

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, August 17, 2004
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused), Rex Burkholder (excused)

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

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, AUGUST 19, 2004.

Council President Bragdon reviewed the August 19, 2004 Council agenda. Dan Cooper, Metro Attorney, talked about the debt collection against one of the haulers. They had been negotiating with the company to write off a portion of the debt. The resolution was still on the agenda but if the correct documents weren't received by tomorrow, he recommended pulling the resolution. Council President Bragdon talked about Resolution No. 04-3488 and 04-3489. He indicated that the work group resolution might have to be delayed because they were still confirming committee members. He then talked about the homeowner resolution. He had talked with Mayor Drake about the resolution in the absence of a MPAC meeting. He talked about the GPAC membership resolution and his nominations for that committee. Councilor Park asked about an "A" version for the TPAC resolution. You would have to take it off the consent agenda and move the "A" version.

2. FISH AND WILDLIFE PROGRAM – PROGRAM ELEMENTS AND REVIEW PROCESS

Chris Deffebach, Planning Department, explained Resolution No. 04-3488 and 04-3489. She talked about why they were putting the work group together. There were already local jurisdictions that had Goal 5 programs. The purpose of the work group was to bring a group together to see how individual jurisdictions had implemented their Goal 5 programs. She talked about the composite of the work group (a copy of which is included in Exhibit A of Resolution No. 04-3488). Council President Bragdon said he had called several mayors about his nominations. The mayors were happy that their staff was involved. Ms. Deffebach suggested getting the group working as soon as possible.

She then briefed the Council on Resolution No. 04-3489, clarifying the Goal 5 program so it would not restrict currently allowed uses of developed residential property. It provided greater clarification on this concern. She spoke to the impact on developed land. This resolution would help answer questions they got from property owners about their land. Councilor Monroe said wasn't it true that local communities could exceed what Metro implemented? Ms. Deffebach said yes. Councilor Monroe said Goal 5 guidelines could be more stringent at the local level. This resolution encouraged incentive stewardship and education. Councilor Newman asked if you wanted to subdivide a property, would it be subject to a Goal 5 program. Ms. Deffebach said yes. Councilor Park asked if a tree-cutting permit was a land use action? Paul Garrahan, Metro Assistant Attorney, said yes and no. There had been some precedents on both sides. Councilor Newman asked, if an existing home can subdivide but they wanted to do a major expansion, did the Goal 5 program apply? Ms. Deffebach said this was still being defined. Michael Jordan,

COO, responded a building permit will not normally trigger a land use process. He was not aware of any cities that had design review on single dwelling units. Design review was a land use action. Councilor Newman asked about building permits and land use permits. He wanted clarification. Ms. Deffebach said they would clarify the language. Council President Bragdon asked about the Tualatin Basin meeting. Ms. Deffebach said they decided that they would act on September 30 if they thought they were ready. They had laid out a long list of issues that they wanted staff to investigate such as economic consequences of protection, etc. They wanted to respond to comments made by the public. Council President Bragdon said the capacity issue had come up but everything was inconclusive. Ms. Deffebach talked about lost housing and lost jobs based on the program. It was hard to do that analysis. There were a lot of caveats and assumptions. Tualatin Basin was beginning to hone in on capacity. The capacity issue will continue to be a topic of discussion. Mr. Garrahan had developed a paper on capacity issues that Ms. Deffebach would provide to Council. She said they would be identifying how much land was already protected so they could determine capacity. Councilor Park talked about Title 3 capacity. He questioned the simultaneousness of Goal 5 and 2629. He felt there was no way to do an accurate calculation of how much capacity was lost because you developed at different times. Councilor Monroe said capacity was a real issue and there was no way you could do Goal 5 and 2629 at the same time. Councilor Park said unless something was altered, Council adopted a resolution that spoke to this issue. Councilor Monroe said he had been telling folks on both size of this issue that if you took land out for Goal 5 protections, that meant moving the Urban Growth Boundary (UGB). There was a capacity impact when they made these decisions.

Councilor Park said there was things that could be put out to the public that would help them understand the protection issues. Ms. Deffebach said the other issue that continued to come up was the mapping process. She said on the website they had created a tool to help individuals understand why their property was in the inventory. Councilor Newman asked about getting an email with specific questions, could he forward this to the Goal 5 staff. Ms. Deffebach said yes, they were rotating who responded to these questions. Councilor Park asked about losses and improvements of sites. Ms. Deffebach said they would like to keep tract of both adjustments. Councilor Park said they needed key measurements of success or failure for future generations. He gave an example of increasing the quality but not necessarily increasing the acreage. Council President Bragdon said you should be able to go back and measure quality of water and improvement of species. Ms. Deffebach said there was a question as to who would be monitoring in the future. She said they would be back to Council at the end of September.

3. PERFORMANCE MEASURES REVIEW

Ms. Deffebach said there was a great interest in performance measures, which they take as a good sign. It didn't make the work easier. There was a great interest in performance measures at Metro. There was a lot of interest in making performance measure comparative. Mr. Uba had a first draft of the fundamentals.

Geri Uba, Planning Department, talked about the future resources that would be needed to do this well. He provided a power point presentation (a copy of which is included in the meeting record). He said this was a preview of the report that Council would be getting next month. He said this performance measures report was based on 2040 Fundamentals. He felt that the strategic planning process was similar to the 2040 Fundamentals. Council was the leading charge for future 2040 Fundamentals. He said what they were measuring was the policies that had moved on those 2040 Fundamentals. He detailed what they were measuring in Fundamental One. In the future, they would be measuring the objectives. They were currently measuring policies. He noted that mixed use residential was going up while single-family dwelling capacity was declining slowly. He

spoke to available vacant land. How were we consuming land? They found land consumption from 2000 started going down while the mixed-use land had started going up. They didn't have data for 2003 yet. It took a lot of time to compile this information. It took up to two years to compile all of this information. The decreases were a result of the recession. Councilor Newman asked what mixed used industrial commercial was. Mr. Uba said they were industrial complexes where you had a small commercial portion. He then spoke to how we were accommodating population. In 1999 through 2000 we were accommodating 17-person per acre, from 2000 to 2003, we were accommodating 19 persons per acre. He talked about the impact of the recession and the impact on the report concerning jobs. During this recession there was a lot of construction going on even though we were losing jobs. He then talked about lot size for single-family units. The size of the lots had decreased. This meant that infill policies were working. Council President Bragdon asked if they measured condominiums and row houses? Mr. Uba said yes but they wouldn't be able to do this in the future because local jurisdictions had decided not to keep this statistics. Mr. Uba then talked about centers and what was included in the centers, 51% were mixed use. The Council's decision to focused mix use development in centers was working. He noted this was a preview. He said 42% of all of the jobs were outside of the centers in 2002. They had this data for 2000 but not passed 2000. Councilor Park asked about the types of jobs. Mr. Uba said they would be able to show what types jobs were in the centers. Councilor Park talked about the development of centers and the types of jobs in the centers. If it was broken down by SIC, this should show the kind of jobs. Councilor Newman asked about station communities, it didn't seem that it should be 12%. Councilor Monroe said it would be helpful to know how they defined the station area. Mr. Uba said this was based on actual planned areas. They were working at not double counting. Ms. Deffebach said the issue was how things were counted when the station area was in a town center.

Mr. Uba talked about measuring the distribution of growth policy. How good was the region doing in this area? One of the indicators was taxable value, taxed assessed value. He shared with the Council the values of each jurisdiction. Mr. Jordan said real market data was not as accurate as it once was. Councilor Park pointed out that he wanted to make sure we were measuring the right thing. Mr. Jordan suggested that you might want to measure both taxable value and real market data. Housing value was not necessarily indicative of their total value. Mr. Uba talked about school data.

He then talked about future steps. They would have a first draft for Council next month. The 2004 report was an update to last year's report. The data they have right now was based on qualitative data. Councilor McLain talked about the comparables and suggested we could offer that data to the State.

4. CORRIDOR/CENTERS TGM GRANT

Tim O'Brien, Planning Department, briefed the Council on the Transportation Growth Management (TGM) grants that Metro received recently to look at corridors and centers and their relationships. He detailed some of the grant components and the consultants that were involved. The expectation of the grant was to see the interaction between the corridors and centers, how they enhanced each other as well as impacted negatively. This was a two-phase process. In phase 2, they were going look at retail land needs. He talked about the Phase 1, choosing a case study corridor. The corridor component had to have a state highway component. There was also data availability. They had also looked at how replicable the corridor would be in application to other corridors. The jurisdiction had to be willing to be involved in the case study. They had chosen the Beaverton Town Center and Beaverton-Hillsdale Hwy/Canyon Road corridor. This would also help support the work done in the Beaverton Town Center. They will be looking at existing

conditions to see how the relationships of the centers and the corridors work. He spoke to representation on the advisory committee. Phase 2 was just initiating. He spoke to the products that would come out of this phase. There was a lot of retail on the corridor. They would look at pruning back some of the retail in the area. Some of the goals that would come out of phase 2 might be policy changes in the Regional Framework Plan. They were also exploring the opportunity for funding a handbook to help local jurisdictions with redevelopment. Council President Bragdon asked about decision points. Mr. O'Brien said there were none right now. Councilor McLain said they chose a challenging area. Mr. O'Brien clarified what would be included in the handbook. Councilor Park asked about the Raleigh Hills issue and how it played out politically. Mr. O'Brien said they had had this conversation with Washington County. The biggest issue was talking to the county about what was happening in the area. Councilor McLain said the other issue was when they were talking about touch back strategies that would come back to Council? Mr. O'Brien said yes they would come back to Council.

5. DREDGE MATERIAL FEE STRUCTURE

Janet Matthews, Solid Waste and Recycling Department, shared pictures of wet and dry dredge materials. She noted that there were Port of Portland members in the audience. She reminded Council about why they were concerned about dredging materials, because they were getting it in the landfill. Everything that went into a landfill paid Metro taxes. Environmentally sound alternatives to disposal were always favored, in line with Council values. Users of the system pay for the system. The amount of dredge substance was anticipated to increase, especially if the Columbia was dredged. In past discussions, she questioned Metro's role in dredge material. In answer to Council's first question, about what other agencies did, she referred them to the last page of handout. Regarding the question about what was in the public interest, staff felt that it was in the public interest for Metro to regulate disposal of all types of materials. We should be very cautious about exempting any materials from the standard fee. In the worksheet today, staff proposed a reduced fee rate for landfill dredge sediments. Virtually no one who was generating dredge sediments was paying fees and taxes. The Port staff supported a reduced fee for dredge sediments for environmental cleanups but would prefer maintaining the exemption for maintenance, non-contaminated materials. Metro staff experienced the "regulatory morass" that the Port went through to dispose of clean fill – it ended up in the landfill instead of getting reused because of complicated regulations. Ms. Matthews would like to amend the staff proposal located in the worksheet after the discussion with the Port. She would like to look further at the beneficial use exemption for clean fill and come back to the Council at a later time. At this point, staff was not ready to go forward with a resolution. Councilor McLain pointed out that there was a change of circumstances in the past year. She liked the equity issue that Ms. Matthew brought up. She liked the idea of lowering the fee to \$1.00. They were talking about cost fees to pay for a system that other public agencies were using. The people who used the system should pay for the system. Metro was not giving the Port grief. They needed to work with the Port to come to a solution. Councilor McLain talked about clean fill and the different degrees. There was some of the fill that was very toxic. She urged staff to continue to work on this but set a timeline before the dredging started. Councilor Newman asked about the tonnage. Ms. Matthews said there was a range of 3 million to 4 million tons over the next decade. We have jurisdiction for any dredge that was going to a landfill. Councilor Newman asked what were our actual costs? Was a \$1.00 an arbitrary amount that was thrown out? Doug Anderson, Solid Waste and Recycling Department, said our regulatory costs were low because this was a new issue. The regulatory costs could rise to what ever they determined to be fair. He spoke to a fair balance for cost. Councilor Newman asked if the dollar was arbitrary, then we needed to be upfront about what the real costs were. Mr. Anderson said whatever rate we charged would lower the cost overall.

Councilor Monroe said his understanding was we weren't talking about Columbia River deepening. We were talking about Willamette River. Ms. Matthews said they could be back within two months. Councilor Park asked how Gilliam County felt about this. Ms. Matthews said she imagined they would charge the normal fees. Councilor Park asked about clean versus contaminated soil. Were there other uses for this material? It seemed questionable that you would use topsoil and put it in a landfill. Councilor McLain said they didn't want this stuff in the landfill. They didn't want them to pay a fee. They wanted them to do the right thing and get it certified. Council President Bragdon said he thought it was important that our fees shouldn't cause evasion. Ms. Matthews said this disadvantaged Arlington. Council President Bragdon said they would rather have the tonnage go to Arlington. Councilor Monroe said there was some benefit to having some water in the landfill. Ms. Matthews said they would come back to Council within two months. They should be talking to responders to look for equity and a market for the fill. Councilors felt the clean fill shouldn't be going to the landfill.

6. ST JOHNS LANDFILL CONTRACT AMENDMENT

David Biedermann, Contract Manager, said before Council was a resolution to amend a contract at St. Johns Landfill. He said the amendment to the contract was for over \$11,000. This would cover removal of concrete slabs. Councilor McLain said they did the work so they should get paid. Mr. Jordan said construction projects often had unseen costs. Mr. Biedermann said this occurs similarly about twice a month. They would be coming to Council with a rewrite of purchasing. He made suggestions how they might make this process easier. Councilor McLain said, when it was triple the cost, she felt it should come to Council. They trusted the contract manager but they wanted to be aware of these issues.

7. CITIZEN COMMUNICATION

Sue Marshall, Tualatin River Keepers, commented on Resolution No. 04-3489. They understood the need to clarify for residents what the Goal 5 meant. They had concerns about making exemptions prior to program development and that it might lead to constraints in the program. The area of most of concern was the potential loss of tree canapés. There was a need for protecting and restoring tree canapés. It was their hope that Metro could begin tackling preserving tree canapés. She suggested in addition to land use permit both grading and building permit be included. This would give Metro maximum flexibility in developing the Goal 5 program. Councilor McLain said there were certain stipulations that went along with those right now. If they were permitted today, what ever the local jurisdiction did today they could do tomorrow. Ms. Marshall recommended that if there were any sort of permits required, it would fall into the Goal 5 program. Her recommendation was broadened what they considered a permitted activity. Council President Bragdon clarified the language in the resolution. Councilor McLain suggested asking the attorney to provide guidance.

Councilor McLain suggested taking Resolution No. 04-3484 off the consent agenda. Council President Bragdon asked if other Councilors wanted to take this off. Councilor McLain said she would speak to this resolution.

She added that Tom Bryant did a nice job of chairing the Tualatin Basin Coordinating Committee at the last meeting.

Councilor Park said he was starting to get calls from farmers about their activities and if the Goal 5 program had impact.

**8. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1) (d)
FOR THE PURPOSE OF DELIBERATING WITH PERSONS
DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.**

Time Began: 3:39 p.m.

Time End: 4:15 p.m.

Members Present: Kevin Dull, Brad Stevens, Kerry Gilbreth, Ruth Scott, Dan Cooper

9. CHIEF OPERATING OFFICER COMMUNICATION

Council President Bragdon said they were trying to make work sessions more predictable.

Michael Jordan, COO, presented a draft of the proposed changes to the work session format. Council President Bragdon added that they could use any extra time for follow-up. Councilor Monroe asked about going to 2:00 p.m. instead of 1:00 p.m. Council President Bragdon suggested that people were having a hard time with getting back from lunch. He said the time certain helped everyone. Councilor McLain talked about internal memos.

10. COUNCILOR COMMUNICATION

Councilor Newman asked if there were any opportunities to get revenue for our general fund from the dredging materials. Mr. Cooper said the one issue to be aware of was during the last legislative session, there was a bill that wouldn't allow Metro to benefit from dredge materials. The bill went nowhere.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:30 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 17,
2004

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	8/19/04	Metro Council Agenda for August 19, 2004	081704c-01
2	Power Point Presentation	8/17/04	To: Metro Council From: Geri Uba, Metro Planning Re: Preview of the Draft 2004 Performance Measures Report: Selected Sections	081794c-02