

## MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, September 14, 2004  
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:02 p.m.

### **1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, SEPTEMBER 16, 2004.**

Council President Bragdon reviewed the September 16, 2004 Council agenda. He noted the additional members to the Fish and Wildlife Habitat Program Implementation Work Group.

### **2. RISK MANAGEMENT PRESENTATION**

Bill Jemison, Risk Manager, passed a handout concerning Risk Management allocations. He noted questions from last year about appropriate risk funding on environmental issues. One consulting groups was Bridgewater Group who reviewed environmental liabilities. The findings from the Bridgewater group noted environmental liabilities had decreased. Mr. Jemison addressed what were covered in the liabilities. The big picture liabilities had dropped. Price Waterhouse Coopers was also hired to review the risk fund. He spoke to their findings on actuarials. Environmental liabilities had not been treated the same as compensation liabilities from an accounting perspective.

Bill Stringer, Chief Financial Officer, explained the GAAP requirements for liabilities both environmental and workers compensation. Councilor McLain asked about St. Johns Landfill closure. Mr. Jemison said the Bridgewater group did not estimate the closure of the landfill. Mr. Jemison said as the closure progressed the liability decreased. Mr. Stringer noted that the risk management fund dealt only with liabilities. Councilor McLain summarized that risk had gone down. Mr. Jemison said he did not intend to review this every year. Mr. Stringer said as Solid Waste continued the closure process, liability should go down. Councilor Burkholder said this fund had to be held in reserve for the purposes of liability. From an accounting purpose, this fund disappeared so the Council should not assume this money was available. Mr. Jemison said after expensing the \$5 million out the effective fund balance would drop to \$165,397. It would then increase each year. Mr. Stringer said they had set aside liability funds. Councilor McLain said it sounded like good accounting but not good public relations. She felt that people needed to know where this money was. Mr. Stringer said it would show as an expense in the budget. It was a positive in that we have prepared for it and set aside the money. Councilor McLain spoke the public relations strategy when you roll out the budget. It needed to be explained why we were making these changes. Mr. Stringer said he felt they could explain this in a responsible way.

Councilor Park asked about the workers compensation piece. Why were they carrying this amount on the books? Mr. Jemison said he commissioned reports on liabilities. Michael Jordan, Chief Operating Officer, clarified the liability expenses. Dan Cooper, Metro Attorney, added a note about self-insurance. He further explained the actuarial expenses and projections. Councilor Burkholder asked what was the appropriate level of fund balance in this account if we have

money set aside. Was it necessary to keep it going up since we have the money sitting there? Mr. Jemison said if you wanted to be well funded, Price Water House Cooper had suggested \$2.5 million as the amount that we wanted in the fund after they had expensed the \$5.2 million. Bridgewater suggested a range. Mr. Jordan said we should probably be prudent continuing with the \$1.5 million for the whole agency. This could change over time. There could be a reassessment from Department of Environmental Quality. We have to monitor it. It will be trending up. Mr. Stringer said if we began earning money, the allocated costs would go down. Mr. Stringer said we would like the Council to approve continuing with the \$1.5 million in the fund. Councilor concurred with continuing this amount in the fund. Mr. Stringer said he felt comfortable with this reserve.

### **3. NEW EXCISE TAX FUNDING FOR PARKS: PRIORITIES AND OPTIONS**

Jim Desmond, Parks and Greenspaces Director, said this was a continuation of the discussion of the work plan for the spending of the new \$1.50 a ton for parks. He summarized the Council's guidance to date, which was to open up the four identified sites first. They had revised the spreadsheets (a copy of which is included in the meeting record). He noted the narrative piece. The revenues in the box at the top were the new excise tax money. He talked about worst and best-case scenario, which was based on what their partners were likely to come up. They were talking to their partners about how much money they were willing to put up. This could be a five-year discussion. They wanted to open this discussion. They were also working on grants to supplement this fund.

He spoke to the construction project management. They felt they could go through 2006. Design and engineering got technical. Once they began to build, they might need a staff person. Mt. Talbert was slated to be built first. This could change if Clackamas said they were not ready to go. They currently had a signed agreement indicating that Clackamas was ready to go. Their partner, North Clackamas owned 25% of this site. North Clackamas had been a great partner and he had no reason to believe this wouldn't go smoothly. Councilor Newman had had a chance to talk to the Board Chair and he concurred. Mr. Desmond said there was a possibility of the water bureau to put in some funding. The completed opening dates didn't vary. Cooper Mountain was a year later. He noted the change in habitat funds. He thought the site would be attractive for restoration grants. Councilor McLain said the master plan should be done soon. Mr. Desmond said they were moving ahead with the master plan. Councilor McLain said when you complete a master plan; people want to see the site turned around. There was no reason why two of them couldn't go along in a parallel fashion and see which one could get done first. Mr. Desmond said the excise tax came in over time. It would take time to accumulate the money. Jeff Tucker, Parks and Greenspaces Department, explained why you had to determine where you put your money. Mr. Desmond continued by saying you had some major players for the Cooper Mountain site. Council President Bragdon commented that the land use status was a bit behind. Mr. Desmond said the Washington County Board of Commissioners was considering a resolution. The Commission indicated if they were supportive.

Councilor Burkholder brought up the issue of the role of Metro in operating the site. Mr. Desmond said Clackamas had said they would operate the Mt. Talbert site. Councilor Burkholder asked if we wanted to run the other sites forever. Should we develop them and turn them over for operation? Mr. Desmond said they would be thrilled to have a willing operator. Council President Bragdon asked why we would offer to operate the site. He was concerned that the jurisdiction would not offer to operate if Metro said they would be managing the property, Councilor McLain indicated that some partners had contacted Metro about managing properties. Council President Bragdon said he felt they needed a more standardized framework for having this discussion. Mr.

Desmond said Greenspaces Policy Advisory Committee (GPAC) had prepared a vision and were preparing a list of recommendations that they would be discussing with Council. He talked about the assumption that partners were all equal. They were not. Tualatin Hills had a much higher budget where Wilsonville didn't have this kind of funding. Tualatin Hills had an interest in putting their name along with Metro on the Cooper Mountain site. Mr. Jordan talked about the standards, characteristics of the park itself to be a value to the community. Folks who were advocates for parks were similar to those who were advocates for libraries. Council President Bragdon spoke to differences in capacities versus differences in will in paying for parks. Mr. Desmond said he thought where GPAC was going with this was that they needed to find a new funding source. Councilor McLain asked what was the benefit of being part of a regional system. The pots of money issues would always be a problem. Councilor McLain said they hadn't finished their strategic plan on what was a regional system. Councilor Monroe suggested that the best scenario was to be able to turn management over to local jurisdictions. He felt prioritizing these projects based on management support was the best way to go. Councilor Burkholder talked about the carrot to encourage local jurisdiction to take over operations. Mr. Desmond talked about sites where people weren't ready to go because the area hadn't been developed enough.

Councilor Park compared the transportation dollars to parks dollars. He wondered where was the will of the locals to take over the operation and management of a park if we volunteered to operate and maintain the park. Councilor Park asked how we equalized what Multnomah County had given us and then we were expected to operate versus developing a site and then expected a local jurisdiction to operate the site. Council President Bragdon said he wanted to make sure that if a site was turned over to be operated and managed by the local jurisdiction that there was recognition that Metro had developed the site and continued to provide educational opportunities on the site. Mr. Desmond added that Willamette Cove remained uncertain because of the harbor issues. He said the timeframe was highly speculative. They were still in the process of clean up.

Mr. Desmond explained the renewal and replacement category. It was their intent to fund renewal and replacement as much as possible. This was one area that they had had to do some trimming.

Stewardship issues had been scaled back. They wouldn't add FTE. The Materials and Services stayed the same. For the most part they were making due with what they had. Mr. Tucker said staff was focusing on grants to do the best restoration they could. He spoke to trade offs. Restoration of other areas might slow down. Councilor McLain said we had 8000 acres. We couldn't deny that. There were some projects on restoration that would continue to get worse. We had to assess the trouble spots. Some of the staff time had to be allocated to make sure our acreage was cared for. Mr. Desmond said day-to-day processes were still in place. They wanted to make sure they made good our pledge to the public.

Environmental education – there was some increase but not as much as originally anticipated. They were going to rely on their partners to help in this area. They continued to believe that environmental education was something that was still important and it cut across agency goals. He talked about the volunteer program's additional FTE. Technical services requests continued to increase. Mr. Tucker talked about the stabilization reserve and how technical services would be paid for. Mr. Desmond then talked about regional trail support, administrative support and Date Resource Center (DRC) support. Councilor McLain asked about a Metro news release on our leaner budget. She had questions about solid waste rates at a neighborhood association. We needed to be ready for these questions from the public. Their major concern was that we were making their rate payers pay more for their garbage. They had received a letter from solid waste haulers about increases in rates because of Metro. Councilor Park said local jurisdictions could cap their rates too. Councilor Newman said he felt this presentation was much more helpful. Mr.

Desmond said they would be coming back with the Cooper Mountain Master Plan. If they got a green light from North Clackamas, they would begin the design and engineering phase of Mt. Talbert. Councilor McLain suggested flexibility if we got money that would cause a site to go forward, we should allow that to happen. Mr. Desmond concurred with her comment. They had tried to give Council some true projections. Councilor McLain clarified this was all new money. The staff had been working with partners on other money and grants. She asked if these connections would continue? Mr. Desmond said yes. Councilor Park asked how the projections were based, on collection beginning this fiscal year? Was there anything that made sense if our funding was better? Mr. Tucker said restoration was an area that could be accelerated. Councilor Park suggested acceleration if there was opportunity.

#### **4. UPDATE ON TUALATIN BASIN APPROACH FOR THE FISH AND WILDLIFE HABITAT PROGRAM**

Council President Bragdon talked about where we were generally. He didn't think we were on the verge of something that was going to be very effective, in fact, actually counter productive. He was also concerned about being counter-productive in terms of our relationship with those that we served. He asked Mr. Jordan for some alternative ways to look at this. Councilor McLain said some of the councilors met the other day and when you were talking about public policy that it was important to recognize how to spin the information. She spoke to the difficulty of this program. We were dealing with state code and goals. It was what was there to deal with, an inventory, and Environmental Social Economic and Energy (ESEE) analysis and a program. The public had forgotten the first two steps. She said Goal 5 was part of the product we had to complete. She spoke to different vocabulary for us to get there. Councilor Newman concurred with both Council President Bragdon and Councilor McLain.

Mr. Jordan said it was an interesting relationship between Metro and Tualatin Basin. He spoke to his perceptions of where Council was. They had been at multiple junctures in this process. Now we were at one of those last junctures. With the formation of the work group, they were ready to start their work. The direction that the staff had was imbedded in the actions Council had taken. He had been in discussion with many councilors about their concerns. He wanted to make sure that the staff was headed in the right direction. His concerns were multi level. One, they were going to send staff off to do some heavy lifting. He wanted to make sure they had good direction, particularly the regulatory side. Within that Goal 5 framework, there were some pieces that raised red flags. He had heard apprehensions from Council. He wanted Council to share those concerns. His larger apprehensions and concerns were that we had other issues that we had to deal with, with the stakeholders. He said the level of complaining from the jurisdiction was rising. Third, he experienced the green book episode. He wanted the Council and Metro as an institution in a place next spring that we could pull the trigger. He wanted to get Council to that step next spring. His initial concern was that they send the task group to work on what they really wanted them to work on. He was trying to articulate what he perceived as a rising apprehension around the building and the region. He felt it was his duty to bring this issue up and to check to see where the Council wanted the work group to go to be prepared for next spring, whatever the program was then.

Councilor Park said he didn't think any one was dishing the environment. The public was reacting to what they were being told to do. He talked about a command and control system versus the other approach of setting the goals, through innovation. There were two different approaches. Now they were at the program stage. Should we say, thou shall not or say this was a goal, help us get there. He felt they should engage the public first on the way to develop the program correctly. This was what they had done in agriculture. They were making progress that no one had anticipated. This gave opportunity to look at housing issues. Councilor Newman

suggested not using the words “pulling the trigger”. He didn’t think you could read the transcript without feeling demoralized. He felt we were losing control of the message at the very minimum. The message that we used for the public could be more about changing the design to achieve these goals. They needed to emphasize changing the way development happened. We had lost control of that message. The message should be lightly managing rather than lightly limit. He talked about course correction. We needed to go back and look at the program options and make sure some of the initial goals hadn’t been lost. The worse case scenario was that we didn’t have the votes to adopt this. Councilor McLain said the two elements were that we had entered into an agreement with Tualatin Basin. She wanted to make sure we were working together to have consistency with flexibility, standards. We wanted to be helpful to our partners for mitigation and restoration projects. Second, how did we lose control of the message? They had to remember what the vision was. The public had agreed to the inventory.

Councilor Burkholder said he thought it was more of a presentation process. We were in the development business but we were in the business of ensuring that development occurred in reference to 2040. He thought Council as at the guiding principle stage. Tualatin Basin was at a more detailed stage. One of the things he was not talking about was what happened at the counter but he was interested in the higher level. He thought there was only a partial message. Councilor Newman said he would like Ms. Deffebach’s and Mr. Curtis’ reaction about the controversy of upland habitat and tree canopy protection. How much of the anxiety was tied to this issue? Council President Bragdon said this was and was not communication. This was about content. It was also about the communication of the underlying assumptions. Were our operative assumptions bad or were our assumption was that the public needed to be coached? He felt our role was the latter. He talked about something going out that was overly restrictive and how much we had to lose if this was the case. He spoke to a more positive approach. Mr. Jordan summarized the Council comments: generally right direction but concerned about command and control approach, lost control of the message and that there was a particular concern about the upland habitat, lost control of the message, think about an outcome approach, we were urbanizers and developers and thinking about how to build cities, Goal 5 rule was a more prescriptive approach, outcome based, provide local governments and property owners with a more positive approach, voluntary program was one approach but people needed to be reminded of what the goal was. Councilor Park said if the goal was to create a command and control system, he wasn’t sure this was the right approach. Councilor McLain said Measure 36 information needed to be corrected. Incorrect information had gone out from the Measure 36 campaign. We were talking about a three-step process as well as the campaign on Measure 36. She felt out Public Affairs Department responsibility was to correct incorrect information. Mr. Jordan said Metro could provide accurate non-biased information. Did Council want to do a public information campaign on Goal 5? Councilor McLain suggested a fact sheet. Councilor Park asked if this would hurt or help.

Chris Deffebach, Planning Department, said they had been working away taking the direction they believed they had. They had been trying to start with the district plan approach. This met some of what council was asking for in terms of flexibility. The third approach was to include Tualatin Basin approach. The only question she had if Council felt that you couldn’t communicate a natural resource protection program under the constraints of Goal 5, she would need to talk with Council. Was the Goal 5 rule keeping the Council from doing what they wanted to do? Council President Bragdon validated staff’s efforts in terms of taking direction. Mr. Jordan asked about the work group. He would like the work group to use a filter as what was the highest best role for Metro. Was this OK that this group discussed and may come with recommendation about Metro’s best role in the Goal 5 regulatory and non-regulatory work? Councilor McLain said Mr. Wetter said it was helpful for the committee to give Council this feedback. Councilor Newman said he would welcome any feedback from this work group.

Councilor Burkholder said he felt the consensus was out there, what role did Metro play? He talked about the Westside Economic Alliance's quote that the natural resources were important to our economic future. The question was what was our role and how best could we help people keep in mind that consensus of the goals that we have. It seemed that you heard this from all sides. He thought coming up with what was Metro's role and how best can we help people keep in mind that consensus. Councilor Park comment was that the charge, whatever they come up with was operationally sound. We might have a great program but if it was not functional, you had nothing. If you put in regulatory regulations, how do you police them? The same is true on the non-regulatory side, if you make it voluntary how do you make sure the voluntarism is actually happening? What were your benchmarks, where were some clearly defined goals or something that was measurable so that you know under either program, that you were getting there? There was a difference in perspective of what the tree huggers and the tree cutters were doing. Council President Bragdon agreed with the charge of the committee. What was the role of regionalism, when does regionalism work when does it not work. What were we best at? What was the proper role of Metro at different levels? When was Metro at our best in terms of why we were doing this? It was to ensure consistency across boundaries and filling gaps that maybe the political landscape and jurisdictional lines fails to recognize in ways that ecosystems do recognize. So Metro's role was a coordinating function, doing things that were best done collectively in terms of expertise that maybe smaller jurisdictions can't do in a fragmented way. Those were all very proper roles for Metro and that was where regionalism excels best particularly when there was broad agreement on the part of the local governments that we were trying to serve. Where regionalism doesn't work was where there was a disconnect between the implementers and the theorists and where there was not a iterative connection between the regulator and the permit counter or where the regional body substitutes its judgment or duplicates the work. That was a good question for the group. The other direction was in the early legislation that was adopted, by virtue of adopting 2B and the text in those appendices that we were not going to take property and that we were not going to deprive people. The statement that Councilor Burkholder made was that we were a developer. We believe in urban development. This was a place where need to live and have economic opportunity and jobs and that was implicit both in the October resolution and the May resolution and the underline underpinnings of 2B. He wanted to convene this to the group as well. Councilor McLain asked if the Councilors really thought they were developers. She wanted clarification on what the councilors meant. She didn't think the Metro Council was developers. The charter didn't make the Council a developer. We were here to review good city, good urban life, and good urban design. Was that what Councilor Burkholder meant? Councilor Burkholder explained that we were here to build cities. There were a lot of things to that. They wanted make sure when growth occurred you get high quality communities. Councilor McLain agreed with that statement but she thought in building a city or a developed area that the Council recognized parks, greenspaces, trails, connections and economic development was certainly part of what was a full community. Council President Bragdon said he didn't mean it in the sense of being a homebuilder or a real estate developer. He felt that Thomas Jefferson was a developer. In terms of wanting the area to develop which included parks. He was using the term developer in that sense. Councilor Burkholder said they wanted to present this in a different way.

Ms. Deffebach said Tualatin Basin was here to explain the twenty issues that they were currently reviewing now. The scheduled had changed a bit since last they presented to Council. They would be making an overall presentation on September 27<sup>th</sup>. They had tried to raise issues to Council in advance. She wanted to bring Council up to speed on the range of issues, including clarifying, issues related to the program itself. She noted a few issues that Council needed to be aware of, the request from Tualatin Basin recommending Metro deal with the loss of development capacity through an Urban Growth Boundary (UGB) expansion.

Brent Curtis, Tualatin Basin Coordinating Committee, spoke to the overall goal of the Tualatin Basin agreement. The group had been concerned about the loss of capacity. They had provided an initial calculation of the loss of jobs and loss of capacity. This was a threshold issue for the Council. This was an outcome of doing this work. There was a draft issue paper on this issue. This was reflective of a great deal of input from the development community and fairly represented the local jurisdiction points of view. Councilor Burkholder asked about the proposed program. Ms. Deffebach talked about the issue of capacity and past policy direction. Council was willing to entertain the possibility of expansion of the UGB. The Tualatin Basin recommendation carried this recommendation. The next issue was the residential backyard issues, similar to the resolution that Council had passed several weeks ago. Tualatin Basin was looking at four different ways to deal with this issue.

Councilor Burkholder asked about the assumption that local jurisdictions could do more. Councilor McLain said one of the four options might be an issue. Mr. Curtis said this was where it was a benefit and a detriment to be ahead of Metro on the plan. This was more about form than substance. The issue paper tried to be clear that Title 3 was in place. It was what happened in backyards for Goal 5 beyond Title 3. He spoke to getting at the same outcome. He thought this was a policy decision as to the form in the way you did it. Ms. Deffebach said another issue was the regional role. She felt it was an issue, which challenged the validity of the Metro's inventory. Councilor McLain said she was trying to look at it as if we were talking about the ongoing map changes and we would want our local partners to have input to those changes. It was okay if the criteria allowed for honoring the basic criteria of the inventory. Mr. Curtis said this issue covered a lot of issues. It contemplated map corrections at Metro. This paper addressed the circumstances of the possibilities of change. The bone of contention in Goal 5 with the regional approach was the inventory. 98% of the issues they dealt with went back to the inventory. The paper attempted to get to the question after adoption, was there a way to amend it. The Council had the responsibility to address Metro's ecological functional approach and the Goal 5 administrative rules resource approach. If council wanted to consider a post acknowledgement quasi-judicial amendment or a legislative action or as a land development action, you had to have credible evidence prepared by an expert that examined those things. In each case Metro would be a participant in those. They suggested three circumstances and Metro's role. The question was how were they going to structure this. This was a policy level question that deserved Council's attention.

Councilor Park talked about the diminished capacity question. How did we put a benchmark for diminished capacity? Was it based on the buildable inventory at that time that was tied to the 2002 decision? Where was our starting point? Mr. Curtis spoke Issue Paper 13 dealt with this and laid out the initial analysis. It said there were a whole bunch of things to take into account when you try to review capacity. On its own face the Committee had not considered all of those. This just got them to the ballpark. They knew it was around that number, after that you were dealing with degrees of precision. He spoke to how they calculated that number which included vacant land inventories, reducing the amount of public land that was available so they got to true vacant land. What they hadn't done was thought about the transfer of development rights on site, the adjustments to the site design to recapture density on a site. They hadn't calculated or made an assumption about which properties would choose to have the ability to under build their property. This got them into the ballpark and gave Council an idea of what they had been talking about. If Council felt the need to take the extra six months to get the precision down that they needed, they would do this. They thought there were some diminishing returns in taking the extra six months. They felt this was a good starting place for Council to understand with their program approach

what the capacity losses were. If Council wanted to have more precision the Committee could go about that task.

Councilor Burkholder asked where the resistance was to reassigning development within the UGB by increasing densities? Mr. Curtis said they had had many months to talk about this with Washington County local governments. They had discussed this at length. The only willing re-planning efforts were associated with commuter rail. When this recommendation came together, this was Mr. Curtis writing down what he heard local governments talking about. It was based on the fact that they had done what they thought was achievable in terms of re-planning in their existing communities. They didn't believe those efforts could go further. As an economic matter, he didn't think that they believed there was a market for higher densities that could be achievable and useable. This was a well-held set of opinions by the elected officials. He urged Council to verify that by speaking to individual elected officials. This was probably part of the UGB consideration previously. Council President Bragdon asked if any of the centers were built to the planned capacity? Mr. Curtis said he didn't think so. There was a lot of planning capacity that exists there now that was still available for the market to capture. He talked about the analysis of the Beaverton Center to look at impediments. He thought that the Metro Council thought that those lessons were applicable to other places and he thought that was a reasonable assumption as well.

Ms. Deffebach talked about additional issues that had come up including inventory correction process. The issue paper says that Tualatin Basin would continue to work with Metro on that. The other one that was a little further ahead of Metro was they had set some rates for the fee in lieu for the mitigation. You can effect the market in one area elsewhere. There were some implications for how their pricing was set for opportunities elsewhere in the region. They were not far enough along on the whole mitigation question to understand those implications. She said she didn't expect to have the answers today. They had the liaison meetings with Councilor McLain this Thursday and next Tuesday Councilor Hosticka would be back. That was an opportunity to regroup on this before Tualatin Basin weighed in. She said she had sent the issues paper by email to Council last week. Council President Bragdon said he didn't buy the idea that they were out of land in looking at the centers they had in the region. Ms. Deffebach clarified that it wasn't saying that we were out of capacity. Councilor McLain said she heard Mr. Curtis say that the jurisdictions didn't want to add more capacity to those centers than they did when they were doing Title 1. Whether she agreed or disagreed with that, it was a very definite feeling that she had heard out there a number of times in a number of different ways. What she had said back in person was that they had two issues, one, every time they had a Urban Growth Boundary review, Metro was responsible to look inside again for missed opportunities. Second, whether that meant higher density or not, they would have that public and partner debate at that time.

Mr. Curtis said they realized the conservative Goal 14 practice required Metro to do that but they were suggesting a beneficial side. When they originally agreed to do the basin approach the timing was of value so it could influence the UGB decision. The second time they did, they set it up to do the same thing. They were always counting that this decision was going to effect capacity and Metro was going to be responding to that. The body of analysis addressed this and Metro could go through the Goal 14 approach and get to the outcomes they had asked Metro Council to get to. They understood that was a trying exercise but they also understood it was one the Metro Council was experienced in. Ms. Deffebach said it raised an important question for Council about what a local jurisdiction would have to show Council to get their exemption and request additional capacity. It raised some important concepts about the expansion of the UGB. Were there some things that Council would like to know that jurisdictions had done before Council made that adjustment. It raised some important concepts for the benefit of a regional



program. Councilor Park said he felt it was a fair question. It was in the context of the sub-regional discussion as to what made centers function, not just the Goal 5 piece but also all of the other pieces they were looking at because they would be looking at performance measurements. It was about capacity and higher densities. Mr. Curtis thanked the Council for their attention to this, but he did need to point out that Tualatin Basin's job was to give Council a program that improved the environmental health. What you got was \$127 million worth of broadly distributed projects. You get mitigation policy at the local level with a variety of user chosen ways to mitigate. For all of that they were asking Metro to replace the capacity. They thought that was a pretty good tradeoff. He didn't know that Metro was going to get any other single government or group of governments coming forward with improvements to the environmental health like that. They thought it was consistent with things the Council had talked about before the program. Mr. Curtis reminded the Council that the challenge was to improve the environmental health and the map. He noted a map that showed this. They were formally asking the Coordinating Committee to recommend the phased in five year plan for accomplishing this.

## **5. CITIZEN COMMUNICATION**

Jim Labbe, Audubon Society, talked about tools and getting to a program that realistically to achieve the goals. He spoke to some of the issues that Councilor Park raised. What he heard him say raised big concerns for him. If you are going to develop a program which relied on volunteerism and incentives programs, he wasn't sure it was realistic to achieve the goals that had been set forth. It rescinded the commitment that they made on at Goal 5 business table to develop a range of tools that were really helpful. He said the one tool that came out of the May decision, was transfer development rights. If you wanted an innovative tool that was going to achieve the goals of the program, Council needed to give staff direction to develop tools that can address some of these capacity issues and not continue a system that degrades watersheds. He spoke to standards and targets but we let our system ruin watersheds. If we want to change the land use system we needed to change that land use system in a way that built a set a tools that can prevent habitat destruction. He suggested looking seriously at this issue. He noted resistance but the present system was not working. He spoke to Council's leadership role to achieve the goal.

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

Time Began: 5:12 pm

Time Ended: 5:25 pm

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

## **7. CHIEF OPERATING OFFICER COMMUNICATION**

## **8. COUNCILOR COMMUNICATION**

There were none.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:30 p.m.

Prepared by,

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Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER  
14, 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	9/16/04	Metro Council Regular Meeting of September 16, 2004	091404c-01
2	Risk Management	9/14/04	To Metro Council From: Bill Jemison, Risk Manager Re: Bridgewater and Price Water House Cooper findings concerning risk management fund	091404c-02
3	Excise tax program options	9/14/04	To: Metro Council From: Jim Desmond and Jeff Tucker, Regional Parks and Greenspaces Department Re: Programming of \$1.50 per ton excise tax	091404c-03
4	Goal 5 program overview	8/2/04	To: Metro Council From: Brent Curtis, Tualatin Basin Coordinating Committee Re: Proposed Tualatin Basin Goal 5 Program Overview	091404c-04
4	Goal 5 Program Report	July 2004	To: Metro Council From: Brent Curtis, Tualatin Basin Coordinating Committee Re: Table 4-2 Projected costs for implementation of all projects identified as priority 1-3 in Restore model	091404c-05