

**MINUTES OF THE METRO COUNCIL MEETING**

Thursday, July 25, 2002  
Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, David Bragdon, Rex Burkholder

Councilors Absent: Rod Monroe (excused)

Presiding Officer Hosticka convened the Regular Council Meeting at 2:05 p.m.

**1. INTRODUCTIONS**

There were none.

**2. CITIZEN COMMUNICATIONS**

Jackie Maisano, Tonquin Industrial Group, 2139 SE Tibbetts Street, Portland, Oregon 97202 spoke about including her parcel in the Urban Growth Boundary in the Wilsonville area. Presiding Officer Hosticka asked if her area was recommended by the City Council of Wilsonville? Ms. Maisano explained her property was north of Day Road. Councilor Park asked what study areas she was in. Ms. Maisano said she was tier one. Presiding Officer Hosticka directed to speak with Michael Morrissey, Council Analyst, concerning her parcel.

**3. MPAC COMMUNICATIONS**

Presiding Officer Hosticka said Metropolitan Policy Advisory Committee (MPAC) met and took votes on the wildlife inventory map. They moved to declare everything as significant, the vote failed 7 to 8. Then, there was a motion to adopt the Executive Officer recommendation as well as Goal 5 Technical Advisory Committee's (Goal 5TAC) and Metro Technical Advisory Committee's (MTAC) recommendation, that motion passed 13 to 2. They took up the sub-regional issues. There was debate about seeking a rule. The motion to recommend rule language that had been drafted by the MPAC sub-regional subcommittee vote passed 12 to 3. Councilor Park added that there would be a special Community Planning Committee meeting next Tuesday at 2:00 p.m. to discuss the sub-regional rule and Metro's position on it. Presiding Officer Hosticka further clarified the sub-regional issue for the public.

**4. CONSENT AGENDA**

4.1 Consideration of minutes of the July 18, 2002 Regular Council Meeting.

Motion	Councilor Bragdon moved to adopt the meeting minutes of the July 18, 2002, Regular Council meeting. Councilor Burkholder seconded the motion.
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Vote:	Councilors Bragdon, Park, Burkholder, and Presiding Officer Hosticka voted aye. The vote was 4/0/1 aye, the motion passed with Councilors Monroe and McLain absent and Councilor Atherton abstaining from the vote.
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**5. ORDINANCES - SECOND READING**

5.1 **Ordinance No. 02-945A**, For the Purpose of Amending the 2000 Regional Transportation Plan Financial Constrained System; Amending Ordinance No. 00-869A and Resolution No. 00-2969B to Reflect Resolution 02-3186.

Motion	Councilor Burkholder moved to adopt Ordinance No. 02-945A.
Seconded:	Councilor Bragdon seconded the motion

Councilor Burkholder said this ordinance was formal recognition of the inclusion of a number of projects in our Regional Transportation Plan that had been funded by the Oregon Transportation Improvement Act of 2002 which was a bonding measure put together by the Oregon State Legislature to fund about \$5 million in projects throughout the State. In order for Metro to approve these projects they had to do a conformity analysis which was to look at how that project might effect the air quality and would it have a deleterious effect on the air quality in the region by increasing highway capacity. They had completed the study and found that there were no negative impacts, limits would not be exceeded. The second half of the ordinance was a number of minor technical changes in a number of projects both in terms of timing and characteristics. It was passed out of Transportation Committee unanimously.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-945A. No one came forward. Presiding Officer Hosticka closed the public hearing.

Presiding Officer Hosticka asked if the dollars spent were only on the financially constrained list? Councilor Burkholder responded that they were defined and the reason they were being added in now was because they initially weren't on the list. There was no foreseeable funding for those projects at the time of adoption. That changed with the last legislative session when the new bond program came about through legislative action.

Councilor Atherton stated that they did not have any discretion concerning the Jackson School Road interchange. Councilor Burkholder responded that was correct, it was earmarked in the bill. That was unusual with Oregon transportation funding. Councilor Atherton clarified why he asked the question, we did not have discretion even though it was outside our jurisdiction and did not conform to our 2040 Growth Concept. Councilor Burkholder said that was correct. The reason it was on the list was because it was within the air quality conformity area that Metro was responsible for even though it was outside our district.

Councilor Park suggested Councilor Burkholder elaborate on the importance of the constrained Regional Transportation Plan and how it tied with the clean air quality conformity. Councilor Burkholder spoke to the Regional Transportation Plan (RTP), Metro's 20-year plan, which looked at what the best projects were that would meet the transportation and mobility needs of the residents who will live here in the next 20 years. Due to budget constraints the list of projects that we thought were needed couldn't all be funded. Under federal law you were required to also develop a list that said what you could actually reasonably expect to have the resources to do. This was the fiscally constrained list. He talked about the air quality issues, limit pollution, and the budget mandates of the federal government. He spoke to Resolution No. 02-3206 and urged support of this ordinance.

Vote:	Councilors Park, Burkholder, Bragdon, Atherton and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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5.2 **Ordinance No. 02-950A**, For the Purpose of Amending the Metro Code Chapter 7.01 to Increase the Credits Available Against the Solid Waste Excise Tax and Making Other Related Changes.

Motion	Councilor Atherton moved to adopt Ordinance No. 02-950A.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said this ordinance was to amend the schedule in our excise tax program and to continue this program which was designed to improve and meet our regional recovery goals. He noted Councilor McLain's amendment, which he would accept as a friendly amendment. Councilor McLain read the amendment and explained that it kept the budget review process solid and simple. She had received no testimony against the amendment.

Motion to Amend	Councilor McLain moved to amend Ordinance No. 02-950A (a copy of which is included in the meeting record).
Seconded:	Councilor Park seconded the motion.

Councilor Atherton said he was supportive of the amendment. The money for this program was already in the system. Fees had already been paid. This was a credit against some of the fees, which encouraged further recycling. Councilor Bragdon said he was also supportive of the amendment and explained that it was a good news situation, if more materials were recycled then the credits would also be increased. It was important to make sure that this was subject to budgetary authority and that it was tracked.

Vote to Amend:	Councilors Burkholder, McLain, Bragdon, Atherton, Park and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-950B. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor Atherton said this brought the excise tax portion of the credit program consistent with the existing regional system fee credit program.

Marv Fjordbeck clarified that this was a substantive amendment and therefore would need to be held over until the next Council meeting for a vote on the main motion. Presiding Officer Hosticka announced that Ordinance No. 02-950B would be considered at the next Council meeting.

5.3 **Ordinance No. 02-951A**, For the Purpose of Amending Metro Code Chapter 5.02 to Modify the Regional System Credit Fee Program.

Motion	Councilor Atherton moved to adopt Ordinance No. 02-951A.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said that the same issues applied as in the previous ordinance. The one thing that was specific to this legislation was that the ordinance provided for materials that would be excluded from the system fee recovery. Those excluded materials were consistent with a published list by Department of Environmental Quality (DEQ). These materials were generally

source separated, bulky and associated with construction demolition. He noted Councilor McLain's amendment.

Motion to Amend:	Councilor McLain moved to amend Ordinance No. 02-951A (a copy of which is found in the meeting record).
Seconded:	Councilor Park seconded the motion

Vote to Amend:	Councilors McLain, Bragdon, Atherton, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-951A.

Dave White, representing the garbage haulers, 1739 NW 156<sup>th</sup> Avenue, Beaverton, OR, talked about the issue of brick. He was concerned that brick was originally excluded and now it was included except foundry, manufacturing and concrete brick. He felt this created a gray area. He recommended that the Council be very specific today about the legislative intent because this did not go through SWAC. He suggested including the DEQ memo. He suggested direction to staff to work off the ordinance document for clarity as well as to take it back to SWAC for discussion. He said they had experienced the same problem with concrete. For the benefit of the system it would be helpful to have strong clarification. He suggested a further amendment, which would include "other materials that are not used in the DEQ's recovery rate calculation". He felt this further clarified the intent of the Council.

Councilor Bragdon said it was understood in the committee that wanting to rely on the DEQ list would give some certainty to the industry. They wanted a clear objective list that could be used for guidance. The advice that was given to incorporate the list in the ordinance was that it was an attachment to a DEQ memo as opposed to it being part of a DEQ rule or state statute. Mr. White responded that he understood their intent but was concerned there might be misinterpretation down the road. Councilor McLain agreed with Councilor Bragdon. She said the staff felt that the memo was confusing, not official and would not be as clear as a short list of what does not count. She wanted to make sure that staff felt comfortable that the comments that Mr. White made today were not problematic to the ordinances. They had an extra week to clarify before the final vote. They didn't want a gray area. They were trying to make sure the gray area was gone. Mr. White said he could live with that, he felt it important to clarify what the brick issue meant.

Councilor Atherton said the reason they looked at this list was because of the expectation that there could be small demolition projects and a lot of remodeling projects that could be recycled and that you should get some credit for taking out brick. This was often not done on larger scale demolition projects. You segregated that stuff out and end up with rubble, which goes into a clean landfill. This was the intent. Mr. White said that was the difficulty, Portland did this when they did the mandate on commercial recycling. There was discussion about the size of the project. He agreed that the DEQ list on "other structures" needed clarity? He felt this discussion was on the record, an open conversation at SWAC would provide more clarity. He felt they had done the best they could do.

Vince Gilbert, East County Recycling, said Metro was very specific in its ordinances and explained further about source separated loads. The brick was to be treated like wood siding that will go to a landfill. He felt the language was very correct and very specific.

Presiding Officer Hosticka closed the public hearing and announced that this would be held over for final consideration.

**5.4 Ordinance No. 02-952A, For the Purpose of Amending Metro Code Chapter 5.01 to Decrease the Minimum Facility Recovery Rate Requirement.**

Motion	Councilor Bragdon moved to adopt Ordinance No. 02-952A.
Seconded:	Councilor McLain seconded the motion

Councilor Bragdon said this was a companion ordinance that changed the threshold in two ways. It did not change the amount that was required to be recycled but because of these other ordinances and the way things were being counted it changed the threshold. Previously there was a 5% allowance of loads that were coming in that were source separated wet waste. With that exclusion being added in, the 5% would be reduced. The other change related to the brick issue.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-952A. No one came forward. Presiding Officer Hosticka closed the public hearing.

Councilor Burkholder asked if this represented Metro stepping back from our goals in terms of recycling and recovery of waste and how did that relate to our bigger picture? Councilor Bragdon said this ordinance was a matter of how it was counted in terms of the rate. The amount being recycled did not change. As a package, all of the credit programs were designed to encourage more recycling.

Councilor Park said there was a concern by the industry that this be looked at in the next three months to make sure they were able to achieve a minimum recovery for these credits based upon some further work they would like to do. The changing of the points may make it harder for them to take lower yield loads. He cautioned that the industry would be back to discuss this issue.

Councilor Atherton responded to Councilor Park’s question about whether there may be a need to lower the threshold. The Regional Solid Waste Management Plan (RSWAMP) encouraged source separation and reduction of use. Keeping these percentages and threshold where they were created incentives for that kind of source separation. They would be listening to industry on that point but he would have to say as it stands now, RSWAMP was focused towards and incentivized sources separated recovery.

Vote:	Councilors Bragdon, Atherton, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**6. RESOLUTIONS**

**6.1 Resolution No. 02-3192A, For the purpose of Amending the Greenspaces Master Plan and Updating the Regional Trails and Greenways Plan and Map.**

Motion	Councilor McLain moved to adopt Resolution No. 02-3192 with the updated map.
Seconded:	Councilor Atherton seconded the motion

Councilor McLain said this type of work took years, this was an updating of the Regional Trails and Greenways Plan and Map. She noted the amended map, Exhibit B, and that they would need to amend this resolution to include the updated map. She said they were adding 19 trails that were proposed by Greenspace Technical Advisory Committee (GTAC) in Exhibit A and five technical amendments. Exhibit B mapped the recommendations. They were showing the interconnectedness on land and water that were important for regional trails and greenspace plan. She gave an overview of the history of the work. This was the first amendment that had been made to the document. Presiding Officer Hosticka asked about the amendment. Councilor McLain said that amendment was made at committee but they only had a draft map.

Heather Nelson Kent, Department of Parks and Greenspaces, said they did not have the updated Exhibit B before committee although Exhibit A included the addition of number 19. They had a draft of Exhibit B. The current Exhibit B was the final revised map with all 19 of the new trails and 5 amended trails. She wasn't sure if that required a formal amendment to the resolution. Dan Cooper, General Counsel, clarified the committee took an action without having the final map in front of it. If the motion she made was to adopt the resolution with the final map then that was a proper motion for her to make. The resolution would then not need to be amended to adopt the final map. Councilor McLain said her motion read that they would be carrying out Resolution No. 02-3192 with the corrected map.

Councilor Burkholder asked about the next steps and how they would be implemented. What was our fiscally constrained trail list? What was the time schedule? Councilor McLain said this was a vision inventory of the most important, necessary trails. The next step would be to work with a component piece, which would be to update the rest of the system. Then, they would begin a dialogue with Council, through the Natural Resource Committee, about the next step for the whole system, not just the trails system but other important greenspace sites. Once the vision was completed, they would begin talking about the implementation plan. She noted Councilor Bragdon's leadership concerning the Green Ribbon process. This inventory would give them an opportunity to prioritize what they wanted to find a way to implement. Councilor Bragdon said Councilor Burkholder had put his finger on the real question, which was; now what and how do we make this a reality. Green Ribbon Committee had put an emphasis on trails for that very reason. He felt there was a growing sentiment in favor of funding those trails. The map gave them the vision that put a responsibility on them to go out and fulfill it. There were portions of these trails that local jurisdictions were already working on. Metro's role was to stitch these together. Councilor Atherton said this was a vision. We were filling in holes, many jurisdictions were working on these already. This vision had life, people in the region supported this. He noted the Willamette Shore Trolley trail, most of the right of way was in public ownership.

Councilor McLain closed by reminding everyone that every time we polled the public, one of top three livability issues was access to nature. She looked forward to this resolution passing.

Vote:	Councilors Atherton, Park, Burkholder, McLain, Bragdon and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**6.2 Resolution No. 02-3206, For the Purpose of Adopting the Policy Direction, Program Objectives, Procedures and Criteria for the Priorities 2003 Metropolitan Transportation Improvement Program (MTIP) and Allocation of Flexible Funds.**

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3206.
Seconded:	Councilor Bragdon seconded the motion

Councilor Burkholder said, every year we spent about \$640 million on transportation projects, maintenance and operations. This included transit, highways, bikeways and anything that assists with moving people around the region. This resolution set policy direction for the \$26 million that we receive every year in federal transportation dollars that Metro helps make decisions about how it is being spent. These tax dollars play a critical role in achieve the regional transportation and land use goals. The action being taken today was to try to refine the process to improve how that worked. All federal dollars received were flexible in how they were spent, most other transportation dollars they receive were very tied to specific purposes. About half of the money that was allocated in this process couldn't be spent on projects that increase highway capacity, they need to be spent on projects that increased other modes of mobility, improved our air quality or reduced the need for people to travel. These policies were developed in cooperation with all of the organizations and agencies that Metro works with as well as other stakeholders. This action directed these resources to achieve our regional economic and community development goals as laid out in the 2040 Plan. The action itself set new policy goals and guidelines for the Metropolitan Transportation Improvement Program (MTIP) which was adopted every two years. He gave further detail on the MTIP process and the history of this recommended policy in looking at leveraging these dollars more strategically. He noted the key policy objective tying transportation to land use planning. He gave an overview of what happened next. He recognized staff for their good work. He urged adoption.

Councilor Bragdon added that this was a great step. It made them think far more strategically about the small amount of money we received and explained why. He thanked Councilor Burkholder for his leadership.

Councilor Park said this resolution helped them in the other policies that Council would be adopting concerning the Urban Growth Boundary decision. The key was, by targeting these limited dollars we could have that economic development that we all wanted to have for the quality of life issues to be able to afford the other environmental things. We wanted to do this in such a way as to have as much support from the jurisdictions as Metro could get. There would be give and take in the projects. He thanked Councilor Burkholder and staff for the good work.

Presiding Officer Hosticka said this was a further positive step in the evolution of transportation planning and the integration of transportation planning and land use planning. In the past we have often had to use our transportation money to solve problems that were created by land use rather than having investments in the future and in the vision. He also thanked Councilor Burkholder and staff.

Councilor Burkholder said this was refining and helping set up criteria, he explained their goals. It will encourage local partners to craft winning projects.

Vote:	Councilors Park, Burkholder, McLain, Bragdon, Atherton and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**6.3 Resolution No. 02-3211**, For the Purpose of Authorizing the Executive Officer to Grant a Metro Solid Waste Facility License for Yard Debris Reloading to S&H Logging, Inc., dba Landscape Products & Supply.

Motion	Councilor Atherton moved to adopt Resolution No. 02-3211.
Seconded:	Councilor McLain seconded the motion

Councilor Atherton said this resolution would be to grant a solid waste facility license for yard debris reloading. The staff reviewed the license. They found everything was in order with the application. He urged support.

Vote:	Councilors McLain, Bragdon, Atherton, Park and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed with Council Burkholder absent from the vote.
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6.4 **Resolution No. 02-3207**, For the Purpose of Authorizing the Executive Officer to Purchase Conservation and Trail Easements Over the Luckow and White Properties in the Newell Creek Canyon Target Areas

Motion	Councilor McLain moved to adopt Resolution No. 02-3207.
Seconded:	Councilor Park seconded the motion

Councilor McLain said this item was voted 4/0 recommending adoption at the Natural Resources Committee. This resolution allowed for two conservation trail easements. They were on the eastside and would provide for wildlife protection. She further explained the easements. She talked about the existing law in Metro Code. She spoke to the budget impacts. It was a win/win situation. Charles Ciecko, Director of Parks and Greenspaces, clarified this was part of the regional pot of money not Multnomah County local share. Councilor Park talked about matching funds and cross-jurisdictional funding. Councilor McLain urged support.

Vote on the Main Motion:	Councilors McLain, Bragdon, Atherton, Park, and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed with Councilor Burkholder absent from vote.
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## 7. COUNCILOR COMMUNICATION

Presiding Officer Hosticka announced that there would be a special meeting next week, Community Planning Committee meeting on Tuesday at 2:00 p.m. Councilor McLain said there would also be a special meeting of the Natural Resources Committee on Wednesday at 6:00 p.m.

Councilor Park announced that the Executive Officer would be presenting his recommendation for the Urban Growth Boundary on August 1<sup>st</sup> at Metro Council meeting at 2:00 p.m.

## 8. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:30 p.m.

Prepared by

Chris Billington  
Clerk of the Council



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 25, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
5.1	COMMITTEE REPORT	7/22/02	ORDINANCE NO. 02-945A TO METRO COUNCIL FROM MICHAEL MORRISSEY	072502C-01
6.3	COMMITTEE REPORT	7/24/02	RESOLUTION NO. 02-3211 TO METRO COUNCIL FROM MICHAEL MORRISSEY	072502C-02
5.2	AMENDMENT	NO DATE	MCLAIN AMENDMENT TO ORDINANCE NO. 02-951A	072502C-03
5.1	AMENDMENT	NO DATE	MCLAIN AMENDMENT TO ORDINANCE NO. 02-950A	072502C-04
6.1	LETTER	7/25/02	LETTER TO METRO COUNCIL FROM JIM GRIFFITH, MAYOR CITY OF TIGARD IN SUPPORT OF RESOLUTION NO. 02-3192	072502C-05
6.1	LETTER	7/25/02	LETTER TO REX BURKHOLDER AND ROD MONROE FROM GREGG EVERHART PORTLAND PARKS AND RECREATION IN SUPPORT OF RESOLUTION NO. 02-3192, INCLUDES SOME RECOMMENDATIONS	072502C-06
6.1	MAP	7/25/02	EXHIBIT B OF RESOLUTION NO. 02-3193 REGIONAL TRAILS AND GREENWAYS	072502C-07