoming decisions. Too many Draft Environmental Impact Statement (DEIS) analyses would be costly and burdensome.

Council felt they needed more information before giving meaningful input. Councilor Liberty suggested a public hearing. Councilor McLain said the public would care about two things—how much would it cost, and how would it affect my neighborhood? Councilor Liberty still felt other modifications and solutions, other than a huge construction project, were possible and should be more seriously considered. Councilor Burkholder said a lot of the issues that had been brought up would be looked at on the performance measures.

3. BREAK

Council President Bragdon changed the order of the agenda items.

5. AREA 93 BETHANY

Michael Jordan, Chief Operating Officer (COO), talked about the history of the area and Metro's decision to include it in the urban growth boundary (UGB). It was a sticky inter-jurisdictional issue. It was within Multnomah County, but the County land use work was done through an intergovernmental agreement (IGA). He has been looking for a way to do the concept planning required under Title XI and the comprehensive planning and zoning work. The broader question included North Bethany, also brought into the UGB in 2002. Planning work here had already begun. The broader issue was the entire west slope area, shown in red on the map (a copy is included in the meeting record). It had mostly been staff-level discussions until now, attempting to devise a relationship that Metro could interact with the local jurisdictions to come to a compromise. The ag/urban criteria could also be used here. The area was outside Portland's urban service area—Portland felt delivery of services would be problematic. Title XI compliance was important. Mr. Jordan talked about options and negotiations to address the issue. He reviewed existing Metro authority and discretion and tools that could be brought to bear.

Ray Valone, Principal Regional Planner, said he had worked to prepare some options for Council discussion and approval. Mr. Jordan said the complicating factor was compliance with Title XI. Mr. Valone added that the agreement could set a framework for future planning in that area as well as for addressing for dealing with future subregional agreements. Councilor McLain described it as an epic. She felt strongly that the Council should work hard to make a decision. Doing nothing was not an option. She felt Metro had been making good faith efforts. The decision needed to be timely. Councilor Liberty felt we might be setting up for a discussion of UGB expansion in that area. He realized there was a problem, but was a study committee the answer? The memo made him nervous.

Councilor McLain said we needed criteria to evaluate the scenario planning. Mr. Jordan said the purpose of the group was to react to issues that may come out of the ag/urban study, including the natural resource piece, and to talk more about the longer-range future. These two areas faced challenges of sizing the infrastructure, depending on whether it was seen as a hard or if it might change in the foreseeable future. Councilor Liberty wondered if this was the time to take a more philosophical look at the UGB expansion. Mr. Jordan felt such analysis was ongoing. Mr. Valone stated that this area might not even necessarily become urbanized.

Councilor Burkholder supported the action taken, realizing that we needed to do something novel, due to the jurisdictional boundaries. There were issues of governance and service provision. Planning should be based on watersheds. Councilor Newman said, if all the jurisdictions agreed this was the path forward, that was good. But in general, he was uncomfortable with Metro being the lead on concept planning. Metro's role should not be mixed with that of local governments. He understood the unusual circumstances in this case. Transportation connections were important. Councilor Park said Metro recognized that not all centers were created equal. He mentioned some conflicts inherent in some land being within the city limits but not within the UGB, or vice versa. He was uncomfortable with studying an even larger area to fix the minor part of the issue. We were fixing a problem by creating a bigger one?

Mr. Jordan said Area 93 could be a catalyst for the broader discussion. Bethany was more central to the landscape; infrastructure planning issues there were exponentially greater. Council President Bragdon asked, if the local government would not provide urban services, who would do it? It wasn't fair for the entire region to pay for the planning and benefit of a select group of property owners. Didn't this just lead straight into the next UGB discussion? Mr. Jordan did not

disagree. The situation brought into focus the need for the region to take a longer view of its urbanization. Our old habits were facing new situations.

Councilor Hosticka was generally in favor of looking at the whole area based on the need to have an idea of what we were doing before we expanded. Area 93 had not been recommended by staff for expansion, it was a last-minute vote by Council, now it was in the UGB and a problem. In general, we should look at the whole area before we did the concept planning for Area 93, and then say maybe we didn't want it in the UGB. Bethany was larger, in order to deal with the smaller pieces. He favored doing some concept planning and then coming down to the smaller analysis. Perhaps none of it would ultimately be urbanized.

Councilor Liberty said any decision should be made in the context of the entire region. We spent a lot of staff time on expansion area issues and less on investment. Mr. Jordan emphasized that Metro staff was involved because of the 2002 Council decisions, which included time limits. Councilor Liberty wondered if Washington County could serve Area 93. Mr. Valone said there had been some discussions of a special district. Mr. Jordan said that the study group would address all the pertinent issues.

Councilor Park stated that Metro should not do concept planning in this area. We could give a time extension if necessary. Councilor Newman thought we needed to facilitate the problem, since it was a direct result of Council action. The locals could be more helpful, but they did not make the decision that created the problem. If Metro did not address the issue, who would? This would happen more and more. What would we say then? Councilor Hosticka asked if there was legislation to extend the deadline. Mr. Jordan said that would be prepared if that was the decision that was made. Councilor Hosticka said, if so, we should talk about under what circumstances Metro Council wanted to take such action, so it didn't appear arbitrary. Council debated when Metro should make exceptions to the locals doing the concept planning. Council President Bragdon said there was a package of services to be provided by the locals, and Metro's role should be either to let them do it or not. It was between the locals and their citizens.

Councilor Liberty saw planning as an enforcement tool. He was comfortable going ahead on Area 93 and North Bethany. Councilor Park asked who would adopt the plan. Staff responded that it would be an IGA with Multnomah County. There was a discussion about jurisdictional authority, provision of services, and Metro's role. There was overlap between cities and counties. Moving a county line would take action by the state. Mr. Jordan felt that Metro did have the responsibility to do something, but we should not do any planning until an IGA with the affected jurisdictions was worked out. Councilor Park wondered, if the local citizens did not like the planning, who would they complain to? Mr. Jordan said it would be Multnomah County.

Gil Kelley, City of Portland, addressed the ability of the City to do planning for other jurisdictions. The area was extremely problematic, geographically and jurisdictionally, and it was too small to make a larger plan meaningful. He supported Mr. Jordan's philosophy. Council and staff talked about a mix of options for urban service provision, planning services, and governance, as well as what to do with jurisdictions that were not in compliance with various codes. Mr. Valone indicated that Council could authorize an extension for North Bethany, as it was further along in the process. Mr. Jordan said he understood the adoption issue needed to be resolved. Council was not yet comfortable giving direction on the Greater Bethany Study Area (GBSA). They debated the use of natural boundaries. Some cost analysis on the impacts for Metro would be appreciated. Opinion was divided on the best way to proceed.

4. LEGISLATIVE AGENDA

Randy Tucker, Legislative Affairs Manager, presented two new legislative issues. The first was a placeholder for a potential request for state financial support for the headquarters hotel. The funds would likely be lottery dollars, which had a provision for economic development.

On another topic, Mr. Tucker mentioned the liability faced by builders of ownership multi-family housing and mixed-use developments, and their difficulty in getting liability insurance. We wanted to make sure this was not a barrier to the types of projects Metro wanted to see being built. He spoke to some legislative concepts that could help. Council felt they wanted to stay out of the crossfire but supported looking at some of the issues more closely. Mr. Tucker agreed to proceed with an issue identification sheet, which would focus on barriers to construction.

He distributed an issue paper concerning financial tools to support the development of centers, corridors, and employment areas (a copy is included in the meeting record). Council and staff discussed the limitations on using lottery money. Mr. Tucker agreed to find out more about any percentages mentioned in lottery legislation.

Discussion turned to the narrative on the New Look legislative elements, with accompanying handout (a copy is included in the meeting record). Mr. Tucker said it was no unified field theory. The existing process had serious limitations. He talked about potential strategies. Our two main tools were investment (transportation funds, transit-oriented development) and regulation (functional plan and UGB). He talked about ways to use these tools, breaking the pieces down in order to show the relationships between the elements in a new way. Councilor Liberty wondered if it was appropriate to label "population growing" as a problem. There was a huge question of who would deliver urban services. We might want to ask the legislature to make people make decisions. He did not want to do any tinkering if it was not part of a package.


Councilor Park asked, where was the stopping point? It was important to articulate the process for figuring out these areas we would urbanize. If the land supply was assumed to be infinite, we would act accordingly. There might be some tinkering with the hierarchy, in terms of soil classification, but these were of significance for ag production. If we used a performance-based UGB expansion, there was an assumption that there was no loss on the other side of the equation. Mr. Tucker wondered if that could be addressed in the urban reserve discussion. He promised to continue to integrate Council comments.

6. COUNCIL BRIEFINGS/COMMUNICATIONS

There were none.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:11 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
 OCTOBER 3, 2006**

Item	Topic	Doc. Date	Document Description	Doc. Number
2	Columbia Crossing	10/3/06	To: Metro Council From: Richard Brandman and Kris Strickler Re: Columbia River Crossing, Update and Upcoming Decisions (PowerPoint)	100306c-01
2	Columbia Crossing	8/22/06	To: Metro Council From: Kris Strickler Re: Preliminary Alternative Packages	100306c-02
2	Columbia Crossing	undated	To: Metro Council From: Kris Strickler Re: Alternative Packages Evaluation	100306c-03
2	Columbia Crossing	10/1/06	To: Metro Council From: Kris Strickler Re: Project Summary	100306c-04
2	Columbia Crossing	undated	To: Metro Council From: Kris Strickler Re: Public Input	100306c-05
2	Columbia Crossing	8/27/05	To: Metro Council From: Kris Strickler Re: Columbia Crossing(s) & Quayside	100306c-06
2	Columbia Crossing	10/2/06	To: Metro Council From: Robert Liberty Re: Comments on Columbia Crossing Alternatives	100306c-07
5	Area 93/ Bethany	9/19/06	To: Metro Council From: Ray Valone Re: Preliminary Greater Bethany Study Area	100306c-08
4	Legislative Agenda	9/29/06	To: Metro Council From: Randy Tucker Re: New Look policy element #1	100306c-09
4	Legislative Agenda	undated	To: Metro Council From: Randy Tucker Re: Draft, Narrative—New Look legislative elements	100306c-10