

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

April 28, 2004 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Nathalie Darcy, Dave Fuller, Gene Grant, Ed Gronke, John Hartsock, Deanna Mueller-Crispin, Lisa Naito, Doug Neeley, Martha Schrader

Alternates Present: Larry Cooper, Tim Crail, Meg Fernekees, Jack Hoffman, John Leeper, Karen McKinney, Nick Wilson

Also Present: Betty Atteberry, Westside Economic Alliance; Linda Bauer, Citizen; Hal Bergsma, City of Beaverton; Beverly Bookin, CCA/CREEC; Al Burns, City of Portland; Cindy Catto, AGC; Danielle Cowan, City of Wilsonville; Brent Curtis, Washington County; Bob Durgan, Anderson Construction; Kay Durtschi, MTAC; Dick Feeny, TriMet; Holly Iburg, Newland Communities; Jim Jacks, City of Tualatin; Jim Johnson, Oregon Dept. of Agriculture; Roberta Jortner, Portland Planning Bureau; Norm King, West Linn Council; Jim Labbe, Audubon Society of Portland; Stephen Lashbrook, City of Lake Oswego; Charlotte Lehan, City of Wilsonville; Sue Marshall, Tualatin Riverkeepers; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Greg Miller, AGC; Rebecca Ocken, City of Gresham; Pat Ribellia, City of Hillsboro; Thane Tienson, Landye Bennett; David Zagel, TriMet; Ted Wheeler, Citizen, Andrea Vannelli, Washington County Planning

Metro Elected Officials Present: Liaisons – Carl Hosticka, Council District 3, Susan McLain, Council District 4; David Bragdon, Council President

Metro Staff Present: Kim Bardes, Dick Benner, Dan Cooper, Chris Deffebach, Paul Garrahan, Randy Tucker, Mary Weber

INTRODUCTIONS

Mayor Charles Becker, MPAC Chair, called the meeting to order at 5:06 p.m. Those present introduced themselves.

1. ANNOUNCEMENTS

Meg Fernakees announced that there would be a new member and alternate representing DLCD at MPAC. She said that the member would be Margaret Kirkpatrick, the alternate would be Lane Shetterly, and she would continue to serve as a second or back up alternate when needed.

Chair Becker said that the Healthy Centers Subcommittee had met before the meeting. They talked about the purpose of the subcommittee and the ultimate outcome for healthy centers. They considered a possible symposium to help other centers, development of a list of resources that would help policy makers in jurisdictions, and how the subcommittee might help with regional legislative agendas. He said the subcommittee would meet on the 4th Wednesday of each month at 3:30.

3. CITIZEN COMMUNICATIONS

There were none.

4. CONSENT AGENDA

Meeting Summary for April 14, 2004.

Motion:	John Hartsock, Clackamas County Special Districts, with a second from Nathalie Darcy, Citizen, Washington County, moved to adopt the consent agenda without revision.
Vote:	The motion passed unanimously.

5. COUNCIL UPDATE

Council President Bragdon said that the COO recommendation had been introduced at Council which included the UGB expansion areas, language on Title 4, and the Hosticka Ordinance. He said that the recommendation from MPAC was received by Council right after the COO recommendation was formulated. Both of those recommendations would be weighed by Council. The map was in conformity, and the Title 4 language recommended by MPAC was slightly different in some key areas from the language in the COO recommendation. He again announced the upcoming hearings pertaining to that decision. Consideration of amendments to that omnibus ordinance would commence on May 27 at 2 p.m. for the Metro Council meeting. Final action was still scheduled for June 24th. He asked the jurisdictions to keep their testimony at the hearings brief and suggested that they use the established committees to testify rather than the hearing, as citizens had expressed frustration at previous hearings over time management. Tours of successful centers development and redevelopment was organized for July 9th and July 16th. They were working with the cities of Gresham, Beaverton, Hillsboro, and Portland.

Jack Hoffman asked if it was possible to have the elected officials to go first at the upcoming hearings.

Council President Bragdon said that there had been strong input from citizens and the citizen involvement committee indicating that citizens had been short-changed in past hearings. He was, therefore, asking that jurisdictions to limit representation to one person.

Jack Hoffman suggested that only one or two people from each jurisdiction express the opinion of their jurisdiction and then limit the time allotment to 3-5 minutes.

Council President David Bragdon said that he would try to work with them and asked them to work with Metro.

8. CHIEF OPERATING OFFICER RECOMMENDATION ORDINANCE 04-1040

Dick Benner gave an introduction of Ordinance 04-1040.

Chair Becker said that the City of Gresham had a concern about the removal of 90 acres. There was a natural greenway that separated the northern portion from the southern portion of that piece of land, and they would like to encourage the inclusion of the northern portion, but did not have a problem with removal of the southern portion.

Jack Hoffman asked if the COO and Lydia Neill had made a presentation to LCDC.

Dick Benner said it was their third trip to give LCDC an update and to discuss the COO recommendation. Mike Jordan and Lydia Neill were looking for feedback from the commission.

Karen McKinney said that those cities that had ordinances under their industrial components that provided for medical and dental offices should be able to continue business under their ordinances, and

areas that did not have those types of ordinances in place should have further opportunity to study that and weigh in on it. Medical offices and those types of facilities were critical to the economy of the region. She said that the Mayor of the City of Hillsboro would review the recommendations set forth once he returned from his trip. This would help them determine what areas fit in and what areas were not suitable. She said that it was a policy decision that MPAC would have to make in the future. She said that they had narrowed the lands under study from 29,000 down to as low as 1,635 acres, which was a broad span.

Jack Hoffman referred to the map and expressed concern from jurisdictions about the southern part. He said that what concerned the City of Wilsonville, Lake Oswego, and West Linn was that there was a lot of green on the map located in the southern part of the region. He said they were particularly concerned that a majority of warehousing and distribution land would end up in the southern areas because of the access to freeway and space. He said that they would bring in 600 acres and only use 160 acres for industrial purposes. The affected jurisdictions said that they did not think that it was appropriate at this time to bring in that much land for that purpose. Of the 1000 acres in the evergreen area, about 700 acres would be productive job land. They recommended, therefore, that MPAC and Metro Council switch the green and yellow areas on the map.

Charlotte Lehan said that the Frog Pond area was east of Wilsonville. She also said she was concerned about regional equity, especially as it related to trucking in the south I-5 corridor. Between Wilsonville, and Tualatin, they were already handling more trucking than anyone, except Troutdale, in the region. She said that she thought that Wilsonville handled trucking really well. She said that if more industrial land came into Wilsonville, they would be off the charts for percentage of industrial land. They had 35% industrial and while they were not unwilling to take more, the problem was that it would create havoc with trucking going through residential and school zones and ruining their carefully planned and highly livable community.

Ed Gronke reminded Mayor Lehan that she had said she also had an issue with the inventory.

Mayor Lehan said that Metro staff was missing at least 150 acres of industrial land in their inventory for Wilsonville. She said the land was not zoned industrial, but was designed as industrial in Wilsonville's commercial plan.

Carl Hosticka said that the City of Tualatin Council had reported that they had concerns about the Borland area. They also expressed concern about the northern part of the Tualatin area related to the issue of where the potential connector for I-5 and 99 would be located.

Mayor Lehan said that Wilsonville's position on that piece of land, which was called Tualatin but was more accurately Wilsonville/Tualatin (north of the prison and north of Wilsonville's industrial section), was that they were amenable to taking that back, or some portion of it, as industrial. They had been holding off doing that because that part of Tualatin was residential and Wilsonville wanted to wait until the decisions about how to buffer that area and where to place the connector had been made. Wilsonville did not object to taking more land in the northwest quadrant because it would provide excellent access to a trucking interchange.

Ed Gronke asked what the drop dead date for final designation of land was in order to meet the June 24th decision date.

Council President Bragdon said that Metro's deadline to complete periodic review was June 30th. Therefore, the June 24th Council meeting was their final meeting before the deadline. He said that amendments could be made at the May 27th, June 10th, and June 17th Council meetings.

Ed Gronke asked if there would be a legal problem with changing parcels designated after the public hearings took place.

Dan Cooper said that they had given notice to the entire 29,000 acres that were under consideration that they were still possibly under consideration. He said that in the past Metro had encountered problems where land was not on the map, but was added later. Metro was attempting to avoid that and that was why they had alternative sites to consider and that those sites/people were aware that they were being actively considered as well.

Jack Hoffman suggested Noyer Creek be considered as an alternative to the Borland/Frog Pond area. He said that while Noyer Creek might have some issues, it was at 75% efficiency whereas Borland was at about 25% efficiency. He said that he thought Clackamas County had lobbied for that to be brought in.

Martha Schrader said that Clackamas County would be very happy if Noyer Creek would be considered.

Karen McKinney said there had been some concern about what the role under the charter was for Metro and MPAC as it related to these types of policy issues. She wanted to know what the individual roles were and when information should be introduced on an issue as stated in the Charter, especially for Title 4 or Goal 5. MPAC was an advisory body that consulted with Metro on all decisions and whatever came out of MPAC should be received accordingly. She wanted to know how that would all play out pertaining to Metro Council's decision.

Council President Bragdon said that typically Metro Council had an ordinance, it was given to MPAC for advice, the MPAC body voted, minutes were taken, and the MPAC chair would then send Metro Council a letter outlining or explaining the MPAC recommendation.

Karen McKinney said that she did not feel that process had been followed with the last issue. She said that the information that was submitted to the Metro Council was not what MPAC had advised via Mayor Rob Drake's letter, but rather what the Metro Chief Operating Officer had recommended.

Susan McLain said that the Metro Council received advice from many parties: MPAC, citizens, jurisdictions, interested parties, special interest groups, etc. She said that they considered all of that information in making their decisions. She said that they valued the advice from MPAC, but it was not a rubber stamp. Their job, as Metro Council, was to look at all the information, and they had two more months in which to do that before they made a decision.

Council President Bragdon said that they had two ordinances on Title 4, which were sent to MPAC in December, for which they took action on April 14th. Therefore, Metro Council had the MPAC recommendation on that piece. The Council also had an ordinance introduced by the Metro Chief Operating Officer (Ordinance 04-1040), which was officially referred to MPAC for advice and for which they would presumably take a vote on, and then that recommendation would be on record. There was also an Ordinance from Councilor Hosticka that was on the table. He said that Metro Council had submitted all the proper ordinances to MPAC.

7. OREGON DEPARTMENT OF AGRICULTURE REPORT

Chair Becker introduced Jim Johnson.

Jim Johnson gave a presentation on the Oregon Department of Agriculture Report on “Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use.” Copies of those slides are attached and form part of the record.

Ed Gronke said that in Texas they had addressed the issue of transportation of farm equipment and farm freight by creating a dedicated agriculture lane that ran along the shoulder of the road. Violators were heavily fined.

Jim Johnson said it was a great idea, but the further problem was that farmers had no place to pull off or turn around.

Jack Hoffman asked Jim Johnson about the map that showed areas that could be included or excluded once they got to that point. He wanted to know if he would consider a map in which areas would be entirely off limits.

Jim Johnson said that they had investigated the entire Metro UGB, so if they were not on the list, then they felt those areas should not be looked at.

Jack Hoffman asked if that meant that from his perspective those areas were off limits.

Jim Johnson said yes. The study was focused on industrial lands needs and no other land.

Karen McKinney complemented the report. She questioned if they had looked at just the agricultural report without involving business. She said there needed to be a balance between the agricultural community and other business interests in terms of looking at land use needs. She also wanted to know when the report would be shared with other constituencies, such as those that participated in the symposiums.

Jim Johnson said his charge was to look at strictly the impact on agriculture. It was Metro’s charge to put all components together. He said that other industries would be impacted by the decision and Metro needed to take all of those into account. He said that their focus was – how could they expand the boundary with the least impact on the agricultural industry?

Doug Neeley wanted to know if other areas that were highly productive but were not Class 2 lands had been factored into the study results, and if those lands were excluded.

Jim Johnson said that they had factored in what they could based on state law. He said the priority was to protect the EFU land over the rural residential land. The nursery industry was very dependent on the land and infrastructure. Agricultural land in the Metro area had the ability to change and adapt, and that made it difficult.

Susan McLain said it was first time that the agriculture community had provided input for this type of decision. She expressed her appreciation for the work done on the report and referenced the GMEL

report. She said that those two pieces of work, along with the ongoing dialogue among industries, Metro, jurisdictions, citizens, etc. would all help piece together the work. That work would always be ongoing.

6. GOAL 5 RESOLUTION 04-3440

Chris Deffebach gave an update on the resolution with the COO recommendation for Fish & Wildlife Habitat Protection, reviewed the introduction of the resolution at MTAC, and spoke about the first public hearing held on April 15th. She also mentioned the future public hearings scheduled for May 4th and May 20th and that the resolution was scheduled for consideration at MTAC on May 5th. She briefly introduced Brent Curtis.

Jack Hoffman said that to make an intelligent decision they would need a map.

Chris Deffebach said that they did have a map and they could also look up their area on the website to see how it would be affected.

Jack Hoffman said he would like a big map of his jurisdiction/city.

Susan McLain said that they could get on the website and blow up their own area.

Chris Deffebach said that they had maps of inventory that were by jurisdiction. She said that they had a USGS scale map for the riparian and the wildlife, but they didn't have the ALP map at that scale.

Jack Hoffman asked if they had done a parallel analysis of the effect on buildable areas for the UGB for December 2007.

Chris Deffebach said that they had been looking at buildable land issues. In terms of the effect on the UGB, the "strictly limit" had the greatest potential for impacting building capacity. The recommendation included "strictly limit" for the Class 1 riparian areas but about 2/3 were already protected on some level by Title 3. A part of the recommendation was to continue to look early in the development program phase, not only as they defined what the "strictly limit" meant, but also while they looked at ways to limit the effects on loss of development capacity. They needed to focus on what could be done to mitigate the loss of habitat and development capacity.

Gene Grant asked if there was a general sense that there was a potential for use of transferable development rights as a way to avoid loss of development.

Chris Deffebach said there was a great deal of skepticism on the use of offsite transfer development rights. It would depend on a case-by-case situation.

Gene Grant asked if they would discuss that before they made a decision. He felt it would make a big difference in terms of what "strictly limit" meant and if they would lose development rights.

Chris Deffebach said that this step was hard because they were asking folks to make a decision on general levels of "light," "limit," and "strictly limit" without definition. She said that changes could be made as they worked through the process and learned more about these other issues between now and the end of the year.

Doug Neeley said that these were things that he would like to see MTAC actually address. He said that he had previously suggested that they develop a plan to distinguish brownfields from land that wasn't brownfields and perhaps produce a cut and fill scenario that might happen in those areas instead. He said that perhaps the cut area could be converted to a more acceptable quality for habitat. He said that undeveloped areas such as a flood plain could be dealt with in two ways: one was through the cut and fill process and the other was to build out of it so that the lower floor could still be flooded. If there was a reasonable degree of quality in the riparian area, then cut and fill would be a disaster because they would be destroying a riparian area. They needed to think about whether they would prevent only some kinds of development in areas that had quality riparian habitat. He said that intermittent streams and steep slope areas were critical. The water in the intermittent streams actually contributed to the quality of streams and he suggested that MTAC consider that perhaps intermittent streams got the same as perennial streams in steep sloped areas. Under Title 3 there was no vegetative protective corridors for drainage land of less than 50 acres in the basin. They needed to consider whether they wanted to have no protection on land that had a watershed of less than 50 acres as that was critical upland waters. He asked that those particular issues were presented to MTAC.

Chris Deffebach said that the combined Goal 5/WRPAC committee meeting was coming up and that those items would be presented at that meeting as well as at MTAC.

Nick Wilson said that it was nearly an impossible task to determine how much land to replace because redevelopable land was subject to multiple restraints. It seemed impossible to map the acreage of the resource itself without also looking at whether taking a portion of a property would render the whole property undevelopable. He was concerned that this would happen region-wide.

Chris Deffebach said that she agreed that it would be difficult to recalculate the exact effect, but she felt they would have time to look at that before the 2007 UGB decision.

Dave Fuller said that he had taken the information back to the staff of his three cities to review and provide feedback. The conclusion was that they agreed with Option 2B with the modification that Town Centers be moved into the high urban development category. He submitted their report for the record and it is attached.

Karen McKinney said that, for the most part, people in Washington County were happy to see Metro's decision as it related to Option 2B. She said that issues that still needed to be resolved were between the basin approach and Metro's approach. She thought that Metro would probably end up with a somewhat stricter approach than the basin would result in. She expressed concern over how the various programs would relate to the revenue issue, and how those would be applied in design. She said that the real discussion would take place at the program stage once things had been more clearly defined.

Brent Curtis reviewed the resolution that was adopted by the Tualatin Basin Natural Resources Coordinating Committee. That resolution is attached and forms part of record.

Deanna Mueller-Crispin asked how many acres of ecological function and habitat would be lost by bringing in the recommended amount of industrial land.

Chris Deffebach said that even if they had "lightly limit," "moderately limit," and "strictly limit" defined, they knew that when they applied it there would be variations on how jurisdictions would choose to apply it. They had estimates of how many acres would be subject to loss, but until it was applied they would not know exactly.

John Leeper said he did not think that that information could be determined until they finished the next stage.

There being no further business, Chair Becker adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR APRIL 28, 2004

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#8 Chief Operating Officer Recommendation Ord. 04-1040	4/26/04	Letter from Mayor Rob Drake, Beaverton, to David Bragdon and Council Members re: Amendments to Title 4 of the Urban Growth Management Functional Plan	042804-MPAC-01
#8 Chief Operating Officer Recommendation Ord. 04-1040	4/27/04	Letter from David Bragdon to Mayor Rob Drake in response to above letter	042804-MPAC-02
#7 Oregon Department of Agriculture Report		Color maps re: Oregon Department of Agriculture Areas	042804-MPAC-03
#7 Oregon Department of Agriculture Report	April 2004	Copies of slides from Jim Johnson's PowerPoint presentation "Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area UGB for Industrial Use"	042804-MPAC-04
#6 Goal 5 Resolution 04-3440	April 2004	Copies of slides from the Metro Fish and Wildlife Habitat Protection Phase II ESEE Analysis Staff Recommendation	042804-MPAC-05

#6 Goal 5 Resolution 04-3440	4/27/04	Memorandum from Rich Faith to Troutdale Mayor Paul Thalfhofer, Wood Village Mayor Dave Fuller, and Fairview Mayor Mike Weatherby re: Metro's Goal 5 ESEE Analysis: Phase II Analysis of program options	042804-MPAC-06
#6 Goal 5 Resolution 04-3440	4/19/04	Tualatin Basin Natural Resources Coordinating Committee Resolution No. 2004-01 In the Matter of An Interim Decision for Metro Goal 5 Draft ESEE Analysis and Allow-Limit-Prohibit Recommendation Map and Staff Report	042804-MPAC-07
