

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 11, 2003
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

Councilor Hosticka introduced the Mayor of Wilsonville, Charlotte Lehan.

2. CITIZEN COMMUNICATIONS

There were none.

3. PUBLIC INVOLVEMENT AWARD PRESENTATION

Councilor McLain said Marcia Nabb, Cascade Chapter of the International Association for Public Involvement, was here to provide an award to the Metro Council. This award was for the "Lets Talk Conference" She acknowledged the Metro staff that was involved in the outreach effort. This was a large endeavor and a lot of outreach.

Marcia Nabb presented the award for the Lets Talk Public Outreach effort. This represented the Metro Council's involvement in one of the most outstanding outreach in public history.

A picture of Ms. Nabb and the Metro Council was taken.

4. CONSENT AGENDA

4.1 Consideration of minutes of the December 4, 2003 Regular Council Meetings.

Motion:

Councilor Park moved to adopt the meeting minutes of the December 4, 2003, Regular Metro Council meeting.

Vote:

Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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CONTRACT REVIEW BOARD

4.2 **Resolution No. 03-3397**, For the Purpose of Authorizing an Amendment To Contract No. 924275 with EcoNorthwest to Perform Economic Analysis as part of Phase 2 of Metro's Goal 5 Economic, Social, Environmental and Energy (ESEE) Analysis. (*Contract Review Board*)

Motion:

Councilor McLain moved to adopt Resolution No. 03-3398.

Seconded:	Councilor Newman seconded the motion
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Councilor McLain asked Chris Deffebach to explain the contract amendment. Ms. Deffebach, Planning Department, explained the amendment, which was to perform economic analysis for Phase 2 of the ESEE Analysis. She provided further detail on this contract. Councilor McLain noted that budget deliberations and the need for economic expertise with this contract.

Vote: Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

4.3 **Resolution No. 03-3398**, For the Purpose of Amending the 2002-05 Metropolitan Transportation Improvement Program to Add Funding Of Preliminary Engineering of the Highway 217 Widening Project.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3398.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka asked staff to explain the resolution and how this resolution related to the Highway 217 Policy Advisory Committee. Andy Cotugno, Planning Director, explained the resolution and the scope of the study. Councilor Hosticka said he would support this resolution but wanted to make sure we weren't precluding the work of the committee.

Vote: Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

4.4 **Resolution No. 03-3399**, For the Purpose of Amending the 2002-05 Metropolitan Improvement Program to Include Funding of Five Projects: Highway 43 Turn Refuges, Highway 30 Safety Improvements, Union Station Improvements, Tualatin River Bike/Ped Bridge, and Hillsboro Regional Center Pedestrian Improvements.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3399.
Seconded:	Councilor Park seconded the motion

Councilor McLain spoke to projects in Region 1. She asked what the connection was with the upcoming resolutions on Resolution No. 03-3381. Mr. Cotugno said every two years we went through a Metropolitan Transportation Improvement Program (MTIP) process to cover a full four year time period. This resolution amended the old MTIP resolution. He explained the upcoming resolution as well. He spoke to air quality conformity issues. This resolution was a contingency process. This put the projects in the Transportation Improvement Program (TIP).

Vote: Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 03-1029**, For the Purpose of Transferring \$56,070 from the General Fund Contingency to Personal Services in the Public Affairs Department to Add 1.0 FTE Legislative Affairs Manager (Manager II); and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 03-1029 to Council.

6. ORDINANCES – SECOND READING

6.1 **Ordinance No. 03-1021**, For the purpose of Amending Title 4 of the Urban Growth Management Functional Plan to improve its protection of industrial land and to make corrections.

Motion:	Councilor McLain moved to adopt Ordinance No. 03-1021.
Seconded:	Councilor Newman seconded the motion

6.2 **Ordinance No. 03-1022**, For the purpose of Amending the Employment and Industrial Areas Map to Add Regionally Significant Industrial Areas in Compliance with Subsection J of Section 3.07.420 of Title 4 (Industrial and other employment areas) of the Urban Growth Management Functional Plan.

Motion:	Councilor Park moved to adopt Ordinance No. 03-1022.
Seconded:	Councilor Newman seconded the motion

Council President Bragdon opened a public hearing on Ordinance No. 03-1021 and 03-1022. He clarified this will not be an action item next Thursday as their local partners were not ready to make a recommendation on these items and that the record will remain open until at least January 16, 2004.

Mark Childs, Society of Industrial and Office Realtors, 7754 SW Capitol Hwy, Portland OR 97219, summarized his letter (a copy of which is included in the meeting record). He urged pursuing Option 3. Council President Bragdon asked him to elaborate on the parcel issue. Did he think there was a shortage of 50-acre parcels? Mr. Childs said yes and gave examples of this need.

Peter Finley Fry, 2153 SW Main #105 Portland OR 97205, summarized his letter (a copy of which is included in the meeting record). He focused on Area 18 and some of what was wrong with the process. He talked about the Central Eastside. Council President Bragdon asked from what memo he was citing? He said the Central Eastside would be respond to the memo. Councilor Burkholder said he felt he was raising a critical issue. He talked about his feeling that his clients had been excluded from the process. This process had been in a public forum and the City of Portland had been involved. Mr. Fry said both Councilors Bragdon and Burkholder had been involved with Central Eastside. Portland had had some problems in understanding what they were trying to do on the Central Eastside. He felt that Metro staff hadn't been around so access to staff had been limited. Councilor Burkholder said a lot of what had been done at Metro Policy Advisory Committee (MPAC) was an open process. Mr. Fry spoke about the timeframe. Councilor Park said last year he was in front of the Council to talk about the urban growth boundary expansion. This was an extension of that decision. He still was trying to understand why he felt he had not been involved in a public process. Mr. Fry said he felt it was the wrong people that had been involved in the process. He gave an example of issues in the Central Eastside. He spoke to expansion issues. He felt people who were operating businesses were not a part of the process.

Dick Sheehy, IDC-CH2M Hill 2020 SW 4th Ave Portland OR, said he felt Title 4 might create some cloud concerning industrial. It was difficult to define the term and industrial was ever changing. Just by definition alone the term was creating a cloud. They needed certainty. They supported Option 3. Council President Bragdon asked about the evolution of the term industrial. Mr. Sheehy said industrial land had evolved over time. He thought industrial tomorrow would be more knowledge and research based. Councilor Park asked about the 500 jobs and the type of work they did. Mr. Sheehy said they probably did about 30% of their work locally and the rest internationally.

Cindy Cato AGC, 9450 SW Commence Circle #200, Wilsonville OR 97070 said she had listened to much of the testimony. She wasn't convinced that Regionally Significant Industrial Area (RSIA) was the right solution. They were in favor of taking more time to discuss this issue and to do the right thing for the region.

Tod Sheaffer, CREEC, 15400 SW Milliken Way, Beaverton, OR 97006, summarized his testimony (a copy of which is included in the meeting record). He urged support for Option 3. They were concerned about 10% office within industrial areas. He explained further the issue of business parks. He said the business parks had been designed to evolve and recruit new business to the area. They wanted to do everything that they could to recruit new business. He noted a memo from Mary Weber concerning protection of industrial land. He had a hard time understanding the memo. Councilor McLain asked about the types of land needed. Mr. Sheaffer responded about the types of land that were needed and restrictions. Councilor Newman commented that what was confusing about this issue was the distinction between office and industrial. He spoke to the fact that industrial was a regional problem. Mr. Sheaffer responded that the majority of the land was in the area, which will be developed at some point but it will be a long time out. It will take a lot to get that land ready. The lines became blended between office and industrial. The 20-year land supply was needed but the categories of industrial were changing. He talked about the City of Portland's industrial lands. He felt that the business park zones were the most dynamic areas for industrial development. Councilor Newman asked about industrial lands on the west side. Mr. Sheaffer said the land at Shute and Evergreen was industrial and would accommodate high-tech uses. He cautioned about where you put RSIA's into play. Councilor Park asked about the need for large lot industrial. Mr. Sheaffer said he thought there was a need but what he hadn't heard was how many were needed. He talked about how to plan for a large acre industrial area. Council President Bragdon asked the definition of office and industrial coming together. Were the lines getting even blurrier? Mr. Sheaffer said he thought it would become more blurry. He talked about call centers and the changing economy.

Steve Pferffer, NAIOP, 1120 NW Couch, Portland OR 97209 said a member of the NAIOP board. They were owners of industrial parks. His concern was limited to the 10% restriction on office, not retail. He was aware of encroachment of industrial lands. He didn't think that was the issue. The bigger issue was the definition of industrial. It was an employment mission, not industrial. There were many examples of employment, which were not industrial jobs. He gave some examples of these types of jobs. There were other sources of employment. The Council needed to come forward with some solution. He suggested Regionally Significant Employment Areas rather than Regionally Significant Industrial Areas. He felt industrial was too limiting. He felt that 10% was too restrictive. He suggested considering eliminating the 10% figure, he felt it was too narrow. This was a dynamic time. We can't afford to be too arbitrary. Councilor Hosticka talked about the process that had been occurring over the last two years. Should they go back and reconsider the entire process. Mr. Pferffer said he was not sure that the State used industrial appropriately. He thought the definition of industrial was too narrow. He urged providing as

many employment opportunities as possible. He felt when they used the term industrial they were really talking about employment. Councilor Hosticka suggested he listen to the testimony in item 7.3. Mr. Pferffer said subtask 3 had a narrow definition, warehouse, flex space, etc. There was a smaller type of employment they were seeking in those areas. That need was more geographic. Councilor Park talked about the evolution of industrial. He felt the concept was the same even though industry had changed. Mr. Pferffer said employment was an easier concept to understand. This State needed to prosper again. We needed to compete at the national and global levels. The service industry was with us and would continue to be. He also recognized you need to do as much as you can with the efficiency of industrial/employment land within the region before expansion. He recognized what Metro was trying to do. He urged not to be too narrow that we were doing ourselves a disservice if we restricted the lands inside the Urban Growth Boundary (UGB). He suggested taking this debate to the State level.

Charlie Allcock, Portland General Electric (PGE) 121 SW Salmon Portland OR 97204, summarized the letter from the PGE's CEO (a copy of which is included in the meeting record). He highlighted comments in the letter.

Mary Kyle McCurdy, 1000 Friends of Oregon, 534 SW 3rd Suite 300 Portland OR 97204 talked about the options. She noted the concerns about what was industrial. She thought employment was too broad a category. There were things that were clearly not industrial such as real estate office, call centers, etc. They supported the language in the existing title to allow uses to serve employees such as childcare centers. The nature of the industry was changing. She talked about the large lot issue. If we needed large lots for high tech they should be in the surrounding areas.

Roy Bennion Parkway Capital INC 520 Pike St Suite 1500 Seattle WA 98101 submitted a letter for the record (a copy of which is included in the meeting record). ALCOA had requested that he come. He spoke to the RSIA area by the Troutdale Airport that was owned by ALCOA. He spoke to the impact on the area if it was labeled a RSIA. If it became a RSIA it would become a rail yard. The property was suited for industrial use but the definition of industrial was questionable. This was a tough market to make deals on and they didn't need more limitations. Councilor Park asked if he had a concept of what it would take to get the area up to a mixed use standard. Mr. Bennion said it was a time issue. The issues that separate it from industrial use versus mixed use had to do with ground water contamination. It was an issue of waiting long enough for the ground water to come up to an appropriate standard to allow mixed-use.

Beverly Bookin CREEC 1020 SW Taylor #760 Portland OR 97205 read her letter (a copy of which is included in the meeting record). Councilor Burkholder said this was the first testimony that was looking at the urban landscape. He was encouraged by this and interested in the results of the study. Ms. Bookin talked about the changing face of industrial. She felt their study would give them mid-term information.

William Cox, 0244 SW California Portland OR 97219 said he was here on behalf on a few clients who owned property in the area that was around the Women's Prison, Area 9 in Wilsonville. He talked about the debate to designate this area as an RSIA. He spoke to Wilsonville to designate this area as a RSIA. His clients supported this designation. He felt they would get more rapidly industrial development because this area already had sewer and water. He urged designation of this industrial area. They supported Wilsonville's proposal that it be designated as a RSIA.

Marl Hush, 625 SE Manchester Place Portland OR 97202, said he was an industrial real estate broker. He spoke to the debate of what was or was not industrial. He spoke to the evolution of industrial, distribution and manufacturing. He said small businesses needed affordable industrial

land. The 50-acre requirement was a restriction on the supply, which would affect the small industrial business. He said if he could build office on industrial land it was much cheaper. He was concerned about this. He asked for whom were we trying to preserve those 50-acre land?

Council President Bragdon closed the public hearing. He recapped where these ordinances were. It had been at the Council since October. They had agreed to delay their decision until at least January 2004.

Motion to substitute:	Councilor Newman moved to substitute Ordinance No. 03-1021 with 03-1021A.
Seconded:	Councilor McLain seconded the motion

Councilor Newman explained the motion to substitute. It would substitute the current ordinance with Metro Technical Advisory Committee (MTAC) Option 2. The Council said they would not move forward until they had a recommendation from MTAC. He spoke to the new version. The existing ordinance had created a lot of controversy such as 1000 employee corporate headquarters. He explained that MTAC Option 2 shrank the RSIA designation. It would then cover the areas that were near significant freight destinations. It also limited non-industrial uses to ensure efficiencies, it created a 5% retail use limitation as well as a 10% cap for non-industrial offices, it got rid of the 1000 employee corporate headquarters, and protected the large 50-acre parcels but allowed for over time the evolution of the use of these parcels. They were committed to moving forward until they had everyone at the table. Council President Bragdon said he would be supporting the motion. Councilor Park said he would also support the motion.

Vote to substitute:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to substitute:	Councilor McLain moved to substitute Ordinance No. 03-1022 with 03-1022A.
Seconded:	Councilor Newman seconded the motion

Councilor McLain explained that this was the companion ordinance that substituted the map. Council President Bragdon explained the effects of the map change. Councilor Park talked about the Troutdale Airport area and the designation as an RSIA. He said he wasn't sure what the future of the ALCOA site would be. It was in Title 4 currently. It would take an action of the Council to take that site out.

Motion to amended the substituted Ordinance:	Councilor Park moved to amend Ordinance 03-1022A by taking the ALCOA property of the map.
Seconded:	There was no seconder, so the motion was not considered

Councilor Park asked for clarification. Mary Weber, Planning Department, explained that the ALCOA site was on the map because of the freight destination. Councilor Park asked about the companies that were out there that weren't ALCOA related. Ms. Weber responded to his question. Council President Bragdon explained the motion before Council. The time to debate the sites was in January.

Vote to substitute:	Councilors Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye/1 nay,
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the motion passed with Councilor Park voting no.

Council President Bragdon closed the public hearing. He announced that these ordinances would be held over for final consideration in 2004. He spoke to what needed to be defined before a final decision was made. He noted the ever-changing industrial definition. Councilor Burkholder spoke to changing land use impacts and taking a serious look at the land use impacts on industrial specifically around air quality, transportation etc. This was not an easy choice to make. Councilor Park said this was about the trading sector. He wasn't sure what this would look like in the future. The question was what would happen when they traded the trading sector for off

6.3 Ordinance No. 03-1024, For the Purpose of Adopting the 2004 Regional Transportation Plan as the Regional Transportation System Plan and the Regional Functional Plan for Transportation to meet State Planning Requirements.

Removed from consideration.

6.4 Ordinance No. 03-1025A, For the purpose of approving the Transfer Station Franchise Renewal Application of Willamette Resources, Inc., authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Motion:	Councilor Hosticka moved to adopt Ordinance No. 03-1025A.
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka explained the ordinance, which had been at Council several weeks.

Motion:	Councilor Hosticka moved to reconsider the vote on Section 4.2 for Ordinance No. 03-1025A related to the amount of waste that can be accepted at the facility. The amendment would apply that cap to waste within the region
Seconded:	Councilor Newman seconded the motion

Vote to Reconsider: Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Councilor Hosticka explained the motion to reconsider the amendment. Councilor McLain explained why she had voted no at the last meeting. She felt she didn't have enough information to make this decision. She felt that she would be able to make that decision when she knew the impact on our own solid waste system. Councilor Newman talked about maintaining caps for waste generated in our district. He supported the amendment. Councilor Monroe said he supported the amendment because of the language concerning accepting waste outside the region and the cap within the region. He would be supporting the amendment. Councilor Park shared Councilor McLain's concerns about waste impact. He noted an ordinance which he had asked staff to prepare. He spoke about how our system was set up. He didn't want this to dilute our efforts inside the region. He would be introducing an ordinance next year concerning counting excise tax. Council President Bragdon said he would be voting yes.

Vote to Amend: Councilors Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 5 aye/2 nay, the motion passed with Councilors McLain and Burkholder voting no.

Motion:	Councilor Hosticka moved to amend section 4.3 of Ordinance No. 03-1025A.
Seconder:	Councilor Monroe seconded the motion

Councilor Hosticka said he had voted against the language in 4.3. He suggested clarification of the language, narrowing the field, limiting it to health and safety concerns. Councilor McLain said she felt language should be specific and strong. Councilor Hosticka said he was basing this amendment on his own concerns not testimony he had heard. Councilor McLain spoke to the Regional Solid Waste Management Plan (RSWMP) update and their right to change the franchise. With an RSWMP update, she wanted to make sure the list of items from advisory committees was not going to go away. She noted that all of the industry sat on those committees. Dan Cooper, Metro Attorney, said this amendment clarified Councilor Hosticka’s language changes. Roy Brower, Solid Waste and Recycling Department, said from a staff point of view they could live with the change. He did think this was necessary because he felt there were safeguards already. Councilor McLain said she felt things come up that may be health and safety related but also could have to do with other issues. She reminded Council that these franchises were five years long. Councilor Monroe said that this would only kick in if there were some hazardous issues. He would support the amendment. Something that was dangerous might come up even though they thought they had covered all of the hazardous materials. He felt it was a strong safety. It gave added security over the duration of the contract. Councilor Park said this amendment clarified the opportunity to add to the list of hazardous waste. He asked if hazardous waste was defined by the State. Mr. Cooper said staff hadn’t brought a proposed ordinance to Council yet. If the pool chorine was banned from the transfer stations, the law allowed the Council to do this. The language proposed by staff, the amendment proposed last week and the current amendment further clarified the intent of the Council. Councilor Hosticka said his amendment didn’t limit the Council in terms of health and safety matters but it limited the Council on other issues. When the Council exercised it ability to change the contract it was based upon health and safety issues. He urged support. Councilor McLain said she would support Councilor Hosticka’s amendment. She felt that we might have taken away tools to improve recycling. Councilor Hosticka said the issue of recycling was dealt with in Section 4.4.

Vote to Amend:

Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Council President Bragdon opened a public hearing on Ordinance No. 03-1025A. No one came forward. Council President Bragdon closed the public hearing. He announced that this would be held over until December 18, 2003 for final consideration.

6.5 Ordinance No. 03-1026A, For the purpose of approving the Transfer Station Franchise Renewal Application of Pride Recycling Company, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 03-1026A.
Seconded:	Councilor Newman seconded the motion

Councilor McLain said she would like to sponsor the amendments. She spoke to Pride Recycling Company. They had been good partners.

Motion:	Councilor McLain moved to amend Ordinance No. 03-1026A in the same manner the Ordinance No. 1025A had been amended.
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Seconded:	Councilor Newman seconded the motion
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Councilor McLain urged support.

Vote to Amend:	Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Council President Bragdon opened a public hearing on Ordinance No. 03-1026A. No one came forward. Council President Bragdon closed the public hearing. He announced that this would be held over for final consideration until December 18, 2003.

6.6 **Ordinance No. 03-1027A**, For the purpose of approving the Transfer Station Franchise Renewal Application of Recycling America, authorizing the Chief Operating Officer to issue a renewed franchise, and declaring an emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 03-1027A.
Seconded:	Councilor Hosticka seconded the motion

Motion:	Councilor Park moved to amend Ordinance No. 03-1027A with the amendments passed in Ordinance No. 03-1025A.
Seconded:	Councilor Hosticka seconded the motion

Councilor Park said these amendments were the same as the Council had passed in Ordinance No. 03-1025A. He urged support.

Vote to Amend:	Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Council President Bragdon opened a public hearing on Ordinance No. 03-1027A. No one came forward. Council President Bragdon closed the public hearing. He announced that this would be held over for final consideration until December 18, 2003.

7. RESOLUTIONS

7.1 **Resolution No. 03-3380**, For the Purpose of Adopting the 2004 Regional Transportation Plan as the Federal Metropolitan Transportation to meet Federal Planning Requirements.

Motion:	Councilor Park moved to adopt Resolution No. 03-3380.
Seconded:	Councilor Monroe seconded the motion

Councilor Park asked that staff explain the resolution. Tom Kloster, Planning Department, said this was an end of a housekeeping update for the Regional Transportation Plan (RTP). He highlighted what they had been talking to the public about and the different recommendations that the advisory committees had recommended. He spoke to the specific exhibits included with the resolution. He spoke to some of the comments from the public and the recommended changes by Transportation Policy Advisory Committee (TPAC) and Joint Policy Advisory Committee on Transportation (JAPCT). Councilor Newman relayed one comment from a constituent. They objected to projects being submitted at a staff level without going back to the public for comment.

Was this true? Mr. Kloster said if they were to add projects, they would have come from a local jurisdiction. Councilor Park thanked the staff for their efforts.

Motion:	Councilor Park moved to substitute Resolution No. 03-3380 with Resolution No. 03-3380A.
Seconded:	Councilor Hosticka seconded the motion

Councilor Park said the “A” version included the updates that Mr. Kloster had just addressed. Kim Ellis, Planning Dept, summarized the “A” version and noted the changes.

Vote to substitute:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
Vote on the Main Motion:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7.2 Resolution No. 03-3381, For the Purpose of Adopting the 2004-07 Metropolitan Transportation Improvement Program.

Motion:	Councilor Burkholder moved to adopt Resolution No. 03-3381.
Seconded:	Councilor Park seconded the motion

Councilor Burkholder explained the resolution.

Motion:	Councilor Burkholder moved to substitute Resolution No. 03-3380 with Resolution No. 03-3381A.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder explained the changes, the additional “be it resolved”. He also noted a change in the staff report.

Vote to Substitute:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
Vote on the Main Motion:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7.3 Resolution No. 03-3386, For the Purpose of Reducing the Land Under Consideration in the 2002 and 2003 Alternative Analysis Studies to meet the remaining need for Industrial Land Through Urban Growth Boundary Expansion.

Motion:	Councilor McLain moved to adopt Resolution No. 03-3386.
Seconded:	Councilor Burkholder seconded the motion

Motion:	Councilor McLain moved to substitute Resolution No. 03-3386 with 03-3386A.
Seconded:	Councilor Burkholder seconded the motion

Councilor McLain referred to a map describing 65,000 acres of which, approximately 22,000 acres would be studied in the “next step”.

Council President Bragdon opened a public hearing on Resolution No. 03-3386A.

Charlotte Lehan, Mayor of Wilsonville, 29786 SW Lehan Ct Wilsonville, OR 97070. Mayor Lehan expressed concern about areas south of the Willamette River.

Councilor McLain addressed Mayor Lehan’s concerns.

Mayor Lehan said she was still unclear about Councilor McLain’s attempt to clarify the process. Councilor McLain said there would be a month to three months on the criteria, and then another three to six months on the policy. Councilor Park responded by clarifying the process.

[Tape 3 malfunctioned; the rest of the session was transcribed based on the videotape of the meeting.]

Jack Collins, Charbonneau County Club, 32074 SW Charbonneau, Wilsonville, OR 97070 summarized his written testimony (a copy of which is included in the meeting record). He requested that the “report” be tracked so that the facts could be weighed. He wanted to be able to criticize the report, and felt there was not enough time built into the process for adequate review. He asked for more opportunity for constituents to provide oversight and commentary on the report. Councilor Park responded by saying he felt the process in place provided broad opportunity for public commentary.

Rose Holden, Oregon City Golf Club, 20124 S. Beaver creek Rd, Oregon City, OR 97045. Her family owned the Oregon City Golf Club. The southern most parcel of the property had been in the Urban Growth Boundary; the other two parcels adjacent were not in the UGB. She directed her testimony to these two parcels, asking that these parcels be included in the urban growth boundary. At the time of the December 2002 decision, the City of Oregon City requested that these two parcels be included. They were requesting these tax lots be included at the end of this process, they were 32E10D03500 and 32E15A00200. There was about 73 acres. She said it was illogical for the urban growth boundary to directly cut across the parcels. This would allow them to plan for their property as one contiguous piece.

Councilor Burkholder said they were looking at land that had particular characteristics, he asked if the property met the criteria in place? Ms. Holden responded by saying yes. The southern most parcel was proposed to be zoned industrial. She believed that the parcels that were contiguous would also be conducive to the criteria. Councilor Newman noted that he would make a recommendation on one of the parcels later. He noted a map he placed in the record. Ms. Holden said there was a seven-acre parcel that had slope that may not meet the criteria. There hope was that this parcel would be included with possible consideration for an openspace.

Council President Bragdon closed the public hearing.

Vote to Substitute:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Councilor Burkholder asked Lydia Neill, Planning Department, to comment further on issues of freight mobility. He wanted to know about the addition of Tualatin Valley (TV) Highway and why it met the criteria. He was concerned about travel time. His experience of that area was it was fairly isolate. TV Hwy didn't have the capacity similar to other highways. Did it have the kind of freight mobility necessary to accommodate industrial use? Ms. Neill agreed that the Tualatin Valley Highway did not have the capacity for freight mobility as other arterials in the region. It did serve some purpose because of some of the current industries that were there. She noted that staff was working on criteria and other measures to assess the accessibility to differentiate between "Site A" versus "B" concerning freight mobility. Councilor Burkholder reiterated the need for quantifiable data to complete this study on freight mobility.

Motion to Amend:	Councilor Newman moved to amend Resolution No. 03-3386A to include tax lot 32E10D03500 in the Oregon City area.
Seconded:	Councilor McLain seconded the motion

Councilor Newman said this was one of the two tax lots that Ms. Holden had referred to in her testimony. He noted the map he had placed in the record. He showed where the UGB was and where the tax lot was. He argued that it should be included in the alternatives analysis study because it fit the criteria. He detailed the criteria. He spoke to why it had not originally been included in the original decision, primarily because a part of the lot had slope. He was not arguing that it should be included in the UGB but rather be included for study in the alternatives analysis for the purposes of concept planning. He said that City of Oregon had also supported this. He noted a small piece south of this area that was not part of this amendment. It did not meet slope criteria. Councilor Monroe declared a conflict of interest because he had enjoyed this golf course for a long time. He was concerned about what would happen to this golf course. He understood why it should be included in the study.

Vote to Amend:	Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to Amend:	Councilor Hosticka moved to amend Resolution No. 03-3386A by eliminating any land south of the Willamette Rive from further study.
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka said they were being asked to apply a number of criteria that were judgment calls on Metro's part and not necessarily strictly required by law such as minimum size, contiguous to other industrial sites and slopes less than 10%. He was proposing this based on previous discussion. He thought most of the Council would not support going south of the Willamette River in the end so he felt that rather than drag people through this process, the Council might well make a judgment now.

Councilor Burkholder asked for clarification on the area Councilor Hosticka was talking about. Councilor Hosticka said he was as referring to area F.

Councilor Newman said he understood that we jeopardized the final decision if we prematurely excluded land from studying exception lands or lower priority lands. He understood the motion applied to EFU lands or high value lands. He wondered if that applied to EFU lands if you excluded it early in the process?

Richard Benner, Metro Associate Attorney, responded that the way they had mapped the lands to be studied was by application of a set of factors. They applied these factors consistently and it ended up including land south of the river. The land was designated agriculture and primarily class 2. There were other class 2 and 1 soils that were being studied north of the river. They were on the map for the same reason that this land south of the river was on the map to be studied because of the specific criteria they had applied originally. He detailed some of the criteria. If you eliminated some of the land now but not all of it, and then later had to include some of that land but you can't include land south of the river because you had already eliminated it from study, you ultimately might have difficulty explaining why you chose the land that you choose rather than the land that was south of the river which was otherwise similarly situated based on the factors that you studied.

Councilor Newman asked to whom was it that you had to explain why? Mr. Benner said initially it would be Land Conservation and Development Commission (LCDC) and if someone owned property that was excluded today, that person could make an appearance and object to the process. That person could make the argument before the Court of Appeals.

Councilor McLain said she agreed with Councilor Hosticka that you could look at any criteria and say that the criterion was subjective. She felt that this land was part of our basic criteria. She detailed this criterion. We all know that those factors were important to certain need elements and we were still debating the need. She didn't want all of this good work that was being done by staff to be jeopardized in any way because we were not consistent in our subjective application of criteria. She was looking for consistency and we would have a long and healthy debate when they got to the point where they were trying to narrow it down. There may be more discussion, in this particular study, they needed to stay the course and use the criteria that they started with and only start dropping property when they knew that they could do it in a consistent way. .

Councilor Monroe expressed his support of Councilor Hosticka's amendment. He was concerned that the Willamette Valley would be urbanized all the way to Salem. He wanted to stop this as quickly as he could.

Councilor Park said he would like to support this one but was unable to. He stressed the need for consistency, supporting Councilor McLain's comments. He said the debate about expanding south of the Willamette would continue for years to come. He was sure people would give us their opinion of how they felt about this land. This was some of the best farmland. He would not be supporting the amendment.

Councilor Newman also said he was tempted to support the amendment, but said he couldn't due to Mr. Benner's comments and that he felt from a process perspective, if we took land off now, it seemed that it was subverting the process. We needed to listen to testimony before that decision was made. He was looking forward down the road to excluding the land.

Councilor Hosticka addressed several points, first, there had been no notice on the amendment they had just passed today, there were transportation route inconsistency, criteria had been elastic. He could write a general rule to exclude this. The question came down to, were we going to seriously consider this area or take this region through an arduous discussion about an area that they knew they were not going to bring in anyway. The Council just passed a motion that had not received notice. He thought it was more logical to make a decision about the area sooner rather than later.

Vote to Amend:

Councilors Hosticka and Monroe voted in support of the motion. Councilors

McLain, Burkholder, Park, Newman and Council President Bragdon vote no. The vote was 2 aye/5 nay. The motion failed.

Councilor McLain said she thought there was a need for additional information on travel time. She thought it was important to add one item. The actual product was different than previously. They had a lot of knowledge and Research and Development. They were using other ways to travel, which was not all physical, such as electronically. They had to look at other types of travel times.

Motion to Amend:	Councilor Hosticka moved to amend Resolution No. 03-3386A on the “whereas clauses” which was to eliminate a specific reference to a number of acres. He thought they had made the motion to make it blank.
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka said they had consistently said that they were not shooting for a specific number of acres. The number of acres needed may be more or less depending upon where and how they were situated. Since they had talked about the concern with the definition of industrial was in question, any specific number of acres would be entirely inappropriate. Council President Bragdon said he was supportive of this. They knew this number was wrong. Councilor Park said he agreed, he asked for clarification on the motion.

Vote to amend:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Councilor Park asked Mr. Benner, Metro Associate Attorney, to advise them on striking industrial land and replacing it with employment.

Mr. Benner said he would like to check the LCDC remand order. He thought it was specific about industrial. He counseled Councilor Park not to make the change. This didn’t mean there couldn’t be further discussion over the next period time about the nature of the land that came in and how you treat it. Councilor Park said the reason he raised the question was that in the Urban Growth Report the calculation of acreage was based upon the number of jobs. He wouldn’t change it but wanted to raise it before the final vote.

Councilor Hosticka said he would be supporting the resolution. Councilor McLain said they would continue to discuss it.

Lydia Neill, Planning Department, asked for clarification on which map would be adopted. Councilor Newman said the MTAC map was the one used. Mr. Cooper clarified that this included the Oregon City Golf Course parcel.

Vote on the Main motion as amended:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

8. CHIEF OPERATING OFFICER COMMUNICATION

There were none.

9. COUNCILOR COMMUNICATION

Councilor Park said at JPACT a letter was voted and passed to refer back to the Oregon Transportation Commission the proposed amendments to the Oregon Highway Plan specifically dealing with the Special Transportation Areas in terms of making our 2040 Plan usable and viable. It would be coming the Council President Bragdon for signature as well. Council President Bragdon said without objection he planned to sign that letter. There was no objection.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:55 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER
11, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	12/4/03	Metro Council Meeting Minutes from December 4, 2003	121103c-01
6.1	Ordinance	12/11/03	To: Metro Council From: Mary Weber, Planning Department Re: Ordinance No. 03-1021A, For the purpose of amending Title 4 of the Urban Growth Management Functional Pan to Improve its Protection of Industrial Land and to Make Corrections	121103c-02
6.2	Ordinance	12/11/03	To: Metro Council From: Mary Weber, Planning Department Re: Ordinance No. 03-1022A, For the Purpose of Amending the Employment and Industrial Areas Map to Add Regionally Significant Industrial Areas in Compliance with Subsection J of Section 3.07.420 of Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan	121103c-03
6.1 & 6.2	Memo	12/11/03	To: MPAC From: Andy Cotugno, Planning Director Re: RSIA/Title 4 Options	121103c-04
6.4 6.5& 6.6	Amendment	12/11/03	To: Metro Council From: Roy Brower, Solid Waste and Recycling Department Re: Amendment to Ordinance Nos. 03-1025A. 1026A & 1027A	121103c-05
7.1	Resolution	12/11/03	To: Metro Council From: Kim Ellis, Planning Dept. Re: Resolution No. 03-3380A, For the Purpose of the 2004 Regional Transportation Plan as the Federal Metropolitan Transportation Plan to Meet Federal Planning Requirements	121103c-06
7.2	Resolution	12/11/03	To: Metro Council From: Ted Leybold, Planning Department Re: Resolution No. 03-3381A, For the Purpose of Approving the 2004-07 Metropolitan Improvement Program for the Portland Metropolitan Area	121103c-07
9	Letter	12/11/03	To: Honorable Stuart Foster, Chair Oregon Transportation Commission From: David Bragdon and Rod Park Re: Proposed Amendments to Policy 1B of the Oregon Highway Plan	121103c-08
7.3	5 Maps	12/11/2003	To: Metro Council	121103c-09

			From: Lydia Neill, Planning Dept. Re: Resolution No. 03-3386, Proposed Alternatives Analysis Study Areas	
6.1, 6.2	Testimony	12/11/2003	To: Metro Council Re: Ordinance No. 03-1021 and 03-1022, Industrial Lands Study From: Charbonneau Country Club Board of Directors	121103c-10
6.1, 6.2	Testimony	12/11/2003	To: Metro Council Re: Ordinance No. 03-1021 and 03-1022, Title 4 Revisions From: Todd Sheaffer, Chief Operating Officer, Specht Companies	121103c-11
6.1, 6.2	Testimony	12/11/2003	To: David Bragdon and Metro Councilors Re: Ordinance No. 03-1021 and 03-1022, RSIA's From: Dennis Griffiths, Chairman of the Board & President, Hillsboro Chamber of Commerce	121103c-12
6.1, 6.2	Testimony	12/11/2003	To: David Bragdon and Metro Councilors Re: Ordinance No. 03-1021 and 03-1022, Title 4 Amendments and RSIA Map From: Mayor Tom Hughes, City of Hillsboro	121103c-13
6.2	RSIA Map	12/11/2003	To: Metro Council Re: Ordinance No. 03-1022, From: Mary Weber, Planning	121103c-14
6.1	Memorandum	12/11/2003	To: Peter Finley Fry Re: Title 4 Amendments, Ordinance No. 03-1021 From: Steve C. Morasch of Schwabe, Williamson & Wyatt	121103c-15
6.1, 6.2	Testimony	12/11/2003	To: Metro Council Re: Ordinance No. 03-1021 and 03-1022, Expansion of UGB From: Rose Holden, Oregon City Golf Club at Lone Oak	121103-16
6.1, 6.2	Testimony	12/11/2003	To: Metro Council Re: Ordinance No. 03-1021 and 03-1022, Alcoa Property RSIA designation From: Roy Bennion, Parkway Capital, Inc.	121103c-17
6.1, 6.2	Letter	12/11/2003	To: David Bragdon Re: Ordinance No. 03-1021 Amendments to Title 4 From: Mark Childs, Integrated Corporate Property Services	121103c-18
6.1, 6.2	Memorandum	12/11/2003	To: Metro Council Re: Ordinance No. 03-1021 and 03-1022, Policy Issues regarding Industrial Expansion South of the Willamette River From: Mayor Charlotte Lehan, City of	121103c-19

			Wilsonville	
6.1, 6.2	Testimony	12/11/2003	To: Metro Council Re: Ordinance No. 03-1021 and 03-1022, RSIA's From: Beverly Bookin, The Bookin Group on behalf of CREEC	121103c-20
6.1, 6.2	Letter	12/11/2003	To: David Bragdon Re: RSIA Lands/Title 4, Ordinance No. 03-1021 and 03-1022 From: Peggy Fowler, CEO & President, Portland General Electric	121103c-21
6.4	Amendment Language	12/11/2003	To: Metro Council Re: Exhibit A Ordinance No. 03-1025, Proposed Amendments From: Paul Garrahan, Metro Attorney	121103c-22
6.4, 6.5, 6.6	Amendment	12/11/2003	To: Metro Council Re: Ordinance No. 03-1025A, 03-1026A, 03-1027A – Amend Section 4.3 of Willamette Resources, Inc., Pride Recycling Co. and Recycle America Franchises From: Councilor Carl Hosticka	121103c-23
7.3	Resolution	12/11/2003	To: Metro Council Re: Resolution 03-3386A, For the Purpose of Reducing the Lands Under Consideration in the 2002 and 2003 Alternatives Analysis Study Areas for Amendment to the UGB From: Councilor Susan McLain	121103c-24
7.3	Amendment	12/11/2003	To: Metro Council Re: Amendment to Resolution No. 03-3386 Alternatives Analysis Map From: Councilor Brian Newman	121103c-25