

## MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, February 10, 2004  
Metro Council Chamber

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

Councilors Absent: David Bragdon (excused)

Deputy Council President Newman convened the Metro Council Work Session Meeting at 1:04p.m.

### **1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, FEBRUARY 12, 2004.**

Deputy Council President Newman reviewed the February 12, 2004 Regular Council meeting agenda. He noted 9.1 was off the agenda. He asked Council about Resolution No. 04-3409. Councilor Burkholder said they had talked about it in a work session next week.

### **2. REGIONAL SOLID WASTE MANAGEMENT PLAN (RSWMP) PUBLIC INVOLVEMENT PLAN**

Janet Matthews and Karen Blauer, Solid Waste and Recycling Department, said this had to do with RSWMP public involvement plan. She gave a history concerning the scope of the project. She spoke to Council's articulated values. She had provided the Council with a copy of this today. She noted future sessions in planning the update. The public involvement phases that were involved in the RSWMP update were extensive. They were here to discuss the draft public involvement plan. She noted Councilor McLain's contribution to this plan.

Ms. Blauer said the Council had received a draft of the public involvement plan. She highlighted those times where the elected officials fit into the process. Throughout this process, they would advise Council of stakeholders' input. They would have a summary report after each phase of the public involvement process. They wanted this plan to be covered with our stakeholders' fingerprints. They would pass it through their own feasibility tests. The existing RSWMP was the starting point for the update process. She spoke to each phase; Phase 1 would help determine if the plan was still relevant. She gave some examples of the questions they would ask in Phase 1. In Phase 2 they would cast the net far. The goal was to generate a lot of discussion about critical issues, discuss the trade offs and look for points of dissension. Councilor Burkholder asked about a survey in Phase 1. How would they get people that weren't interested, involved in the process. How would they approach the general public? Ms. Blauer responded that in Phase 1 they would flesh out questions that stakeholders wanted to ask. Some of this information in terms of the general public interest would come from the Phase 1 process. They would be asking citizens in Phase 1 what were their thoughts? What were the issues you were concerned with? Councilor Burkholder suggested approaching the public about their values. This was a way of getting base information. You might get a different response based on the questions you asked. Ms. Blauer said the current RSWMP was the starting point, was this vision and goals still relevant? We needed to explain what was the vision, the values that were in the plan. At the end of Phase 2 they will release a critical report. She explained what would be involved in the report. They wanted the plan to be challenging but realistic. The draft RSWMP Plan will evolve from Phases 1 and 2 in Phase 3, there would be two reports, a responsiveness report and public involvement. Phase 4

included a public hearing schedule and possible action of the updated plan. When Council was satisfied with the plan, the state acknowledged it. Councilor Burkholder suggested getting feedback from people, asking what were their goals and values? There was a value in getting raw data. Ask the end users how important some of these issues were. He talked about focus groups. Ms. Matthews said they had assumed that there would be a different approach for key stakeholders versus end users. She agreed that they should start off by asking about their values. Councilor Burkholder talked about who our customers were, the general public. Ms. Blauer said they had also looked at some tools. She noted that they would like councilors' help in distributing the questionnaire so that they can collect more of the raw data. Deputy Council President Newman noted that this was one of the few strategic plans that Metro was engaged in.

### **3. LATEX PAINT FACILITY LEASE**

Mike Hoglund, Solid Waste and Recycling Department, and William Eadie, Regional Parks and Greenspaces Department, said they were here to talk about the latex paint facility. Mr. Hoglund gave some history on this issue. They were just wrapping up negotiations on a lease. He focused on general details of the lease. He reminded Council that they had been in their current facility since August of 1999. There was support for a new facility for paint. He explained the problems with the current facility. They were outgrowing the current site. They had new suppliers and were producing more paint. They were also trying to find a more central location without a lot of traffic congestion. They should be into the building by April. They would then update the business plan. Councilor Burkholder asked about how they were going to advertise the new site? Mr. Hoglund spoke to the multi-media plan. Councilor Hosticka asked where was the previous negotiated place?

Mr. Eadie said they intended to bring to Council a signed lease. As soon as the lease was finalized they could get into more details. He noted Attachment 1 in the work session packet. He talked about the proposed lease versus other leases. There were substantial reasons why this lease was better than the previously proposed lease. It was centrally located, good access, good exposure, a single building divided into two tenant spaces. It should be easy for customers to see the sign. Parking was better. It had a higher ratio of loading and staging area and room for growth. He said the average rental rate was below the average. It was a very advantageous lease rate. The building was under local ownership. They understood Metro's mission. He felt their relationship would be good because of this understanding. If there was need to expand there was good likelihood of being able to expand within the building. Councilor McLain talked about getting more retail sales. She felt there was some limitation with the Swan Island site. Mr. Eadie said he felt it functioned well because most of the people who come and get paint were familiar with Metro's paint program. He felt it worked well as a retail site. Councilor McLain said she understood that this was the next step. Mr. Hoglund said they had talked about how they market this facility. He spoke to limitations. They needed to go back and figure out how to have more retail locations. Councilor Park talked about the history of the Oregon City site. How was this site better or different? What were they going to do with the old building? Mr. Hoglund said they were a victim of their own success. They had outgrown the current facility. Councilor McLain said they wanted to grow the production and keep the retail site there as well. She urged more retail sites. Mr. Hoglund said the current building would be used as a maintenance facility.

Councilor McLain talked about the need for a new business plan. The building sounded great but they still didn't have the business plan. She felt the plan should come first. Mr. Hoglund said Mr. Soards had worked on the business plan. The lease allowed for flexibility and some room to grow. Councilor Monroe said the big advantage was that it was separate from our other solid waste activities. He felt this was a major improvement over the current situation. He agreed that

we would need additional retail outlets as a logical next step. Deputy Council President Newman talked about Mr. Soards contribution to a business plan. Mr. Hogle indicated that the plan was an initial plan that now needed to be update. Councilor McLain added that Mr. Soards said he would be concentrating on the marketing. She urged improving the marketing.

Councilor Monroe asked about recommendation for regional system credit. Mr. Hogle said the task force had completed their work. They were scheduled to come back to Council on February 24<sup>th</sup>. Mr. Hogle said the task force recommendations were longer term.

#### **4. IGA TO FUND FEIS, CONTRACT EXTENSION FOR FEIS AND UPDATE ON DOWNTOWN LIGHT RAIL STATION**

Ross Roberts, Sharon Kelly and Richard Brandman, Planning Department, talked about the upcoming resolutions. Resolution No. 04-3424 would allow for a contract with TriMet that would pass through \$2.7 million to complete the final environmental impact statement (FEIS). The other Resolution No. 04-3425 would amend three environmental consultant contracts that would be performing the FEIS. Mr. Brandman spoke to the history of initial consultant contracts. He noted the environmental team, DKS, URS Inc. and Siegel Consulting. He spoke to the savings, which allowed them to do the supplemental draft FEIS as well as perform the work with the downtown area. The work would be under budget. Councilor Burkholder asked about Table 3. Mr. Brandman said the cost add up to \$10 million for PE/FEIS. He talked about the revenues to fill the gap. TriMet was looking to reduce their consulting budget. He spoke to additional opportunities to fill the gap.

Councilor Monroe said PE/FEIS ran as high as 10% of the project but this was only 2%. Mr. Brandman said yes. He then introduced the next part of the topic having to do with Milwaukie and the downtown stations. Deputy Council President Newman introduced the Milwaukie locally preferred alternative process. Milwaukie came to a conclusion to recommend Option 2.5. It would keep the site along the Tillamook branch. He felt this was a positive process. Councilor Monroe asked if there was a stop at the school. Councilor Newman said no but it was only two blocks. Councilor Hosticka asked about habitat issues. Mr. Roberts talked about the Milwaukie working group and how they worked through a lot of difficult issues. He talked about balancing access with a town center. He then spoke to concerns in the business area. He spoke to all of the options that they considered and issues surrounding each option. He spoke to the advantages of the chosen Option 2.5. Councilor Monroe asked about the cost. Option 2.5 was actually slightly less than planned. Mr. Roberts then talked about the proposed transit center and terminus. He talked about the Trolley Trail and how that connected to the transit center. Deputy Council President Newman asked about the Three Bridges process and the opportunity to save money. Council talked about the bridge costs.

Mr. Brandman addressed the three options for the downtown alignment, the left platform option, the island platform option and the right platform option. Technical issues were being examined. There was very little support for the island option. Business supported the right platform option. The left platform option was still the base case. Mr. Roberts spoke to the benefits of the right platform option and showed the Council where were the stations. He talked about the concept of "station as place". It looked at the transportation issue as well as good public spaces. He talked about the different options for platforms. They would be coming back on March 9<sup>th</sup> to give Council more detail. He noted that the stations were spread out a bit. It also spread out the bus loading.

#### **5. FREIGHT PROJECT PRIORITIES**

Andy Cotugno and Bridget Weighart, Planning Department, talked about the Oregon Transportation Initiatives Act (OTIA) funding. Mr. Cotugno reviewed local bridge funding. In addition, the rest of the OTIA program was modernization. He noted that part of that funding was to fund freight issues. He talked about the process as to the articulation of the projects. Ms. Weighart said Oregon State Advisory was charged with freight project priorities. She said they developed eligibility factors. They started with a huge list. They then reduced the size of the list and distributed it with the criteria for input. Joint Policy Advisory Committee on Transportation (JPACT) recommended that Metro solicit input on the priorities and work with the Regional Freight Committee to provide technical recommendation to Transportation Policy Advisory Committee (TPAC) and then to JPACT. They got over 50 responses. She talked about the methodology they followed, listed in the resolution (attached to the work session sheet). She gave an overview of the methodology. She felt there was a fair amount of consistency among the projects. They then developed an average score for each project. From that they developed the ranking. Exhibit A laid out the proposed rank order projects. The total list was \$400 million. There was more need than available funds. Freight mobility had become an important component. Councilor Hosticka asked if the \$400 million was statewide. Ms. Weighart said yes. Councilor McLain asked about the scoring. Ms. Weighart said the average score was based on all four-priority factors. Mr. Cotugno said this was one piece of a continuing evolving OTIA fund. He said this was going to JPACT next Thursday and to Council after that. Councilor McLain talked about the subjectivity of the scoring. Ms. Weighart said they tried to have consistency but it wasn't extremely scientific.

Councilor Newman talked about the two transportation items on February 12, 2004 Council agenda. Did they have to act on this Thursday? Mr. Cotugno said they had to act upon it before they went to Washington D.C. Mr. Cotugno explained the two resolutions. These resolutions reacted to the current bills. The policy position was consistent with what was done last year. This year's list proposes projects and makes additional recommendations.

## **6. GOAL 5 COORDINATION WITH OTHER JURISDICTIONS ON FISH AND WILDLIFE HABITAT PROTECTION**

Chris Deffebach, Planning Department, introduced the guests. There was increasing public exposure to Goal 5. Brent Curtis, Tualatin Basin, Gil Kelly, City of Portland, Doug McClain, Clackamas City, Ted Kyle, Water Environmental Services

Mr. Curtis gave a power point presentation (a copy of which is attached to the meeting record). He gave an overview of where they were in the Goal 5 process. He talked about the overall Goal 5 coordination effort. He reviewed the Tualatin Basin work with involvement from Metro. He spoke to the notice to the property owners. They wanted it to work for Metro as well as the Tualatin Basin. He talked about the policy level and the partnership that was included in this discussion. He said a big part of the coordination was with Clean Water Services (CWS). CWS had a very unique approach that they had negotiated with Department of Environmental Quality (DEQ) and Environmental Protection Act (EPA). They had a pilot project with EPA. CWS was very keen on this. Goal 5 had three working steps, inventory, Economic Social Environmental and Energy (ESEE), and program development. Step four was implementation. ESEE started with the adopted inventory. The ESEE step required identifying conflicting areas and then doing the ESEE analysis. Tualatin Basin was coordinating with the entire basin and all of the local jurisdictions. They had completed a basin wide analysis and were currently completing a locational analysis. The first general level ESEE had been completed. It was basin-wide. It depended upon GIS analysis. They had divided land use issues into four categories. He gave

further specifics about these categories. He spoke to conflicting use categories. Councilor Hosticka said they had tried to distinguish riparian from wildlife. Mr. Curtis said they approached it in the same way. He spoke to inner and outer impact areas. The inner impact area was the same as what Metro used. The outer impact area was supported by the literature allowing a broad pallet of potential programs. The other impact area was associated with the resources. He spoke to the matrix. Councilor Burkholder asked what impact were in the outer impact area. He explained allow, limit and prohibit options. All of these resulted in the analysis, which contributes to the recommendation. This was the baseline general analysis for the basin as a whole. They had a great deal of autonomy to do their own work. They were paying attention to how they line up with Metro. This was similar to Metro's 2-B. He explained how they compared them. They looked at where were the differences. The take home message was Tualatin Basin was closest to 2-B, 86% congruence. What will really count were the programs. Councilor Hosticka said there was a good chunk of the area was in lower Clackamas County. Mr. Curtis said they promised to do a basin wide analysis. They offered to help coordinate with all of the local governments. All of the governments chose to get the technical information and follow it. When they got feedback, they were going to be responsive to that feedback. Councilor Burkholder said they currently have 6 options. It appeared that Tualatin Basin had gotten further in the process. Mr. Curtis said both ways of doing it were supportive of Goal 5. There were a lot of details to work on. Councilor McLain said they had asked staff to make sure they were in the ballpark. There will be more manipulation as we go forward. Councilor Newman asked if the Council chose an Option 1, would this be close. Mr. Curtis said he felt it was way off. The 2s were closer. This process helped shape the program. He then spoke to Step 2. They would do the same analysis on the site-specific areas. He noted a map that was watershed basins based. He then talked about the schedule. The notice will be out soon. They were going to open houses in early March. They would have a public hearing on March 29<sup>th</sup>. This would lead to Tualatin Basin Coordinating Committee making a decision. Councilor McLain thanked Mr. Curtis for all of their work. They were bringing along all of their jurisdictions.

Mr. Kelley, City of Portland Planning Director, introduced his staff. He gave a power point presentation (a copy of which is included in the record). He acknowledged Mr. Curtis' work. They had a different approach. They were updating an acknowledge Goal 5 program. In the case of their regulatory scheme they have a mapped based code. They were doing their own inventory but had been doing a lot of coordination with Metro staff. He talked about the River Renaissance project. They were deliberately acknowledging the river's role in the process. They felt the river was a recoverable urban eco-system. An important part of this was the creation of partnerships. They had talked about Metro being a formal partner. He spoke to the key activities under the River Renaissance project.

He spoke to the need to look at systems. He gave an example of freight mobility. He gave examples of three actions. He spoke to the cooperative efforts necessary. Roberta Jortner talked about the existing Goal 5 program for the City of Portland. She talked about environmental overlay zones. They were updating the program. They had new data that needed to be incorporated into the program. There was a lot of public and private investment. They were doing this in steps. The first step was to improve the existing program. Then, there was the inventory update. This inventory would inform a host of programs. Then, they would do site visits to enhance the inventory and accuracy of the maps. They had created an interactive process to help folks understand their map ranking. They were also doing vegetation and wildlife components. She spoke to next steps, which would be moving into the programmatic phase. Mr. Kelley said they were working with Metro in a number of areas. They wanted their methodologies to be translatable. They were coordinating their outreach with Metro. He spoke to challenges. They hoped that the Metro analysis accepted the locally adopted programs. It was important those areas

were acknowledged. Second, they have to be conscientious of messages that the City of Portland and Metro's programs were compatible. Finally, it was important that they draw the larger picture. Councilor McLain thanked the City of Portland for their efforts. She spoke to timing and coordination with their partners. She spoke honoring current programs. Deputy Council President Newman asked about other programs that had gone as far as Portland? Ms. Deffebach said there were programs all over the board. Mr. Kelley said there were technical difficulties across jurisdictions. But much work had already been done. They needed to make sure the public was aware of this.

Ted Kyle, Water Environmental Services and Doug McClain, Planning Director for Clackamas County, said they would discuss their existing Goal 5 program. Then, Mr. McClain would talk about the Damascus Boring Concept Plan. He talked about the County's existing Goal 5 program. They had a similar program for Goal 5. The results will be not dissimilar to Metro's program in the end. He spoke to their protection program. They have a number of protections and ordinance standards, which encourage protection of habitat. The area identified as upland habitat were areas that they have also identified. There was existing protection, so they would not have to start over. The Damascus Boring Concept Plan was not comprehensive. The programs Metro was developing will be realized when urban level development is addressed. They were attempting to coordinate closely with Metro work on Goal 5 and not reinvent the wheel. They have had one important meeting with Metro staff about ways to make sure they use ways to determine the development of the plan. The important thing was they weren't going to do their own inventory but would rely on Metro's inventory. They wanted to respect what Metro was doing but they were in the process of developing the concept plan. They wouldn't have zoning standards. Metro and the County were doing this together. He spoke to the next challenge, conveying this information to the community.

Mr. Kyle talked about surface water study program. He felt that they had a unique opportunity. Could they come up with a better way? They were funding a major study. The study covered water. He spoke to possible outcomes for surface water plan. How does this plan help shape clean water regulations? He spoke to how this related to the Damascus concept plan. This study was about Goal 5 and protection of water. This was about having clean communities because that was how people measured health. They were trying to come up with everything they could do to protect clean water. He spoke to timing and working together to achieve this goal.

Councilor McLain said there were three distinct processes going on. The efforts were very different. She asked, how could Metro be helpful? How do we work together to make these efforts come together, meet regional efforts and still be successful at the local level? She felt they needed to do a lot more coordination. Councilor Burkholder asked about process. Ms. Deffebach suggested Dick Benner respond. Mr. Benner explained the process. In this instance, if Metro sticks with their timeline, it would go to Land Conservation and Development Commission (LCDC) in January 2005. It was possible to get acknowledgement by mid-2005. It would be 2007 before local government must comply. He explained what local governments could be doing during that time. The short answer was, two years after acknowledgement. Councilor Hosticka asked Mr. McClain to comment on Tualatin's Basin work. Mr. McClain said they were not part of the agreement. Ms. Deffebach talked about Hillsboro's adoption of Goal 5 program and issues surrounding the Tualatin Basin group. Councilor McLain said they were all looking at the potential for results. There had to be some minimums. She spoke to Metro's responsibilities. Councilor Park asked about the Damascus planning area. Mr. McClain responded that the County would have two obligations. One, complete development of the concept plan and have policies that don't frustrate the Goal 5 Program. They will have an obligation in Clackamas County to have regulation under existing regulations. Second, they were hopeful that the incorporation

would be successful. Councilor Park asked for further clarification. Mr. Benner said there were two wrinkles and explained what these were. He spoke to the new periodic review process.

**7. CITIZEN COMMUNICATION**

There was none.

**8. EXECUTIVE SESSION, HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.**

Members Present: Councilors, Michael Jordan, Dan Cooper, Jim Desmond, Dan Kromer, Council staff

Time Began: 2:34 pm

Time Ended: 2:57 pm

**9. CHIEF OPERATING OFFICER COMMUNICATION**

There were none.

**10. COUNCILOR COMMUNICATION**

Councilor McLain talked about Metropolitan Exposition-Recreation Commission (MERC) issues. She felt they were getting bogged down. She asked what they were doing. Deputy Council President Newman responded to her question. Council continued to talk about the issue

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:45 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 10,  
2004**

| Item | Topic                             | Doc Date | Document Description   | Doc. Number |
|------|-----------------------------------|----------|--|-------------|
| 1    | Agenda                            | 2/12/04  | Metro Council Meeting Agenda for February 12, 2004   | 021004c-01  |
| 4    | Next Steps                        | 2/10/04  | To: Metro Council From: Ross Roberts, Planning Department Re: Milwaukie Transit Center and Light Rail Alignment Working Group Process                                  | 021004c-02  |
| 4    | Draft Resolution and Staff report | 2/10/04  | To: Metro Council From: Sharon Kelly, Planning Department Re: Draft Resolution No. 04-3424   | 021004c-03  |
| 6    | Power Point Presentation          | 2/10/04  | To: Metro Council From: Brent Curtis, Washington County Planner Re: Tualatin Basin Goal 5 program power point presentation   | 021004c-04  |
| 6    | Chart                             | 2/10/04  | To: Metro Council From: Brent Curtis, Washington County Planner Re: Table on Tualatin Basin Cross Tabulation of Conflicting Use and Environmental Categories           | 021004c-05  |
| 6    | Timeline                          | 2/9/04   | To: Metro Council From: Brent Curtis, Washington County Planner Re: Draft Timeline for Metro-Tualatin Basin Goal 5 Coordination – Early 2004                           | 021004c-06  |
| 6    | Power Point Presentation          | 2/10/04  | To: Metro Council From: Gil Kelley, City of Portland Re: Power Point Presentation on Portland's River Renaissance and Environmental Planning Program Update            | 021004c-07  |
| 6    | Projects in Progress              | 2/10/04  | To: Metro Council From: Gil Kelley, City of Portland Bureau of Planning Re: Portland Bureau of Planning's Environmental Planning Program Selected Projects in progress | 021004c-08  |
| 6    | Fact Sheet                        | 2/10/04  | To: Metro Council From: Gil Kelley, City of Portland Re: Environmental Overlay Zoning Fact Sheet   | 021004c-09  |