

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, March 30, 2004
Metro Council Chamber

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

Councilors Absent: Brian Newman (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 1:05 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, APRIL 1, 2004.

Council President Bragdon reviewed the Council agenda for the April 1, 2004 Council meeting. Lee Barrett and Mike Hogle, Solid Waste and Recycling Department, briefed the Council on Resolution No. 04-3405. This would re-release the Request For Proposal (RFP) for an organics facility. Also included in the RFP were transportation, processing and composting components. Mr. Hogle provided a history of the issue. Office of the Metro Attorney had recommended re-bidding the contract bundling transportation and processing together. Mr. Hogle talked about the organics white paper and delays with the cost of service study from the City of Portland. Mr. Barrett added that since they decided to withdraw the grant from the City of Portland several companies had contacted him. Councilor McLain talked about the timing of solid waste issues. She asked about the timeline for the process. Mr. Barrett responded that once the Council approved the RFP, they would allow a month for response and hoped to have a program up and running by January 2005. He further explained the City of Portland's participation in the process. Councilor McLain asked about the April 22nd agenda, Resolution No. 04-3442 on the waste partnership program. She felt this had a lot to do with strategic planning. She felt it was a budget item as well. She asked about the timing. Mr. Hogle said they would schedule a work session on the partnership program.

David Biedermann, Contract Director, briefed the Council on Resolution No. 04-3438 related to an amendment to the simulator ride at the Oregon Zoo. The ride had been a successful venture on the part of the Zoo. They were extending the contract. He spoke to the division of revenue. Dan Cooper, Metro Attorney, said this contract was similar to the Amamark contract for the retail operation at the Zoo concerning excise tax. Councilor Monroe talked about the Zoo financial pressures. This simulator ride had helped with revenues.

2. GOAL 5: REVIEW OF PUBLIC COMMENTS AND FORMULATION OF RECOMMENDATIONS

Gina Whitehill-Baziuk Planning Department provided an overview of the open houses on Goal 5. She spoke to the two versions of the public notices coordinating the effort with Tualatin Basin. She talked about the ads region-wide. They had participated in seven open houses early in March, two of which were in concert with Tualatin Basin. She talked about a keypad polling at the open houses. 280 participated in the keypad polling. The residential community was concerned about their property but equally concerned about their environment. They wanted a fair and equitable program. They also received comments on ideas for the program. She talked about the website visits on Goal 5. They were currently compiling all of the information, which should be available next week to Council. Council President Bragdon asked about Council's impressions. Councilor

McLain said the concurrent public notices was a bit confusing but she felt there were people listening. Councilor Monroe said he ran into a number of people who were confused about the City of Portland's program and Metro's process. Councilor Hosticka said last night the Tualatin Basin had a public hearing. Mayor Hughes said that people had taken the issue seriously and treated it as a serious issue. The testimony was split between people concerned about their individual properties and protection for fish and wildlife. Councilor McLain said she got a lot of calls and discussion on the "line". There were questions about the initial inventory and how the lines were drawn. She spoke to the opportunity to refine the map prior to rolling out a program. She felt we needed to cross-reference these two pieces of work, industrial lands and Goal 5. Ms. Whitehill-Baziuk said there had been a lot of questions about the inventory. She added that it was a huge effort to put this information together. She acknowledged staff's efforts. Councilor Burkholder talked about the format in the North Portland open house. Councilor McLain talked about Tualatin Basin's maps and how it helped with clarity.

Chris Deffebach, Planning Department, said they were working on developing a staff recommendation. She reviewed the key issues for consideration in developing a program direction recommendation (a copy of this is included in the meeting packet). She spoke to the high urban development based options. Councilor Hosticka asked about the boundaries of Washington Square Regional Center. Ms. Deffebach said they had parklands within most regional centers. Council President Bragdon said it seemed the "twos" were to have an Economic Social Environmental and Energy (ESEE) analysis. There was variation based on the 2040 hierarchy. The other concern was the residential area protection. Councilor McLain said they needed to narrow the options from six to one. Also, in the "two series" there seemed to be an integration of what was important to economics and protection. Narrowing was important in those areas. Ms. Deffebach said another key point was what level of protection should be given to the Class 1 Riparian and Class A Wildlife. The stricter the protection the more the demand was placed on how we find capacity in meeting building and housing needs in other areas of the Urban Growth Boundary (UGB). There had been a lot of questions about land vacancy and how much of the land was buildable. Councilor Burkholder echoed Council President Bragdon's concerns. How do you make sure there were greenspaces in your centers? He asked about the 60% of habitat inventory. Were public owned lands included in the 60%? We should be clear and cautious about what increment we were talking about. Councilor Monroe said when there were industrial activities by a riparian zone, there could be accidents and this could impact the health of the riparian area. He talked about paving over and filling in wetland areas and how that impacted the riparian areas. Ms. Deffebach asked, should there be any prohibit areas? And should there be allow areas? Councilor Burkholder talked about impact area near riparian zones such as an impervious parking lot so you didn't prohibit use but protected the impact area. You could still use it but you had to alter your use. Council President Bragdon suggested taking a broader watershed approach. He said regulation of impact areas yielded less than taking a broad watershed approach. Lori Hennings, Planning Department, talked about impact areas. Councilor McLain said Council hadn't made a decision about impact areas because there was no clear definition of impact areas. These were unfinished conversations. She said they would have to worry about definition of impact areas, as we got closer to developing a program. Councilor Burkholder suggested getting from Ms. Hennings information on surface water run off near steams versus forested areas. Ms. Hennings talked about Tryon Creek Park, the forest canopy and the storm water. Councilor Hosticka said in the Tualatin Basin they were talking about revenue and design. He talked about taking design into account when land use decisions were being made. He wasn't sure you called this regulation. Ms. Deffebach talked about the upland areas and impact areas and the opportunities for education.

Ms. Deffebach spoke to existing development. There were a lot of questions about what people could do around their home. It was important to clarify for the public. Councilor Hosticka asked about other units of government that regulated and how Metro was involved. Councilor McLain said they had talked about the footprint of development. There was a foundation for this, it would seem we would want to build on this. She talked about takings and exceptions in this program that would demonstrate that we were not doing away with development. She noted other tools that we could use. Council President Bragdon said a land use action was different than Metro's regulating behavior. He spoke to need to encourage good behavior. Ms. Deffebach said the difficulty started with how many trees do you cut before it was a land use action. They were asking for guidance from the legal department.

She then talked about defining limit in the program phase. She said access issues needed to be clarified. She talked about capacity needs through the different limit options. She asked direction on how to proceed to set the definition up front. It would help send message as to the nature of allow, limit, prohibit actions. Councilor Burkholder talked about 4) Transfer of Development rights. He asked how do we provide for capacity but not lose any capacity? He suggested a credit system. He said on a regional level you could balance capacity. Ms. Deffebach said the more there was strictly limit that may affect capacity the more there was a need to look for capacity in some other ways. He suggested offering compromise. Councilor McLain said she felt what Councilor Burkholder offered was possible. They needed to have a smorgasbord of ideas for design. There was a place for incentives and tools to allow people to be satisfied with the program. Councilor Hosticka addressed mitigation banking. He talked about the role of Metro. He felt it required a lot more thought before we could implement such as program. Ms. Deffebach said they were looking for direction at this point.

She then addressed the program specificity and flexibility issues. There was need for a general framework for local jurisdictions. She gave an example of regional public facilities. She said they would also have to decide on the timetable for implementation of the program. Councilor Burkholder said there was a difference between present institutions and proposed institutions. Council President Bragdon talked about local implementation. Michael Jordan, Chief Operating Officer (COO), said the first bullet under 6: Program Specificity and Flexibility gave him the most concern. He talked about jurisdictions that had resources versus those who didn't have resources. Councilor McLain said the program had to be specific enough so that small jurisdictions can plug it in versus allowing flexibility for the larger jurisdictions.

Ms. Deffebach talked about map corrections. When the inventory was adopted, Council also adopted a map correction process. She talked about the inventory model and the need to change it once they had the corrections in place. They will need to make sure people understand the process for map corrections. Councilor Hosticka said it would be useful to have a reissued map before they went out to the public again. Then, the question was after that were we the ultimate keeper of the map? If Metro was the keeper of the map, we needed to decide when we would reissue the map. Councilor McLain concurred. There were regular times that we update maps. She talked about the words that controlled the map versus the inventory. If you had words that controlled the map, you had words that controlled the map until you changed the map. Ms. Hennings said the Tualatin Basin was on a faster track than Metro. We would need to make corrections sooner rather than later and decide if we were going to re-run the map. The City of Portland had added streams to the inventory. Floodplains had been re-delineated. Ms. Deffebach said they would put together technical versus policy issues on the map. Councilor McLain said we had the map money in the budget this year.

Ms. Deffebach talked about the non-regulatory program further development. There was an interest in restoration. There was interest in education and willing seller acquisitions. Council President Bragdon said he felt the non-regulatory portion of the program seemed to be more applicable to the residential areas. Councilor Burkholder suggested addressing commercial level development such as green building design. Councilor McLain suggested a clearinghouse of information such as native plants and best practices such as green streets. She suggested talking about the non-regulatory activities to the public. Ms. Whitehill-Baziuk said the local jurisdictions expressed concerns about who would be paying for the non-regulatory program. Councilor Burkholder asked how we monitor the success of the program over time. Would there be a long-term analysis? Were we gaining or losing habitat over time? Councilor McLain spoke to enforcement or performance measures. She also talked about the need to make a connection with the Clean Water Act and the Endangered Species Act. Councilor Park wondered how we signaled success? Councilor Burkholder said if it was a performance measure, was it a healthy ecosystem? The performance measures must be easy to measure. Councilor Hosticka said he had heard that there was money out there to help us do this program. He suggested we find out about what money was available. Mr. Jordan said there was money out there for specific programs.

Council President Bragdon summarized the purpose of the discussion today. Ms. Deffebach said they would write up a draft of the resolution and the staff report next week. She said they expected the recommendation would change over time. Councilor McLain suggested including in the staff report how long we have been working on this process. Council President Bragdon thanked the staff for all of their efforts at the open houses.

3. CITIZEN COMMUNICATION

There were none.

4. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, Chief Operating Officer, said over Spring Break the Zoo staff did an unbelievable job of marketing the Zoo. Attendance was record breaking. Council President Bragdon acknowledged the concert series.

5. COUNCILOR COMMUNICATION

Councilor Burkholder announced that he had received a Kennedy School scholarship. It was for leadership training and housing issues.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 2:49 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 30,
2004

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	4/1/04	Metro Council meeting agenda for April 1, 2004	033003c-01
1	Resolution	3/30.04	Resolution No. 04-3438A, For the Purpose of Considering the Assignment and Modification of Metro Contract No, 924826 concerning a Lease Agreement for a Portable Simulation Theatre at the Oregon Zoo	033003c-02