

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, May 11, 2004
Metro Council Chamber

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

Councilors Absent: Rex Burkholder (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 1:07 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, MAY 13, 2004.

Council President Bragdon reviewed the May 13th Council agenda. He suggested Council submit their amendments for the industrial lands issues by May 21st.

2. INTERNSHIP PROGRAM

Michael Jordan, Chief Operating Officer, said this was the finished product at the request of Council to develop an internship program. Many individuals were involved from across the organization.

Karol Ford, Human Resources, talked about the process for developing the internship program. Human Resource Department will be the clearing-house for the internships. She noted the committee members were now department contacts for the internship program. Sue Gemmell, Creative Design Department, shared the web pages that had been developed for the internship program. She spoke to developing an internship and how to go about doing this. The internships were listed on the jobs area. Ms. Ford said there was a link to an internship email, which she checked regularly. Councilor McLain asked if this was new to other governments. Ms. Ford responded that some had established formal internship program. Mr. Jordan suggested Council discussion about more formal relationships with colleges to enhance this internship program. He noted that collective bargaining had also been involved in the team to address union issues. Council President Bragdon asked about the financial aspects of the program. Ms. Ford said some departments paid their interns and others do not. Some received academic credit for their internship.

3. GOAL 5 POLICY ISSUES FROM PUBLIC HEARINGS AND TUALATIN BASIN RECOMMENDATION

Brent Curtis, Tualatin Basin Natural Resources Coordinating Committee, presented the resolution that the Tualatin Basin adopted on April 19, 2004. It was the work that they had promised Metro that they would do. He noted the COO's recommendation. They had also been provided with a comparison of potential Goal 5 regulatory programs: Metro and the Tualatin Basin (a copy of which is included in the meeting record). He spoke to the staff report, which included maps that helped you see map designation and the matrix. He explained that the Basin was doing a two-step process, a basin-wide approach and then a sites-level analysis. He spoke to the approach that they took. He noted the recommendations. He talked about the sites-level analysis and his recommended adjustments. There weren't that many sites level adjustments. He talked about the fearfulness of planners, elected officials and citizens. There was uncertainty about what this

meant and losing development capacity. The results of the sites level adjustment were adjustment recommendations for general ALP program (attachment D of the packet, a copy of which is found in the meeting record). He noted the need to have the ability to revisit the ESEE, allow, limit and prohibit as well as the sites-level adjustments. He talked about attachment E, which was about the sites level discussion that they had done. He noted general ALP adjustments still under consideration. There was concern at the local jurisdiction level to making adjustments to their individual plans. The issue was loss of capacity and considering having to re-plan. They had already done as much as they could to increase density. To be asked to re-plan gave them concern. They thought that the Council could do some policy making to refine some of these concerns. He concluded that of the six options Metro had looked at, their choices were with Option 2B, which was what Metro, had chosen also. They felt that conclusions they came up with were similar to Metro's conclusions. They had discussed how to review map corrections with the Metro staff.

Andy Cotugno, Planning Director, talked about the Intergovernmental Agreement with Tualatin Basin and that this was the opportunity to give feedback to them.

Chris Deffebach, Planning Department, said August 16th was the date for the program presentation by Tualatin Basin group. Mr. Curtis said they had 16 weeks left to make that decision. Ms. Deffebach talked about a memo dated May 6th concerning the Resolution No. 04-3440 relating to Phase II ESEE analysis report, ESEE recommendation and program direction. She asked if Council had any amendments, they would like to receive these as soon as possible for the May 20th decision. She spoke to Attachment 1, which included MTAC, Goal5TAC/WRPAC and COOs recommendations. They felt that the treatments for parks area should be separate from rural areas. Parks should have an extra strict use. They wanted to do more in this area to protect. She continued to review the differences in recommendations between MTAC, GOAL5TAC/WRPAC and COO's recommendation. Councilor Newman asked about the MTAC recommendation and when it was not in agreement with the COO's recommendation. He asked what the Council could do if they wanted to accept the MTAC recommendation. Councilor Hosticka talked about looking at function and considering how you would improve the quality of the area. Ms. Deffebach said they had heard a lot about floodplains. They had learned that floodplains were very important. There were three kinds of floodplains, the additional one was vacant that had been previously disturbed. There were a great variety of floodplains. Councilor Hosticka said dealing with function would be useful in the floodplain areas. Ms. Deffebach continued to review Attachment 2, Key issues for Council consideration and responses. She reviewed Table 1, Key issues related to the ALP recommendation, Table 2, Key issues related to program direction and Table 3, Technical amendments to Resolution No. 04-3440 and finally Table 4, Key issues related to the Phase II ESEE analysis report.

Paul Garrahan, Metro Assistant Attorney, talked about vegetation removal. What should the threshold be, would it be the same as Title 3? He suggested a coordinated approach. Councilor Newman said he would like to have the conversation. He talked about the individuals who had expressed concern about vegetation. Their property was over 80 years old and they had a variety of plants and trees that weren't on the native vegetation list. Councilor Park said the native plant issues kept coming up. He talked about Oregon grape and the variety of the plants. Ms. Deffebach said they could write the Fish and Wildlife Habitat protection program without looking at Title 3. The idea was that they didn't want people to plant noxious plants. Lori Hennings, Planning Department, said they wanted native because there was a chain. People did want to landscape. She talked about invasive species getting lost. The idea was to identify potential invasive plants and create a list of those plants. The subspecies were not usually part of the list. Councilor McLain said she thought they could look at Title 3 and find out what they were enforcing and

what they were not. She urged a common sense direction and to learn the lessons from Title 3. Mr. Cotugno said the main concern of Title 3 was that it was currently what was in regulation. The two must be integrated (Title 3 and Goal 5). Mr. Garrahan said we were talking about the water quality and the flood management goals. What was done here would be part of Title 3. Councilor Park asked could we adopt a noxious weed list and then guide individuals about other plants. Councilor McLain said some organizations and groups believed this issue was the most important issue on the table. Councilor Hosticka asked if they wanted to engage in this conversation. Councilors talked about involvement with other jurisdiction programs and having a list that was not allowed.

She then covered the comments on allow, limit and prohibit. She talked about redevelopment and how much did you restore versus new development and how much you protect. Jurisdictions told them that this was one of the hottest issues. Council President Bragdon said the concern was that if the redevelopment were too onerous so they wouldn't redevelop. Councilor Park asked about where would redevelopment be. Mr. Jordan said some of this implementation might need to be at the local level rather than the regional level. Ms. Deffebach continued by talking about increasing the discussion about the economic values of medical, education and transportation facilities. Councilor Park asked about public use facilities. Ms. Deffebach said they were trying to capture the major regional facilities. Councilor Park raised the issue of treatment facilities. Ms. Deffebach said there was a variety of infrastructure that needed to be addressed. Councilor Park said we needed to have a good explanation of why you gave regional facilities a pass. Councilor McLain said they had heard about utilities in the last go around. Ms. Deffebach addressed the issues of overstating the benefits of mitigation and loss of capacity. She then addressed the issues concerning the Phase II ESEE analysis report from IEAB, City of Portland, advisory committees, etc.

Council President Bragdon asked about vesting. Ms. Deffebach said it was a legal term, some level of commitment to the site and a plan that they had intended to do with the land. She had heard the term used both ways. Mr. Garrahan said they couldn't affect the legal vesting. Mr. Cotugno asked if they needed to state it. Mr. Garrahan said there was a concept that some folks haven't done enough to be legally vested but the planning was far enough along so that they could be acknowledged. Should they have some program element that went beyond the legal vesting and what kind of activity would account for that? Master planning and business planning were two of the areas. Councilor Newman talked about map adjustments. Ms. Deffebach said that this needed to be clarified. Mr. Jordan said one of the implications of adopting a program was to be able to track progress and success over time. Councilor Park talked about vesting. Gresham was going through a process on Hogan Butte, that particular piece of property could be vested for another five years. Who polices these issues? Until someone called someone on it, you might know that this area was vested. Councilor Hosticka said he would be reluctant to define new categories of vesting. On the map, someone had to have a map of what the resource was. Councilor McLain said she felt the Washington County clearly sets the standard for mapping. The process had worked on Title 3, which was the same set of issues. The issue on the map was huge. There were two issues, one, was it a regional plan or not, and second, was it truly 24 Goal 5 programs or was it a regional program. The map issue was also related to Metro's other functions. This was instrumental in some of our Urban Growth Boundary (UGB) decisions. Councilor Park said in the original mapping, there were decisions made. It was difficult to keep score, particularly if you didn't have the resources.

Ms. Deffebach asked about amendments. She offered to draft the Goal5TAC/WRPAC and MTAC amendments. Council President Bragdon asked if Councilors wanted to bring forward amendments. Councilor Hosticka suggested that he wanted to see the amendments from

Goal5TAC/WRPAC recommendations. He wasn't sure if amendments should come from MTAC's recommendation, as they were advisory to MPAC. Ms. Deffebach said there were some technical amendments that would help clarify. Council President Bragdon said he would be willing to carry those technical amendments. He noted MPAC would be asked for a recommendation tomorrow night.

Mr. Curtis noted the comparison of potential Goal 5 regulatory programs between Metro and the Tualatin Basin. He felt that Metro and Tualatin Basin were very close. The first look was how congruent were they. He felt that this was a good useful judgment. They were very close to the COO's recommendation. Councilor Newman asked about differences in level of limit. Was it true that Metro's recommendation was within the UGB and Tualatin Basin was outside the UGB? Mr. Curtis said it had more to do with the way they analyze things rather than the choices they made about policy. Council President Bragdon asked Mr. Curtis about the MTAC approach. Was the body split? Were there geographic differences? What did he observe about his other colleagues on MTAC? Mr. Curtis said the environmental groups were carrying GTAC's recommendations. His observation about the jurisdiction was they were worried about the loss of development capacity and the implications as to what it would mean to the Urban Growth Management Plan. For the Basin members it was easy to lump. There was concern about development capacity. Mr. Curtis said the very next thing that they would do was to meet twice a month instead of once a month and commit to what it took to get to August 16th. They were trying to finish the Existing Environmental Health Report.

4. CITIZEN COMMUNICATION

Jim Labbe, Audubon Society, said he thought that the recommendations from Goal5TAC and WRPAC represented the perspective relating to protection of the highest value habitats. He spoke to Habitats of Concern and shared some maps that addressed their concerns. He noted the value of their recommendations. There could be exceptions in the future but recommended protecting areas of concern.

5. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, reminded Council about the contract list that would be included in the budget.

6. COUNCILOR COMMUNICATION

Council President Bragdon noted the revised schedule for the industrial lands amendments. They would introduce and discussion proposed amendments on May 27th but not vote on them until June 3rd. They were asking that Councilors submit their amendments by May 21st.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:05 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 11, 2004

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	5/13/04	Metro Council Agenda for My 13, 2004	051104c-01
3	Resolution	5/1/04	Resolution No. 04-3440, For the Purpose of Endorsing Metro's Draft Goal 5 Phase 2 ESEE Analysis, Making Preliminary Decisions to Allow, Limit, or Prohibit Conflicting Uses on Regionally Significant Fish and Wildlife Habitat; and Directing Staff to Develop a Program to Protect and Restore Regionally Significant Fish and Wildlife Habitat	051104c-02
3	Fact sheet	5/11/04	To: Metro Council From: Brent Curtis, Tualatin Basin Coordinating Committee Re: Comparison of Potential Goal 5 Regulatory Programs: Metro and Tualatin Basin	051104c-03
3	Resolution	5/11/04	Resolution Before the Tualatin Basin Natural Resources Coordinating Committee in the Matter of an Interim Decision for Metro Goal 5 Draft ESEE analysis and Allow-Limit-Prohibit Recommendation Map	051104c-04
3	Memo	5/6/04	To: Metro Council From: Chris Deffebach, Long Range Planning Manager RE: Resolution No. 04-3440 relating to the Phase II ESEE analysis report, ESEE recommendation and program direction	051104c-05
3	Memo	3/22/04	To: Tualatin Basin Natural Resource Coordinating Committee From: Brent Curtis, Goal 5 Tualatin Basin Steering Committee	051104c-06