

MINUTES OF THE METRO COUNCIL INFORMAL MEETING

Tuesday, February 4, 2003
Metro Council Chamber

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

Councilors Absent: None.

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

1. SALEM LEGISLATIVE REPORT.

Dan Cooper, Metro Attorney, reported that he had obtained members to sponsor or introduce bills for Metro's priority bills, and he briefly reviewed those – the pool chlorine bill and the revenue task force bill. The self-insurance bill and the UGB amendments of over 100 acres going to the commission were also in progress, he said. Two potential bills he discussed in detail were 1) solid waste enforcement orders being filed as judgments, and 2) the question of the statutory time period for submitting UGB legislative reviews and whether an increase should be sought on that.

Prior to addressing those two bills, Mr. Cooper said a hearing scheduled for earlier this date on HB 2100 had been cancelled; this was the bill that would require Metro and others to have a 20-year land supply for high-tech industry defined separately as part of the UGB amendment process. A short presentation was being prepared to take to the next hearing on a UGB related bill, Mr. Cooper said. Regarding infrastructure financing, he said, others may be introducing a bill to allow a pilot project around the state for innovative financing mechanisms for infrastructure in areas added to urban growth boundaries or other needs, and there was the possibility the development industry would be willing to let that happen. He said he would be monitoring that.

Two possible bills were initiated at Council President Bragdon's request and may be introduced, he said, but no decision or commitment had been made yet on either. The first was the code enforcement for solid waste orders that come through the system. Metro would be seeking to have the same authority for its orders that the cities currently have with the municipal court system or that state agencies have with their hearings officers, and that Metro used to have under prior statutes. There was discussion of how this bill could possibly apply to all Metro hearings officer decisions. Mr. Cooper then asked if the Council direction was to draft it and introduce it; there was no objection. President Bragdon asked Mr. Cooper to do so.

Discussion went back to HB 2100 and the point of President Bragdon's presentation to the legislature regarding the industrial land need. Councilor Monroe added that the Council had taken Ethan Seltzer's report very seriously and had taken significant action to implement the recommendations.

The second possible bill Mr. Cooper brought up and that was subsequently discussed was the urban growth boundary (UGB) bill to convert the time of review from 5-7 years to 7-9 years (having to do the work every five years with two years to complete the process). Mr. Cooper said this was not tied to periodic review, it was only on the requirement on the 20-year need for housing and for cities of 25,000 or more, saying that Metro is the only entity that has to do this every five years. The Councilors discussed the review time period, urban reserves, urban form, and institutional memory. The statute did not preclude reviewing the land supply more frequently, Mr. Cooper added, should the Council decide it was needed. Councilor Park said that whatever system was put in place, it should be one that worked

every time. President Bragdon asked Mr. Cooper to proceed with drafting the bill, and said that would open it for more discussion. Mr. Cooper then distributed a copy of the February 4, 2003, 2003 – 72nd Oregon Legislative Assembly – Regular Session [Proposed] Senate/House Bills (included as a part of this record), and said they were listed by bill number now but would in the future be by subject.

Councilor Monroe asked, per the discussion at the January 28th Informal, if the TriMet Board had acted yet on the payroll tax. Mr. Andy Cotugno, Planning Director, said they had not.

1a. ZOO LAND USE ISSUES. Mr. Cooper reviewed the zoo's journey through the land-use approval process on their request to the City of Portland on the Eagle Canyon Exhibit, which had been authorized and was under way. In 1997, after the bond's for the Great Northwest Exhibit were approved, the zoo took a Master Plan for expansion inside its gate to the city for land-use approval because the zoo was in an Open Space Zone and needed either Conditional Use approval or having it as part of a Master Plan in order to actually build there. Mark Williams, Interim Chief Operating Officer, explained that zoo exhibits within the gates of the zoo have been subject to city land-use approval requirements. Mr. Cooper continued, saying the Master Plan was approved in 1997 by the city. Unfortunately, he said, the Master Plan also included taking the temporary parking lot, which had been built to provide parking while the light rail station was under construction, and approving that becoming a permanent parking lot. After the City Council approved this, and well after the time period for filing an appeal to LUBA, Metro drew an appeal from some neighbors who objected to it, claiming that the notice given them on the hearings to the Master Plan wasn't adequate to inform them that the temporary parking lot was even in play. The Court of Appeals agreed that the city hadn't done adequate notice and remanded the whole thing back to the city for further action. That meant that the Master Plan the city had adopted was not adopted. The city did another hearing process, and on a 3-2 vote approved the temporary parking lot and that got appealed to LUBA who sent it back to the city on the grounds that the city's findings on the parking lot were not adequate to explain why they were allowing the lot under their code.

Mr. Cooper said it needed to be understood that the temporary lot was not owned by Metro nor was it under any lease to Metro, the way the rest of the parking lot was. It was city park property being used in conjunction with the other parking lot, and the city had in effect given Metro management authority over it. In the meantime, the city Planning Bureau had been treating the Master Plan as final and had been allowing permits to be issued consistent with it from 1997 to the present because they thought they had a valid Master Plan. Now that it had been remanded and the zoo was about to begin construction of the Eagle Canyon Exhibit, the Planning Bureau now said they have to recognize that the Master Plan status was not officially adopted.

Steve Pfeiffer, hired by Metro to help the zoo with these land-use planning issues, had prepared a request for the City Council to approve the 1997 Master Plan minus the temporary parking lot so the clock could start on getting land-use certainty inside the gate and continue to get the building permits to build the Eagle Canyon Exhibit, and this was the subject of the City Council hearing on February 13th. Mr. Williams said absent of an approved Master Plan, the land-use applicant would need a Conditional Use permit for each and every exhibit or anything else at the zoo. Mr. Cooper said he didn't think the city had an issue with the parking lot, and he hoped this would take care of that. The next step would be to go back and seek to have this Master Plan, inside the gate, amended to allow some exhibits that weren't part of the 1997 Master Plan to also go forward in a timeline, assuming Metro Council approval. He said he hoped to have that Master Plan to allow more flexibility over what needed to be changed as opposed to what simply could be done under its umbrella.

Councilor Park asked, looking at the long-term, why Metro didn't look to change the zoning at the zoo. Mr. Cooper said he didn't think that had ever been discussed. Mr. Williams asked why it was zoned as Open Space. Mr. Cooper said part of the issue was that Master Plans were only good for a certain time period, so they were always being amended. He said Councilor Park's comment was a bigger question. President Bragdon asked Mr. Cooper to explore that question with Mr. Pfeiffer. Councilor Burkholder asked him to include the Forestry Center, the parking lot, and the whole area. President Bragdon agreed. Mr. Cooper reminded the Council that Metro leases the parking lot and pays for maintenance of it but that Metro had the deed to the zoo.

3. SOLID WASTE ADVISORY COMMITTEE (SWAC) ISSUES.

Councilor McLain distributed an agenda on the Policy Areas in Solid Waste that she would speak to (and which is included as part of this record). She then asked Mike Hogle, Director, and Janet Matthews, Program and Policy Manager, Solid Waste and Recycling Department, to comment. In addressing the Regional Solid Waste Management Plan (RSWMP), Ms. Matthews distributed a copy of the Introduction to the RSWMP (also included as part of this record) saying it would provide a good overview. The Council had not approved an amendment to this Plan since 2000, Ms. Matthews added, and said the amendment incorporating the waste reduction initiatives into the Plan was overdue and she spoke more on this. The specific update the department would like to bring before the Council this year, she said, was to integrate the construction demolition debris and the commercial waste strategies into the waste reduction practices.

Mr. Hogle distributed and spoke to the performance measures (in the document entitled Year 13 [FY 2002-03], included as part of this record). There was discussion on how the update process would unfold, and Mr. Hogle said he wanted to take a planning approach to it but that he would like to do the minor updates now and the larger, major update next year. This would also give the Council and the department time to review the internal programs to determine what was and was not working. Ms. Matthews said she referred to the smaller piece as the update and the larger piece as the revision, and that a revision had not been done since 1995. Councilor McLain explained how this related to Metro's Functional Plan and said it would come back before the Council at another Informal.

Councilor McLain addressed the Waste Reduction Issues, as listed on her agenda, and said a Solid Waste Advisory Committee (SWAC) subcommittee would be studying and reporting on these. Mr. Hogle distributed a copy of the History of Metro's Waste Reduction Assistance to Local Governments, and he and Councilor McLain spoke to it briefly (it is included as part of this record). Councilor Newman asked for an example of what programs were funded. Ms. Matthews said the local governments submitted annual work plans and end of year reports, and said she would provide this information. Councilor McLain said some of the multi-family waste reduction issues needed to be discussed in more detail and those discussions would help when the Council reviewed budget programs.

On Solid Waste Regulation, Mr. Hogle distributed a copy of the Regulatory Framework for Solid Waste Activities (included as part of this record), and Councilor McLain said it has been a goal of the RSWMP to make sure there was a solid waste system that made sense, that could handle the need, and that established goals and the benchmarks. She said Metro has different partners that want different things from Metro in their connections through certificates, licenses, permits and franchises. A clear process for businesses to deal with Metro was very important, she said, and there also needed to be equity of review. Ms. Matthews said the distributed document was important to review as it would help the councilors respond to what was going on in the industry regarding business agreements and Council duties, as well as why certain items would be brought before them in Council. Councilor Hosticka asked

how policy questions were separated from regulatory review questions, and said this needed to be sorted out. Councilor McLain said this would come up under the review on updating and changing the actual regulations, which would be a policy decision, and also review of certificates, licenses and franchises because of their implications to the neighborhood. Application processing was also discussed as well as the confidentiality of the administrative process.

Enhancement Fee Program – Mr. Hoglund distributed a Community Enhancement Grants brochure, and Councilor McLain told the Council about the program and the committee. She asked the Council to consider a review of the possibility of creating new host fees from other facilities, and to also look at the continuity and minimum standards for host fees. Ms. Matthews said the Code now allowed for two different formats for these enhancements grants. Councilor Burkholder said his experience was that this was a positive experience for Metro. Enhancement grants based on tonnage was also briefly discussed.

Reserve Accounts and Rates – Councilor McLain reminded the councilors that each had a meeting scheduled with staff regarding the upcoming solid waste bond defeasance, and she said they could use that venue to discuss and learn about this issue in more detail. There was discussion on reserves, debt service and the rates. Mr. Hoglund said there should be an ordinance coming before the Council over the next few months regarding debt service and the long-term strategy.

Regarding the Other topics on Councilor McLain's agenda, she said there was no update on the hazardous waste fee waiver as yet, and a strategic plan update had been created. The systems issues – capacity and efficiency – she said were continuing issues that would come before the Council. Metro had two roles, she said: regulator and partner. The RSWMP will be revisited many times over the next year, President Bragdon said, and today was the opportunity for the Councilors to flag items of interest. Councilor Monroe had some questions, which prompted President Bragdon to ask Mr. Williams and Mr. Hoglund to keep the Council informed on the benchmarks on the PSU contract and on the status of Forest Grove's classification as a facility, and to please let the Council know how they planned to do that. Based on the transition reports from departing Executive Officer Mike Burton, Councilor Newman asked if there would be an update on the St. Johns Landfill closure and its associated environmental concerns. Councilor McLain said there had been constant Council review on this, the latest being the breaching of the riprap. Ms. Matthews said the department was about to send an update that DEQ was holding a public hearing on February 27th, and a permit was about to be finalized. Council would be briefed on that, and on each phase of the remediation of the St. Johns Landfill. Mr. Hoglund invited the Councilors to tour the landfill.

2. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, FEBRUARY 6, 2003. (A copy of the February 6, 2003, Council agenda is attached as part of this record.) Regarding Resolution No. 03-3274, President Bragdon asked if the Councilors had all completed their discussions with Human Resource Director Lilly Aguilar and Council Operations Officer Peggy Coats regarding the job classifications and descriptions. Regarding Resolution 03-3277, he said he had received an endorsement letter from Multnomah County Commissioner Diane Linn, and that the nominated MPAC member was highly recommended. Metro Auditor Dow would also present Metro's Comprehensive Annual Financial Report.

Councilor McLain suggested the Councilors have their budget education meetings with staff prior to the budget meetings in March. Councilor Hosticka asked if the presenters could be briefed to stay on point and on time.

4. COUNCILOR COMMUNICATION. President Bragdon shared a letter he signed at the request of staff, addressed to Beaverton Mayor Rob Drake regarding support for denial of a zone change application (a copy of the staff request and his letter are attached as part of this record). President Bragdon said Mike Burton had previously sent this type of communication, and as the Council President Mr. Bragdon was not prepared to send these without sharing their content with the Council. There was a brief discussion on this and future occurrences of this type of communication. President Bragdon said he would not sign any future letters of this type without sharing it with the council.

Councilor Newman said he was scheduling some tours to familiarize himself with facilities and he invited the councilors to accompany him.

Councilor Burkholder, regarding a newspaper article the previous day on education funding, said the City of Portland Mayor and Multnomah County were coming up with a proposal on not using a regional approach to funding. It wasn't on the table now, he said, and the prevailing view was that the local schools did better alone than all together.

He also spoke about the SMART Growth conference in New Orleans he'd recently attended. He said he went to this conference to learn and found out everyone else was 10 years behind Metro, and they were all looking to him to find out what to avoid, particularly in transportation. There was no concept of trying to control or direct growth in Dallas, he said. Penn State University and the Environmental Protection Agency were two of the lead sponsors of the conference, he said. In conclusion, Councilor Burkholder said he didn't think Metro could gain much from these SMART conferences as Metro was so far ahead. He said he'd suggested the next conference be in Portland at the new Convention Center.

Councilor McLain asked someone to check when the Council meetings were shown on television, that people told her they only see every other meeting. Staff said they would check. Councilor Burkholder asked when the meetings would go live; Councilor Park asked if there was a potential to broadcast MPAC and JPACT meetings. These requests were noted.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:08 p.m.

Prepared by

Rooney Barker
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 4, 2003

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
1.	Legislative Report	2/4/2003	2003 – 72 nd Oregon Legislative Assembly – Regular Session, Metro Review Log as of 2/4/03, [Proposed] Senate / House Bills	020403ci-01
3.	Solid Waste Advisory Committee (SWAC) Issues	2/4/2003	Agenda (memo) to Council Informal from Councilor McLain re Policy Areas in Solid Waste	020403ci-02
3.		Undated	Chapter 1 of the Regional Solid Waste Management Plan, distributed by Janet Matthews	020403ci-03
3.		Undated	Year 13 (FY 2002-03), Metro and Local Government Partnership Plan for Waste Reduction (including Appendix A, Performance Measures Overview	020403ci-04
3.		Undated	History of Metro’s Waste Reduction Assistance to Local Governments	020403ci-05
3.		August 2002	Regulatory Framework for Solid Waste Activities	020403ci-06
3.		2002-2003	Metro Central Station Community Enhancement Grants 2002-2003	020403ci-07
2.	Council Agenda	2/6/2003	Council Agenda	020403ci-08
4.	E-mail re City of Beaverton Proposal	2/4/2003	E-mail from Brenda Bernards to David Bragdon re City of Beaverton – proposal to allow vehicle storage in Station Communities	020403ci-09
4.	Above proposal	2/4/2003	Letter from David Bragdon to Mayor Rob Drake re TA 2002-2006 (Precision Holdings, LLP Chapter 20 Text Amendments)	020403ci-10