

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, January 23, 2007
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Metro Council Work Session Meeting at 2:05 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, JANUARY 25, 2007/ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the January 25, 2007 Metro Council agenda. Councilor Newman asked about Ordinance No. 06-1129A. Councilor Liberty explained the ordinance. Michael Jordan, Chief Operating Officer (COO) said he would not be here Thursday. Councilor Burkholder indicated he would be late for the meeting.

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

Dick Benner, Office of Metro Attorney, said Metro Technical Advisory Committee (MTAC) subcommittee met to discuss Ordinance No. 07-1137 and possible revisions. At the meeting they began by looking at Al Bergsma’s, City of Beaverton recommendation. They also reviewed John Gessner’s, City of Fairview, suggestions. They concluded that the subcommittee was not going to agree. They also spent time on the criteria on the draft that was before Council. They agreed that they weren’t going to agree on a full set of criteria. They also talked about looking at Council President’s proposal and felt that his would be better than what had been originally drafted. They also suggested three revisions to the Council President’s proposal. Mr. Bergsma and Mr. Benner drafted the three proposals. The subcommittee didn’t all agree with the three proposals. Metro Policy Advisory Committee (MPAC) would try and make a recommendation tomorrow. This Ordinance would be considered at Council on February 8th. The proposals would be presented to MPAC tomorrow. The key issue was the criteria. There was no consensus on the criteria. The people around the table yesterday would like local governments to make the decision. Councilor Newman said in the brainstorming session they focused on the criteria but didn’t engage on the thresholds of acreages. Mr. Benner said there was important point – corrections of the map that needed to be done, areas that were mistakes. There was a suggestion that the Metro Council could make adjustment to the map based on local jurisdictions’ input. He talked about a survey that Tim O’Brien had done. Metro could consider a single ordinance to consider map changes. Mr. Benner said he was drafting an amendment to the Council President’s proposal. Councilor Newman said when they had to MPAC discussion, he thought it was important to reiterate Mr. Benner’s suggestion as well as taking action on the Council President’s proposal was better than nothing. MPAC had already made a recommendation, which was to do nothing. Councilor Hosticka wondered what the process for closing the door on this was, especially since there seemed to be agreement that some movement was better than nothing.

Council President Bragdon said the ordinance was scheduled for considered on February 8th. They could consider amendments at that point. Councilor Burkholder asked what the purpose of

this ordinance was. He talked about regional impact. Mr. Benner explained we have to have an ongoing supply of industrial land as well as the job housing balance. Councilor Burkholder said the original language included those two principles. He asked Mr. Benner to explain how the changes worked. Mr. Benner said the best way to figure if they wanted changes was to compare the proposed ordinance versus what was status quo. He said if there was a need for a map change it would have to be done by ordinance. He explained the current status. There had already been two proposals received by letter. Mr. O'Brien had learned that cities and counties have about 20 proposals. He explained the situation the Council would face if they were to adopt the Council President's proposal. There would be criteria that would be applied. He explained the City of Beaverton's request to amend the 20-acre Regional Significant Industrial Area. He then talked about the Brick Works proposal. The Council would consider this proposal. The COO would provide an update to Council every year. He also said there could be a cap which was a check on cumulative impacts.

Councilor Liberty said when the discussion began Gil Kelley advocated for local control. He explained the interest of local jurisdictions versus maintaining a regional land supply. He talked about the batching of map errors, which appealed to him. He noted that in Mr. O'Brien's memo, there was 200 to 300 acres up for consideration. He was willing to support the Council President's proposal. It was a compromise. He thought a trade in-trade out; no net loss option was a good idea.

Councilor Park talked about State standards for transportation processes. Losing industrial land didn't bother him but he was trying to figure out where Council's role started and stopped. He was trying to figure out why a system that worked well in the transportation world couldn't work on the land use side. Council President Bragdon suggested the difference was that transportation was publicly owned where industrial land was privately owned. Mr. Benner handed out his version of the three amendments. Councilor Harrington added her comments about the process. Mr. Benner reviewed the three amendments he was proposing (a copy of which is included in the meeting record). He provided some examples of how the amendments would impact the industrial land supply. The third amendment generated disagreement at the subcommittee yesterday, which was a new subsection to C. Councilor Liberty asked clarifying questions and provided an example. Mr. Benner talked about environmentally constrained lands. Council President Bragdon said these amendments would be discussed at MPAC tomorrow and Council would hear from their liaisons. Councilor Liberty talked about the consequences of one trade off affecting other jurisdictions. Councilor Newman summarized what he heard from Council. Council supported the Council President's proposal. Councilor Liberty said he was not interested in making the draft any weaker. He wanted to know what other Councilors thought. Councilor Burkholder said he was OK with amendment 1 & 2 but not with 3. Councilor Newman said he had no problem with amendment 1 and 2 but wasn't sure he understood 3. Councilor Park said he found amendment 3 bothersome. Councilor Harrington said the Council would deal with this on February 8th. Tomorrow was an opportunity to get MPAC's advisement on the current proposal and the three amendments. Councilors Hosticka added his comments.

3. PHASE 1 – 2006 NATURAL AREAS BOND MEASURE IMPLEMENTATION

Council President Bragdon talked about the refinement process.

Jim Desmond, Regional Parks and Greenspaces Director, said they would be talking about refinement and public involvement. They had been working on an overall work program which

would take about 6 months. He said they needed to sell the bonds first. Councilor Hosticka asked about how they were going to sell the bonds. Mr. Desmond said 85% of the funds had to be sold in the first three years. So they would be selling bonds in two phases. Dan Cooper, Metro Attorney, explained the new bond requirements. Councilor Hosticka asked about interest rates and pay back schedule. Mr. Cooper said this was dependent upon how fast you paid back the bonds. Mr. Desmond said the second step was to put the staff in place. They would be doing some staff ramping up in the first six months. They would formally bring to Council the due diligence guidelines and parameters. The next step was refinement of the target areas. Until refinements plan were adopted, if good opportunities came up, they would bring these directly to Council. They also wanted to bring more clarify to the capital grants. They would then coordinate the local share program. They were carefully following the script from last time. Councilor Burkholder asked how this worked. Mr. Desmond explained the disbursements. The next step was public affairs outreach and lastly to establish the external audit committee. That committee would be an appointment by the Council President. He suggested meeting with that committee once this summer, they could hear about their expectation.

Heather Nelson Kent, Regional Parks and Greenspaces Department, talked about refinement. She reviewed the steps in refinement, which included public involvement. They had reviewed what changes they could make from the 1995 process. They didn't see many changes to the previous process. Councilor Liberty asked how you avoided signaling interest in particular properties. Mr. Desmond responded to his concern. He said the parcel maps were not available. Ms. Kent continued by saying that they would do stakeholder interviews, gather input. She reviewed the timeline for public involvement once objectives and goals were drafted. They would use blob maps to stay away from parcel identification. With the old target area, they needed to go through the same process but they knew much more about these areas. In the new target areas there would be more work to do because they didn't know as much about these areas.

Mr. Desmond talked about the issues that came up in the previous refinement process. The target area that was typical was where there was way more to do than we could handle. He provided some examples of what local jurisdictions might push for. He said the third thing that would happen was that established Friends groups would want as much activity as last time. He had heard Council wanted to focus on new target areas. He felt their job, as staff, was to let Council know about conflicts. Ms. Nelson summarized the timeline (a copy of which is included in the meeting record). She talked about some of the processes they had used last time that worked well. She noted the planned public open houses, which would occur in May 2007. She also said they would be using the web rigorously. Councilor Park asked about the use of Google Earth. Councilor Harrington asked about the Council obligation with regards to the open houses. Ms. Kent responded to her question. She then continued reviewing the overall timeline. She asked Council if they felt that there should be a second open house to present the preliminary refinement plan. She also suggested on the ground tours for Council.

Councilor Burkholder asked what the number of acres was per target areas. Mr. Desmond said the referral itself had some goals. Councilor Burkholder suggested having a justification for picking a certain amount of acreage. He also said the other question that came up was about equal effort for the region. He talked about setting up a process to ensure regional equity. Mr. Desmond said one of the recommendations that came out the external audit was that there be a check in with Council on occasion. Councilor Liberty liked the meeting on the four areas in his district. He asked about easements in terms of acquisition as supplements. Mr. Desmond acknowledged that this was a good idea and a specific real estate strategy. Councilor Park talked about conversation with the farmers. Mr. Desmond said he would like to integrate this issue into the refinement process. Councilor Park

suggested having the Council have a conversation about these issues. Council President Bragdon felt the tours would be valuable. He talked about scheduling a second or third meeting and suggested this might be something that they considered after the first round. He also suggested consulting with other agencies and organizations about the plan. Mr. Desmond said there were a lot of groups that wanted to speak about the bond measure. Ms. Kent said they had begun putting together a stakeholder list, which they would share with Council. Councilor Harrington asked about the process and wondered if six weeks was enough time. She also asked about looking at the timeline relative to other timelines. Councilor Hosticka suggested not scheduling more than one meeting unless there was a real need. Councilor Newman concurred with Councilor Hosticka. He then asked about the tours. Ms. Kent asked about a designation as a Council project.

4. BREAK

5. 2006 NATURAL AREAS BOND MEASURE - CAPITAL GRANTS

Council President Bragdon said this was a new component of the bond measure and so he had asked Councilor Liberty to take the lead on this process. He said there were a lot of steps.

Mr. Desmond said he was hopeful that the grant program would evolve and mature. They wanted this program not to be static. He said the first key issue was what was capital. They had tried to pen down what was capital. They needed to be clear with the public. He reviewed some of the components such as acquisitions, easements, on publicly owned property. Jeff Tucker, Regional Parks and Greenspaces Department, explained where some of these components came from which were in part accounting principles as well as other components. Mr. Cooper cautioned that for bond council concerns Metro had to be careful with conservation easements. Where we might be putting an easement would increase the value of the private property. They had to be very careful. Mr. Desmond said to a certain extent they had to look at how local jurisdictions treated the area as a capital asset. Mr. Tucker said they would ask the local jurisdiction to sign statements that the area was capital. Council President Bragdon suggested a manual for applicants, which explained capital. Metro would have to do a lot of work with the applicants even before the pre-application process. Mr. Tucker said they knew there had to be a sign off by the public agency. Mr. Desmond said one of the things would be the size of the project. They felt there were some benefits in having a project size. The costs to the program were relatively high. They suggested a minimum project size of \$50,000. They were looking for projects that would make a difference on the ground. They wanted some feedback about the type of projects that the Council was interested in. Capital projects took a lot of time. He urged good definition up front. This could evolve and change over time. Councilor Hosticka asked if there was some intermediary committee to advise the Council. Janelle Geddes, Nature In Neighborhoods (NIN) Program, talked about the grant review committee. Councilor Liberty added his comments. Ms. Geddes talked about what the resolution called out. This grant program was conceived as an annual program. Mr. Desmond said there was a 2 to 1 match with the grants. He talked about the need to give applicants flexibility. Councilor Hosticka said they were trying to foster the NIN program. He urged a lot of flexibility. Council President Bragdon read Councilor Burkholder's e-mail (a copy of which is included in the record).

Ms. Geddes said this project discussion list was very general (attachment B). She said this was not an all-inclusive list. She noted broad project categories. She was interested in narrowing the project categories. First category was general land acquisition. All Councilors supported line 1. Line 2, 3, 4 Council supported. Councilors voted a "maybe" on Land acquisition/easement for CSA. Councilor Liberty said the resolution was not clear.

Ms. Geddes then reviewed the Storm water areas. Councilors Hosticka and Park did not support the Ecoroof. Bios wale construction was a form of treating storm water that allowed water to sink into the ground slowly. Councilor Hosticka suggested they consider this only if it was a major public project. Mr. Desmond added his comments about this. Councilor Newman suggested keeping it on the list but only for unique projects on publicly owned land. Council President Bragdon said they wanted to strive for geographic equity. The Council felt that bios wales and rain gardens were a little warm for them. Councilors didn't support green streets because there were other funding sources. Councilors also did support permeable surfacing. Councilor Hosticka said they were trying to reestablish or establish a natural area. Councilor Liberty talked about water quality and where the water went. He talked about improving water quality as part of the goals of the bond measure.

Council then reviewed Construction, Feasibility/Design and Engineering. Council felt low impact trails that weren't funded by federal dollars should be considered. They wanted trails to enhance natural areas. They then talked about Park development or improvements. Several councilors did not support this. Council President Bragdon talked about the purpose of the grant program. He felt improvements should be a local Capital Improvement Program (CIP). None of the Councilors supported the park development suggestion. A Nature Center met the capital grant program. Councilors also supported the idea of interpretive signage.

The Council then reviewed Neighborhood – Communities category. Ms. Geddes explained the community garden development. Councilors discussed this concept. Most of the Councilors were ambivalent. Mr. Desmond explained urban canopy establishment/enhancement. Councilors supported this idea. Finally, they discussed Streams and the components under that category. Councilors supported fish habitat improvement through large woody debris installation. Councilors felt that culvert replacement was not a good concept for this type of grant and there were other pots of money. Most of the Council did not support the culvert concept. Councilor Liberty asked about leveraging. Councilors all supported the idea of leveraging. Councilors supported streamside restoration via planting. Councilors discussed stream daylighting. Councilor Harrington said she was trying to figure out Council's intent. She felt they had supported the human element but had not done as good a job to protect fish and wildlife. Council President Bragdon urged them to continue their work with Councilor Liberty.

5. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Newman said MPAC would meet tomorrow and discuss New Look. He suggested pulling out the timeline. North Main's project grand opening in Milwaukie was this Friday. He urged Councilors attendance.

Councilors discussed MPAC issues as well as the legislative agenda.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:30 p.m.

Prepared by,


Chris Billington
Council Operations Manager

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JANUARY 23, 2007**

Item	Topic	Doc. Date	Document Description	Doc. Number
1	Agenda	1/25/07	Agenda: Metro Council regular meeting, January 25, 2007	012307c-01
2	Amendments	1/22/07	To: Metro Council From: Dick Benner, Metro Senior Attorney Re: MTAC Amendments 1 through 3 re: Ordinance No. 07-1137	012307c-02
3	Public Involvement Plan	1/16/07	To: Metro Council From: Heather Nelson Kent, Regional Parks and Greenspaces Department Re: 2007 Natural Areas Bond Measure Regional Target area refinement and public involvement plan	012307c-03
5	Project Discussion List	1/16/07	To: Metro Council From: Janelle Geddes, NIN Program Re: Project Discussion List Attachment B concerning Capital Grants	012307c-04
5	Email	1/23/07	To: Council President Bragdon From: Councilor Burkholder Re: Capital Grant project priorities	012307c-05