

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, September 30, 2003
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 1:02 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, OCTOBER 2, 2003.

Council President Bragdon reviewed the upcoming Council agenda and asked Councilors McLain and Monroe to explain their amendments. Councilor McLain pointed out the language in her amendment was even harder than contracting language. She explained further the reason for the 10-day letter. She also noted at least four councilors would have to request the item as an agenda item. Councilor Monroe briefed the Council on his amendments, which were Willamette Resource Industries' (WRI) proposals. He supported the 65-ton cap on wet waste. He spoke to what current code specified. Councilor Newman asked what the status quo was? He asked if it had to be an amendment to the legislation that was being considered this Thursday or could it be a separate ordinance. Councilor Monroe said he felt they should specify that we count all waste or waste only in the region. Marv Fjordbeck, Senior Attorney, clarified the current language of the three franchises said a 65,000 ton cap. This amendment revised that topic to clarify Council's intent. Paul Garrahan, Assistant Attorney, said it was part of the enforcement of Pride who had exceeded its cap. It was one of the mitigating factors in considering the violation and fine. Councilor Park said the original cap was 50,000 tons total. There had been a fairly large increase to 65,000 tons. There was nothing written that we couldn't have variable caps. He wasn't sure if it helped or hurt. He hadn't seen any data as to how much waste would be brought into the region. He felt he had a lack of information. Councilor McLain spoke to Council's responsibility, to make sure there was enough capacity. She said she didn't feel this amendment did Metro any good. She wanted to know the impact. Councilor Burkholder asked if that removed Council's ability to put a limit on all tonnage. He spoke to other impacts on the system. Mr. Fjordbeck said the language said this cap applied to waste collected within Metro. The amendments were initiated by WRI. Councilor Monroe talked about the possible limits in their franchise agreement. Councilor Monroe said when Council considered the amendment; the industry would know whether waste from outside counted towards the cap. Council President Bragdon said he heard the need for clarification and issues being raised by other councilors. He did not know the impact. He would vote no on this amendment. He didn't feel he could vote for it without the additional information. Councilor Monroe said the other amendments were proposals by WRI, some of which he would support, some of which he would not. Councilor Monroe said he would be bringing forward two separate amendments, one was the 65,000-ton clarification, the others were proposed by WRI. Councilor McLain said she was uncomfortable without discussing these at Solid Waste Advisory Committee (SWAC). It had not come up at SWAC. Councilor Monroe said he would move the amendments, WRI could speak, if there was no support on the Council, he would withdraw the motion. Council President Bragdon was concerned about the process. Councilor Park said he was concerned that we had not discussed the amendments at a Work Session. Janet Matthews, Solid Waste & Recycling Department, said this had not been at SWAC. Ms. Matthews spoke to a memo (a copy of which is included in the meeting record). Councilor

Monroe said unless he heard from councilors, he would let Mr. Phelps know that there was no support for the amendments.

Councilor Newman asked about 6.1 on the agenda concerning agricultural leases. Councilor McLain spoke to the resolution. Councilor Park added his comments about organics.

2. PERIODIC REVIEW UPDATE – AGGREGATION RESULTS

Lydia Neill, Planning Department, spoke to the draft memo (a copy of which is included in the meeting record). It was likely that they would reduce the amount of land that they would be looking at. She addressed the land aggregation methodology. She explained the process. She spoke to what they were looking at which was data from Regional Land Information System (RLIS). Councilor Burkholder talked about combining tax lots. Were we limiting the number of parcels, which could be aggregated? Ms. Neill said he made a good point but they were trying to look more at the larger parcels. Councilor Burkholder wondered if it was our role to eliminate options. Do you have a geographically closely located area that could be industrialized? He wanted to make sure we didn't rule out lands because they were under different ownerships. Ms. Neill said this information was to help in the decision-making process concerning comparing different lands. Councilor Burkholder said it was a readiness issue, was that something for Council to worry about? Councilor Park talked about Shute-Evergreen parcel versus Springwater, which could be aggregated. How do we distinguish between the two? Ms. Neill said he was raising a Title 4 issue. The work she had done was to look at the new areas. Councilor Park talked about region concerns and wanted to make sure we were able to justify what we brought in. Councilor McLain assessed what Ms. Neill had said. She spoke to long-term versus short-term need. Council President Bragdon said this was a lower level assessment. Councilor Burkholder said he didn't want to see land disappear because of parcelization. He felt we should be looking at location. Councilor Park talked about choosing areas and when you put a Regionally Significant Industrial Areas (RSIA) on it. He spoke to filters that we were laying on top. He was looking for a process for knowing an area they choose will be a RSIA. Ms. Neill said she felt RSIA was a tool but it was disconnected from this work. She spoke to her aggregation study. Councilor McLain read the footnote correctly. This was not a site-by-site analysis. Councilor Burkholder made a good point. They were the development entity. This study was an attempt to look at it from a market perspective. Council President Bragdon talked about how the market will change. Ms. Neill said in the future she would present this to Metro Policy Advisory Committee (MPAC) and Metro Technical Advisory Committee (MTAC) and then bring this back to Council.

3. TITLE 4 UPDATE

Mary Weber, Planning Department, said she was bringing back the code refinements. She spoke to the calendar concerning code refinements and the map (a copy of which is included in the meeting record). She explained the Council's position to MTAC. Council President Bragdon asked about different jurisdictional perspectives. Ms. Weber responded that there were some jurisdictions that were OK with the Code and others that had concerns. She talked about the reuse of old buildings. She spoke to code refinements (a copy of which is included in the meeting record). She explained Issue 1 and the language change. Councilor Park asked if it could be said in a more positive way such as "creating an environment that protects the intent". She noted the word change from re-evaluate to evaluate. She then addressed Issue 2 and Issue 3. Issue 3 added the word "may" allow. Councilor McLain asked for clarification. She felt this statement was weak and that the State would not go for it. Ms. Weber explained unknown uses and non-conforming uses. This was a very complex issue. She spoke to buildings that were already built

versus buildings that have not yet been built. Councilor McLain said she felt the language weakened the RSIA. Council President Bragdon said this was only on buildings pre-RSIA

Ms. Weber then addressed Issue 4, having to do with shared or adjoining RSIA's. Issue 5 had to do with corporate headquarters on a different site as long as they were within the same RSIA. Issue 6 had to do with Port concerns. This called out the Port's master plan area. Those would be able to continue to operate. Councilor McLain asked about the other issues. Council President Bragdon said this covered a small fraction of overall land supply in the region. There were a lot of other areas that employment took place. Ms. Weber said there were practical areas that concerned redevelopment. Council President Bragdon said they understood the need for different parcels to redevelop over time. Councilor McLain felt this would be looked at, at the State. She heard at the Land Conservation Development Commission (DLCDC) meeting that they understood that things changed but they would be looking at this very carefully. Councilor Park asked about net industrial lands. As the amount of land in the RSIA changes, how did that affect the total? Ms. Weber said the savings were very small. They had been asked what the benefit was to local government. Councilor McLain said MPAC needed to be reminded that they felt it was important to protect their interests. Andy Cotugno, Planning Director, said it also tied to prioritized areas. Industrial area was one area that was prioritized. He spoke to higher preferences for RSIA's. Ms. Weber asked if staff should prepare memos about benefits. Council said they would like to have her come back on October 14th.

4. PROGRAM OPTION CHOICES FOR THE FISH AND WILDLIFE HABITAT PROTECTION

Chris Deffebach, Planning Department, said the Environmental, Social, Economic and Energy (ESEE) analysis was being done in two phases. Where we were now was to finalize the first phase. She spoke to phase two. Today Council needed to discuss the range of program options that they would take into phase two. She asked Council to comment on the resolution. Beginning tomorrow, they would take it to MPAC and MTAC for comments. They were not doing this sequentially, they would be modifying this document throughout the month of October. They were half way through the public outreach effort. When comments were accumulated, Council would receive a completed document. She spoke to current comments and interest. Councilor Newman talked about the comments he heard at the Lake Oswego Farmers Market. There were a few who felt that Council had already decided and others were curious. Councilor McLain said both outreach events went well attended. There were a variety of interest levels. Overall there were some who had definite opinions and others that were open minded. There was also a healthy stream group of individuals at Beaverton. They wanted to understand Metro's process. Mr. Cotugno said he would encourage councilors sign up for the outreach events. He felt their attendance helped the discussion.

She spoke to the draft resolution, exhibit A & B as well as a staff report (a copy of which is included in the meeting record). She walked them through the key issues. The resolution endorsed the ESEE analysis and directed staff to provide program options. She talked about program options included in the "Be It Resolved". Councilor Burkholder said he felt these were strong statements. He asked how much was a legally authorized use. Mr. Cotugno spoke to his interpretation of "use". Councilor Burkholder asked how far that limited them. Richard Benner, Senior Attorney, spoke to legally authorized uses. Councilor Burkholder said he needed to understand what "use" meant. Richard Benner said they needed direction on the definition of "use". Councilor Monroe clarified allowed versus prohibits. Mr. Benner said we would not adopt a program where use had been legally authorized through a process unless we were going to acquire it. Councilor Monroe said we needed to have the authority to restrict uses in the future.

Councilor Burkholder said he didn't know what "use" meant. Councilor McLain said she liked what the last sentence said. She wanted to make sure it was clear. Councilor Park said in the vision statement, there was a reference to make it supportive of ESA. Ms. Deffebach said they had put it in as a criterion. She asked if Councilor Park thought it should be in the "whereas". Councilor Park said he felt it should be stated. Councilor McLain thought the resolution was pretty wordy. She wanted people to understand them. She was hopeful that these could be shortened to make sure they were understandable. She suggested focused "be it resolved" clauses, perhaps using a title. Councilor McLain talked about the summary and asked if they were supposed to agree with it. Mr. Cotugno said revisions would occur throughout the month of October. Councilor McLain suggested discussing the summary and the comment document (Exhibit A). Councilor Newman asked about Exhibit B definitions. Ms. Deffebach said they had more specific definitions. They were still refining and defining these throughout the month of October. The more they defined the options the more they could evaluate them. Councilor Newman asked if they should direct comments to Ms. Deffebach. She said yes. Council President Bragdon suggested going over Exhibit B, page 5. Ms. Deffebach explained Figure 1: Program Option Chart. She addressed maps, Regionally Significant Resources and Component Summary Highest Overall Value. She talked about economic impacts. She spoke to the theory based on urban development needs. Councilor Newman said he didn't expect that the higher value residential land were treated differently than other residential lands. Ms. Deffebach asked if they wanted to drop land value off the map. Councilor Newman suggested focusing on the employment land and industrial land. Ms. Deffebach covered options 3 and 4. Councilor Burkholder talked about implementation issues. Mr. Cotugno said when they adopted Title 3 there has been a discussion as to whether you adopt the Code or the map. The map was a representation. The words control the map. Councilor McLain asked about Option 3. She wanted an explanation on the last three. Paul Ketcham, Planning Department, explained Option 3, which was stream, wetland, flood plains, habitat oriented. Ms. Deffebach explained Option 4, which were the existing regional regulations. Council President Bragdon asked about local Goal 5 programs that were stricter. Ms. Deffebach said they didn't have it mapped. She talked about the variations. There were many possibilities. Should regulations apply to different geological areas? She spoke to non-regulatory options, which included acquisition, incentives and education. Councilor Park asked if we still have rural reserves? If we don't they shouldn't be on the chart. Do we want to go there? Ms. Deffebach said they were talking about rural lands, rural zoned lands not rural reserves. Councilor Park said on page 5, he suggested capturing tax base money. He also wanted a clarification on acreage. Councilor Park said they needed to be able to know this to dispel some of the myths. He suggested a fact sheet to take to outreach events. Councilor Park suggested providing this as part of the discussion. Ms. Deffebach summarized what changes councilors had requested before they went to MTAC. She asked if they should pull high land values off the chart? Council President Bragdon said he felt it was OK for discussion. Councilor Park asked if they added a "whereas", did they want to put in a corresponding "be it resolved".

5. PERFORMANCE INDICATORS

Gerry Uba, Planning Department, talked about adopting the performance measures report. Council asked to make it understandable and to include benchmarks. Prioritize the indicators so they were user friendly. Indicators needed to be presented better. He spoke to the recommendations of the subcommittee on the performance measures. They recommended clarifications on the 2040 Fundamentals. He reviewed the fundamentals. They talked about Fundamental 2, which emphasized buildable industrial and commercial land. He spoke to Fundamental 3, which included fish and wildlife habitat. On Fundamental 6 they had deleted enable and substituted encourage as well as deleting preserve and substituted enhance. He explained the reason for the change. Councilors discussed separation issues in Fundamentals 5

and 6. Councilor Newman suggested spelling out design as a component of Fundamental 6. Mr. Uba talked about the changes in Fundamental 8, to strike out work and balancing the distribution of high quality jobs throughout the region, which was already addressed in Fundamental 1. Councilors suggested deleting it in Fundamental 8 and spell out in Fundamental 1. Councilor Park addressed the words “encourage” versus “ensure” versus “enable”. Mr. Benner suggested striving for consistency and gave examples of this. Councilor Burkholder suggested running this information through Kate Marx shop to look at understandability so it was accessible to citizens. It needed to be made understandable. Mr. Uba addressed Reorganization of Indicators: Examples of Differences in the Method of identifying indicators. They had defined what the indicators were. He explained the changes from the 2003 Indicators versus 2004 Indicators. The supply of land will be displayed in one chart so it was more understandable. Mr. Uba talked about high quality education issues. Mr. Cotugno suggested thinking about the education component. Councilor Park asked to define the term “local”. He asked what was the reason for the vacant land of supply as an indicator. Councilors discussed the vacant land of supply as an indicator issue. Councilor Newman asked about the chart and how things were measured. Council President Bragdon said he thought it was good to address the education issue particularly if no one else was addressing it. We represented the region. Mr. Uba said they had introduced one new concept, data factors, these were key components of an indicator. He talked about the process for introducing this information.

6. CITIZEN COMMUNICATION

There were none.

7. CHIEF OPERATING OFFICER COMMUNICATION

There were none.

8. COUNCILOR COMMUNICATION

There were none.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:05 p.m.

Prepared by,

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER
30, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
1	Council Agenda	10/2/03	Metro Council Agenda for October 2, 2003 Regular Meeting	093003c-01
1	Amendment	No date	To: Metro Council From: Councilor Monroe Re: Proposed amendments to Ordinance No. 03-1018	093003c-02
1	Amendment	8/18/03	To: Metro Council From: Councilor McLain Re: Proposed amendment to Ordinance No. 03-1018	093003c-03
2	Memo	9/23/03	To: Council President Bragdon From: Lydia Neill Principal Regional Planner Re: Industrial Land Aggregation Methodology, Test and Results Urban Growth Boundary Period Review	093003c-04
4	Draft Resolution	9/30/03	To: Metro Council From: Chris Deffebach Re: Draft Resolution No. 03-3376 and exhibits	093003c-05
1	Memo	9/30/03	To: Metro Council From: Mike Hohlund, Solid Waste & Recycling Director Re: WRI suggested amendments to Ordinance No. 03-1018	093003c-06
3	Title 4 language	9/23/03	To: Metro Council From: Mary Weber, Planning Dept. Re: Title 4 RSIA Code Refinements	093003c-07
3	Timeline	9/25/03	To: Metro Council From: Mary Weber, Planning Department Re: Title 4 RSIA Code Changes and Map adoption critical dates timeline	093003c-08
5	Draft recommendations	9/30/03	To: Metro Council From: Gerry Uba, Planning Department Re: Recommended clarifications to the 2040 Fundamentals	093003c-09
5	Indicator reorganization	9/30/03	To: Metro Council From: Gerry Uba, Planning Department Re: Reorganization of Indicators: Examples of Differences in the Method of Identifying Indicators	093003c-10