

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, July 31, 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 2:01 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, AUGUST 2, 2007//ADMINISTRATIVE/CHIEF OPERATING OFFICER COMMUNICATIONS

Council President Bragdon reviewed the August 2, 2007 Metro Council agenda. The major item was the dry waste ordinance. Councilor Harrington reported that everything had come together.

Michael Jordan, Chief Operating Officer (COO), asked the Council for 15 minutes on next week's work session, under COO communications, to facilitate a discussion on the issue of Metro memberships in economic associations. Also, Karen Feher, Capital Improvement Program Coordinator, would present a brief update on the capital asset inventory. Council President Bragdon asked Mr. Jordan about the status of the budget work session information. Mr. Jordan said it was being worked on and would be ready in a few weeks. Forward comments on budget amendments to Margo Norton, Deputy Chief Financial Officer.

2. NATURAL AREAS PROGRAM TARGET AREA REFINEMENTS

Columbia Slough and Trail

Kathleen Brennan-Hunter, Natural Areas Bond Manager, said the letters on the maps were based on the public questionnaires. The primary focus would be key habitats and completing segments along the Columbia Slough Trail and the 40-mile Loop Trail. Key partnerships would be emphasized. The Tier 1 objective was water quality; Tier 2 objective was creating connections to existing trails and water access. There were some questions about golf courses, which didn't necessarily have a lot of quality habitat. Did Council want to see traditional park uses in this target area? Councilor Burkholder asked about Colwood Golf Course. There were some pieces right on the Slough. There could be an opportunity for a large amount of acreage, but it would require lots of restoration. Ms. Brennan-Hunter clarified that they should keep the focus on directly adjacent areas. Councilor Burkholder stated that protecting habitat was the priority.

Councilor Park commented on the proximity to the airport, which resulted in conflict between airplanes and birds and other wildlife. Councilor Liberty supported the comments about strategic purchases and use of easements on golf courses. Council President Bragdon wanted to be really selective in terms of golf course areas. We weren't in the business of urban parks. The focus needed to stay on the scientific basis and access to the Slough and water quality. Councilor Harrington liked the tier objectives and didn't want to see a special category of "golf course opportunities" to change the objectives. Ms. Brennan-Hunter understood that Council wanted the tiers to be consistent. Jim Desmond, Parks Director, confirmed that the focus would be on Slough frontage and habitat, not going too far inland. Jim Morgan, Parks Manager, felt that "enhanced resource protection" would cover the tier objective.

Killin Wetlands

Mr. Morgan described this as very rare peat soil wetlands. The A areas on the map were Tier 1; B areas were Tier 2. An important question involved the increasing popularity of bird-watching in the area. There currently was no formal access point for this activity. Did Council support providing better access? Councilor Harrington asked if a local group could develop a viewpoint through the capital grants program. Mr. Morgan replied that they could not, since the area was outside the urban growth boundary (UGB). A parking lot could be put in an area that had lower quality habitat; it would not necessarily be very costly and might alleviate some of the neighborhood issues.

Councilor Newman said it was an example of land that was highly visible. He'd like to see signage that informed visitors of where their bond measure money was going. He wasn't against additional acquisition in this area, but it wasn't his highest priority. He preferred to focus on areas closer to population centers or that were more threatened by development, and that ranked wildlife viewing above additional acquisitions. Councilor Harrington asked, at what point did we take these different properties and acknowledge that there was only 25% that could be spent on this whole list, and how would the Council prioritize those? Mr. Desmond recalled the recent work session where they showed the acreages and the 25%. Staff would report on the acquisitions so Council could weigh in and say when enough was enough in a target area. Councilor Harrington then supported Councilor Newman's views. Mr. Desmond clarified that Council was comfortable with what was already in this target area, that acquisitions should be few, and that they should actually solve a specific problem and provide wildlife viewing. Councilor Park agreed with Councilor Newman, the property was highly visible in more than one way. We should proceed carefully and thoughtfully. There were other issues in the area that weren't related to Metro but might get us caught up in them.

Sandy River Gorge

Ms. Brennan-Hunter recalled that the 1995 bond funds had bought a lot here. The emphasis would be on filling in key gaps. The map showed Area A as Tier 1, Area C as Tier 2, and Area D as a partnership objective. Various groups were working together to look at trails and connections. Councilor Park asked why staff felt Area C was so significant. Ms. Brennan-Hunter stated that Gordon Creek was an important wildlife corridor, with protected federal lands to the east. Mr. Morgan added that Gordon Creek was probably the last high-quality spawning grounds. This was the best opportunity to link together the spawning stream in the lower river. Mr. Desmond reported that there was a lot of other protection on the Sandy River, making the east-west wildlife corridor very important. Councilor Park observed that this area did not seem very threatened by development. Mr. Morgan described the threats to Gordon Creek as logging and high-end homes. Mr. Desmond talked about some of the other protections that had taken place in the area. Councilor Newman expressed interest in the confluence area. Mr. Desmond agreed that was one of the questions to consider. The issue was that there wasn't a lot more acquisition by Metro required; we would play more of a convener role. Councilor Newman tried to put the area in the context of the discussions about the "hard edge." Maybe there was enough of an edge there already. Ms. Brennan-Hunter confirmed that Council was comfortable with the tiers.

Springwater Corridor

Mr. Desmond said the policy question was, did Metro want its Parks or Transportation staff to weigh in on the Sellwood bridge development happening near the trail? Some scenarios showed the trail closing for up to two years. Councilor Newman observed that our focus was not near the bridge but between Umatilla and 17th Avenue. Mr. Desmond concurred, adding that they wanted to flag the bridge issue for Council; it didn't need to be decided today. Whatever happened with the Sellwood Bridge would have a big impact on the area. Councilor Burkholder said some of the areas could be pocket parks, but others would be better off as housing; they weren't natural

habitat. He described the terrain as fragmented; could it be put back into housing? Mr. Desmond said there were difficult alignment questions, but once we knew where the trail was going, that could be looked at and brought back to Council. Council felt they needed more information about what would happen with the Sellwood Bridge before making any final decisions.

Stafford Basin

Ms. Brennan-Hunter said the target area bordered Tualatin, West Linn, and Lake Oswego. There was strong alignment with stakeholders who had developed a shared vision for the area, which was focused on Wilson Creek (Area C) and Conn Creek (Area B). The objective would be for those two areas to be Tier 1. The Tier 2 objective, Fields Creek Park (Area D) had more wildlife habitat. Mr. Desmond stated that the high priorities were Wilson Creek and Pecan Creek, but land prices were high. The group had made a very realistic proposal.

Councilor Park said we couldn't predict development patterns, but Sherwood taught us that there were other opportunities besides direct acquisitions. Mr. Desmond agreed, adding that uncertainty about land use questions complicated matters. Once those issues were settled, things like land exchanges became simpler. Councilor Newman wondered how many willing sellers we would find in this area. Mr. Desmond said they were already hearing from people. Negotiating prices would be tricky. Easements might be a better option in this area than in some others. He suggested a work session specifically on easements. Landowners weren't necessarily opposed to trails or restoration through their properties, but there were issues about what would be allowed on property with easements. Councilor Park questioned whether the distinction was made between substantive agricultural operations and hobby operations. Mr. Desmond agreed, saying that a typical easement would state no new improvements; those terms would have to be refined.

Council President Bragdon said we had strong science, a strong factual constituency, and strong partners on Pecan and Wilson; we ought to concentrate there. That might be a question of exactly what city it would be in. Councilor Newman said his priority was Wilson and Pecan; as far as the oak savannah, if there was a community effort to leverage resources from many different sources, such as the County and the City, and if Metro participated, even as a minority partner, did we need to commit to something right now? Mr. Desmond said we could always amend a refinement plan; that was not something that was encouraged, but if there was a particular opportunity, Council could do that at any time by resolution. Councilor Newman wanted to talk about that more, related to that specific area. He had heard mixed messages from the City of West Linn, about what their priorities. He didn't think Metro should lead the effort in community-based opportunities like the oak savannah, but we should leave the option open to participate. Mr. Desmond stated that West Linn was moved by well-organized advocates who wanted to see the oak savannah saved. Should he direct staff to engage in an ongoing dialogue with Councilor Newman to keep the door open, with Metro playing a minor role, but allowing some possibility for funding if other partnerships developed? Council President Bragdon brought up the example of Mount Williams as an area that was under funded. Mr. Desmond responded that Mount Williams had not been funded directly; it had been done using Metropolitan Transportation Improvement Program (MTIP) funds, not bond money; it was not a target area.

Council agreed they were basically open to having the conversations. Councilor Newman emphasized that we needed to make the decision and be clear. We didn't want to string people along. It was tough on the public as well as staff. We didn't have to make the decision today.

Councilor Park thought the science in the oak savannah was not as strong as in other parcels. It was disconnected; what would be the policy justification? Mr. Desmond said the oak tree stand was that,

in itself, it was an unusual and high quality site, but it would never connect to anything. That limited its use as a regional natural area. Mr. Morgan added that we had to draw the line somewhere. Council President Bragdon said that a dollar spent in one place was a dollar less to spend somewhere else. This would be a very expensive acquisition. He didn't want to shortchange Wilson and Pecan Creek. It shouldn't be a popularity contest but should be sticking to the science.

Councilor Liberty asked if we had any idea of relative costs, to help understand the tradeoffs. Mr. Desmond replied that was where some of the vagaries of the land use came into play. Usually, everything outside the UGB less than \$20,000 per acre. Inside the UGB, it went up to 10 times that. Stafford was somewhat different; they were getting \$100,000 per acre in some areas. Even with those vagaries, this property would be 3-4 times more than some other areas. Councilor Liberty asked about the phrase that had been in the ballot measure—"diverse natural areas for local residents." What was the reason for that phrase? Why was it there and not in the others? Didn't we have oak savannah across the river in Willamette Narrows? Mr. Desmond said, yes, we had it in various areas. Councilor Liberty asked, even if the parcel was isolated, couldn't birds still use it? Mr. Morgan agreed that pileated woodpeckers could fly along there to the various oak stands, but there was a certain size below which a habitat did not function well, especially for certain animals. The western gray squirrel would have a challenge trying to survive on a parcel that small. Councilor Liberty agreed that a clear answer should be given as soon as possible. Council decided they wanted further conversation about it.

Tryon Creek

Ms. Brennan-Hunter said this had been a 1995 bond measure target area. She pointed out the tier objectives. Area D was not included in the recommendations and would come off the map. They wanted to keep the focus on the most critical areas. Councilor Burkholder said we'd already spent a lot of money there, although he liked Area A. Mr. Desmond said, in upper Area C, the possibility of something falling into our lap at low cost and high acreage in was remote. Council generally agreed with Councilor Burkholder. Ms. Brennan-Hunter summarized that Area A would be Tier 1.

Clear Creek

Ms. Brennan-Hunter said that Tier 1 would be completing key linkages for habitat. It would make land management much easier and provide opportunities for public access. Mr. Desmond added that it could sustain multiple uses. There was potential for a large-scale nature park. He felt it was much nicer than the new Stub Stewart state park in terms of habitat quality and aesthetic experience. Considering it was only 15 minutes from Clackamas Town Center, it was really amazing. Councilor Harrington asked if the 25% rule would be problematic. Mr. Desmond said land was much cheaper here, so it shouldn't be an issue. The ability to do meaningful conservation education would be very high.

3. BREAK

4. ST. JOHN'S LANDFILL REMEDIAL INVESTIGATION UPDATE Vandenberg

Mike Hogle, Solid Waste and Recycling Director, started a PowerPoint presentation on the St. John's landfill (a copy is included in the meeting record). The process has been going on for about two years. They were learning a few things about where we were going with the landfill and what our responsibilities would be with the closure fund.

Paul Vandenberg, Principal Solid Waste Planner, went over the background of the site, which dated to the 1930s. Approximately 15,000,000 total tons had been dumped, including everything

but radioactive waste. Metro's involvement dated to 1980. The cover system was completed in 1996 including wells for the collection of methane gas. He defined the Remedial Investigation-Feasibility Study (RI-FS) and the components. Air, soil, groundwater, sediments—everything had to be looked at. He talked about the progress that had taken place to date. Basically, it was slow and steady. The Oregon Department of Environmental Quality (DEQ) was heavily involved. Some leachate had been detected. The cover system worked well but the age of the site did not allow for better lining or side protection. The focus would be on sediments and deep groundwater to determine the extent of the contamination. New monitoring wells would be installed. DEQ would probably require some sort of remediation; the details wouldn't be known until the feasibility study (FS) stage. The consultant, CH2MHill, indicated that typical remediation would be barrier walls, trenching, capping, and removing sediments.

Mr. Vandenberg showed some budget figures. We were in Phase 2 of 5, with perhaps another two years of work ahead. This was an essential stage in the overall restoration of the site, to establish viable and healthy habitat to complement the adjoining Smith and Bybee wetlands. The \$1.2 million for the remedial investigation (RI) phase reflected an anticipated amendment to the consulting contract. A very rough estimate of \$5 million for remedial actions was projected. More information and better projections would come during Phase 3. The closure account had a balance of about \$7.3 million. Projecting ahead, there could be a deficit in the account of about \$3.1 million by 2017. The non-routine expenditures (such as repairing erosion or expenses to comply with changing regulations) were subject to greater variation than the remedial actions. Another budget scenario would supplement the account with \$4 million from the solid waste contingency account, ending with a balance of about \$1.9 million in 2017. The entire process should have been pretty well wrapped up by then.

Questions for Council were: did they require further information, and should we consider transferring \$3 or \$4 million into the landfill closer account? Mr. Hogle commented that no decision had to be made today. Councilor Newman asked what confidence there was in the \$5 million for remediation. Mr. Hogle responded that it was a range of about \$3 to \$7 million. It was definitely an estimate. Mr. Vandenberg said it was a reasonable estimate from the consultant, based on what they knew as of today. The figure was in 2007 dollars. It was becoming more and more clear that remediation would be required. Councilor Liberty observed that a large closure fund had been built up in only three years. Mr. Vandenberg said the rates at the site had historically been very low, and they had been raised something like 150% to make that up for the closure. Mr. Hogle said we took on the responsibility ourselves. He felt that there was a distinct connection between those who deposited the waste and those who would pay for the shortfall.

Councilor Park said, since the current reserves were commingled, the policy question was, did we ask today's users to pay for past remediation? Councilor Hosticka asked what "general" in the budget was; how could that triple in three years? Mr. Vandenberg said the \$900,000 reflected a perimeter repair project. Mr. Hogle said we got a grant from the Corps of Engineers to do some embankments; we had to match the rest. Councilor Hosticka asked if the non-routine figures were just guesses. Mr. Vandenberg said, basically, yes. Councilor Hosticka asked, when we transferred ownership, we took lock stock and barrel? Mr. Vandenberg affirmed. Dan Cooper, Metro Attorney, said we agreed to pay the City of Portland \$1 for the deed to the landfill and took \$2 million in a trust fund to spend on Smith and Bybee Lakes. Knowing that the contract for the landfill in Arlington had been signed and that the rate from 1998 was about \$16 per ton, coming directly into the landfill or from the Oregon City transfer station, they raised the rate closer to what it would need to be to pay for the transportation to the new landfill. That happened over a short period of time;

that's how they collected the \$30 million for the cover system. It was impressive that there was even \$7 million left. Metro had been well aware of the assumed risk at the time.

Councilor Harrington said, we had an unlined landfill, DEQ was the state agency we were working with, we no longer built unlined landfills. At some point, we would have to pull all the financial pieces together. Councilor Burkholder said he'd like to see other options than just transferring from the contingency. What about using the surplus from the stabilization fund? He had no problem with the region assuming responsibility for it; it was regional garbage at the time. We all had to take care of problems we inherited from the past. The costs seemed reasonable, the cash flow was there, but he'd like to see other budget options. The contingency was there for a purpose, if we had other options we should pursue those. He had seen St. John's as a black hole, because of the uncertainty about what we would find there. Were we getting closer to knowing our total risks? Mr. Vandenberg said yes. The information coming in from the study was getting us closer to certainty. Councilor Burkholder suggested coordinating landfill remediation with Smith and Bybee trail construction, to see if any efficiencies could be gained there.

Council President Bragdon said, for next steps, we'd be considering the next year's budget, we would be in Phase 3, would there be more information for the budget process? He would support getting more information as staff had more knowledge. Mr. Hoglund said that budget process was important; this was a piece of the contingency and reserve discussion and needed to stay on the radar.

5. HAPPY VALLEY/TITLE 4

Ray Valone, Principal Regional Planner, introduced some partners from the local jurisdictions and organizations. Happy Valley was developing their comprehensive zoning for the Damascus/Boring Concept Plan (DBCP), as a result of the 2002 UGB decision. They expected to adopt it at the end of 2007. The focus today was on the Rock Creek employment area. Metro had identified 364 net Regionally Significant Industrial Area (RSIA) acres and 663 net industrial acres. The DBCP recommended that the entire area have 680 net industrial acres with 151 in Happy Valley and 529 in Damascus. It recommended 434 acres RSIA opportunity and calculated the jobs. The Clackamas School District had purchased some acres, the North Clackamas park district purchased 30 acres, and the Sunrise Water Authority already owned 20 acres. Title 4 of the functional plan was silent on the uses of industrial land for schools and parks; thus, these uses were not prohibited. The unique events of this area, with so much land removed for parks and schools, left a very awkward planning challenge. The City still needed employment land, so they proposed to designate about 50 acres east of 172nd as mixed employment, and to get the jobs that would be lost on this site to the west. The City was requesting that the Metro Council consider these constraints and allow their staff to work with Metro staff to be more consistent with Metro's employment designation. Mr. Valone suggested three options to Council: 1. Inform staff that the City's request seemed consistent with the 2002 UGB decision and RSIA designation; 2. Inform staff that the City's request did not seem consistent with the 2002 UGB decision. Give staff direction regarding what would be acceptable to meet Metro policy; 3. Initiate action to modify the RSIA land designations for the East Happy Valley area. He referenced a letter from Norris, Beggs, and Simpson requesting removal of RSIA designation on a parcel (a copy is included in the meeting record) and distributed a table showing the UGB expansion area design types in the different areas, for industrial land and RSIA land (a copy is included in the meeting record). Of the five areas that were planned, about 93% have been implemented at this level to be industrial compliant.

Councilor Park observed that the RSIA designation did not necessarily require heavy industrial uses. Jason Tuck, Planning and Economic Development Director with the City of Happy Valley,

stated that it was an assemblage of small parcels, no more than 20 acres apiece. Councilor Park said that, even though two other government agencies had purchased property there, Metro still controlled the designation, and he would like to see some policy discussion around this issue for potential similar situations.

Councilor Newman expressed concern that Metro was required to provide industrial land that was subsequently requested for different uses. He wondered why local jurisdictions would acquire property for parks and schools, when they had lobbied for those areas to be employment land. He questioned the ability of schools and parks to purchase in industrial-zoned land. Councilor Liberty said we should treat parks and schools the same as any other purchaser. He felt it was obvious that this approach was not working. It wasn't just in the concept planning but in the erosion of other planning; we didn't have infrastructure there. If we agreed to this change, why would anyone take our future expansion designations seriously? He would like to see much better data on employment. This was not working on the big chunks of land. He didn't think we were headed toward 90% on the others. Of the options presented, he preferred #2.

Councilor Burkholder reported that the brokerage community claimed that 70% of the need was for warehousing, but we were finding that big warehousing was not locating in industrial areas. If 70% of that need didn't exist, and we brought in land that wasn't needed, we had made a decision based on faulty information. He supported option #2. He'd like to hear from the local jurisdiction representatives in person, explaining why their Parks department was buying industrial land. Metro had had a rough time trying to balance needs throughout the region, and he didn't feel inclined to grant an exception in this case.

Councilor Harrington expressed appreciation for Councilor Newman's sensitivities. He had provided her with some helpful background. Council President Bragdon shared the frustration of what they went through. He felt they'd faced similar situations all around the edge. He wondered if all the testimony from before the expansion decision could be placed in a sealed envelope and then opened after the decision, to remind people of what they had asked for that they later said they didn't want. Councilor Liberty offered the option of not weighing such testimony as heavily during the next round. We ought to consider the interested parties' self-interest more closely. He recognized that change was inevitable, but without some agreement and commitment, that was making a mockery of ad hoc-ery.

Mr. Jordan observed that there were always tradeoffs. Local jurisdictions were trying to do the best for themselves, but there were conflicting values. His preference would be to offer an option #3(a), to really engage the Metro Policy Advisory Committee (MPAC) in a serious policy discussion about what our future economy would look like. Our thinking in 2002 had been fairly rudimentary. The level of discussion among the regional partners had since been elevated. Councilor Park thought that the discussion should be with MPAC but also with the state. Local governments could take actions to mitigate the loss of industrial land. Process-wise, couldn't Happy Valley do what they wanted with the land? All we could do was appeal to the Land Use Board of Appeals (LUBA). The decision would ultimately be made by the state. We made our opinion known; what more could we do at this particular time?

Councilor Hosticka questioned the premise of the local jurisdictions doing whatever they wanted; if we designated it as RSIA, what legal import did that have? Dick Benner, Senior Attorney, said there was a design type designation on it, that had a legal effect, so if something wasn't worked out between Metro and the locals before the final comprehensive planning was done, the Land Conservation and Development Commission (LCDC) didn't have to approve it, but somebody

might appeal it. There was a Goal 2 issue, and a conflict, because of the design type designation of RSIA and local zoning of residential. LUBA could send it back to the local jurisdiction on that issue alone—failure to be consistent with the Metro designation.

Councilor Newman looked ahead to 2009—what would happen if we didn't appeal or obstruct, all with the series of concept plans with lower acreage? He agreed with Councilor Liberty, the percentages would probably be a lot lower in some areas, what did that mean for the next round? Did the acres have to be made up? Mr. Benner said, for the urban growth report due at the end of 2009, there would be an entirely new needs analysis, for industrial, commercial, residential, and employment. We were not required to parse out certain industrial lands; we did it because we thought it was the way to do the analysis, but we did not have to do it that way. If we were 200 or 500 acres short of the estimate, that didn't mean we had to make that up in the next round. Mr. Jordan added that, when we went into the UGB discussion, it was with certain knowledge about issues that the locals would face; we were almost guaranteed to be wrong about those assumptions when it got down to planning. The landscape on the ground did not always support the productivity and jobs goals. Our estimates would never be perfect. The state had a level of tolerance about how wrong we could be. Councilor Newman thought there was a big difference in saying we couldn't meet the goal because of topography and having an end run done around us.

Council discussed the process and the interactions with the local jurisdictions, the use of transportation dollars, and how to best get the employment in the place it needed to be. Councilor Harrington disagreed with the characterization that estimates were “almost guaranteed” to be wrong. Certainly they would often be wrong, but they should be as close as possible. Councilor Park said it all came back to performance-based management. That could be a lesson and a hope for the future. Mr. Valone summarized that Council expressed frustration with the process, and interest in tweaking the bigger picture, but if Happy Valley and Damascus went their own way on the comprehensive plan, they were taking a chance. He was hearing that it was not consistent. On an up-and-down vote on the options, Council preferred option #2. Councilor Park observed that Metro's decision in this case would be looked at by other jurisdictions.

Mr. Jordan said he heard Council's message that the planning was inconsistent, and they were willing to play it out longer. The other issue for Council was, we had two local governments who either had or were in the process of making significant investments in this area. If they'd already made the investment, the conflict would come up at some point. A face-to-face meeting would be useful with the school district. Those issues would not go away. Did Council want to be proactive to start a conversation about those issues? Councilor Newman said he would support that. Council President Bragdon agreed that he and Mr. Jordan would work on it.

Mr. Tuck said he appreciated the opportunity to have the conversation. He knew they were looking at the region as a whole. For a small city, it was mind-boggling to go up through Metro's processes; it was a ton of work. They had the opportunity to come up with industrial land, and they thought they'd done it—just because a school and a park bought some land there, they were still committed to providing employment land. They didn't want any more residential in Happy Valley. They wanted trade sector jobs, research and development (R&D), health care cluster support, but the RSIA designation did not support that, it didn't allow offices. RSIA sounded heavy and big to a lot of people. Regarding the school and the parks, it looked as if they were picking off good, flat, cheap land, but that wasn't really the case; the land was actually severely constrained. Some of the land was only industrial on paper; it was not realistically developable, due to the terrain. It was not what was envisioned for a large campus or industrial or R&D. They just wanted a little flexibility.

Councilor Burkholder asked how it had become zoned industrial in the first place. Mr. Tuck said, the then-city manager, who had participated in the process at the time, said that it wasn't good as industrial. Councilor Burkholder asked, didn't the suggestion come from the city? Cathy Daw, Happy Valley City Manager, thought that the only reason it was for that designation was that it was adjacent to Highway 212. Staff grasped the sense of the Council's mood and wish to create a discussion with the partners.

Ron Naso, Superintendent, North Clackamas School District, declared himself distressed by the conversation. His agency was constrained by time frames; they were not land speculators trying to get a bargain. His district was scheduled to put moving equipment on the property in March to build two schools that were needed for the existing residences. They weren't just land banking. They'd gone through an extensive process to locate land. You couldn't build a school on just three acres of property. Every property they looked at, they had to do wetlands analysis, and half the property wasn't buildable. He was concerned to hear about filing a protest with LUBA.

Councilor Harrington she thought the conversation was starting to feel more like a public hearing. Council President Bragdon agreed the discussion should be wrapped up. Councilor Liberty commented that the issue of school siting was a recurring one.

6. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(i) AUTHORIZED TO REVIEW AND EVALUATE THE EMPLOYMENT RELATED PERFORMANCE OF THE METRO ATTORNEY

Time Began: 4:58 p.m.
Time Ended: 5:11 p.m.
Members Present: none

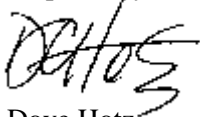
7. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Harrington stated that information had been circulating regarding business recycling options. She had questions regarding the options regarding policy and programs. She would like to spend more time thinking it through with the solid waste department. Councilor Newman said he was interested in mandatory business recycling and would like to be briefed on that. Councilor Harrington affirmed that solid waste staff were available for briefings, such as on comparisons to other regions. Feel free to contact them directly.

Councilor Burkholder reported that the joint JPACT/MPAC meeting had been rescheduled. Ted Wheeler, Multnomah County Commission Chair, has joined JPACT.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:14 p.m.

Prepared by,



Dove Hotz
Council Operations Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JULY 31, 2007**

Item	Topic	Doc. Date	Document Description	Doc. Number
1	Agenda	8/2/07	Agenda: Metro Council regular meeting, August 2, 2007	073107c-01
4	St. John's	undated	To: Metro Council From: John Vandenberg Re: SJLF RI-FS Update	073107c-02
5	Title 4	8/1/07	To: Metro Council From: Ray Valone Re: Tracking Assigned Industrial Land	073107c-03
5	Title 4	6/20/07	To: Metro Council From: Ray Valone Re: Letter from Norris, Beggs & Simpson to Jason Tuck	073107c-04