

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, October 26, 2004
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Metro Council Work Session Meeting at 2:10 p.m.

1.1 DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, OCTOBER 28, 2004/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the October 28, 2004 Council agenda. He asked Council if they had any questions. He noted that the staff would be coming back on the budget assumptions. Councilor Park said he wouldn't be at this Council meeting.

1.2 GOAL 5 DISCUSSION

Council President Bragdon said some Council had submitted questions (a copy of these questions were included in the meeting packet). Councilor Park said he had discussed this concept several years ago. There was a need to study more on the timing issues and regulations on the ground. You can do a lot more on a permanent basis with some type of ingrained changes in behaviors. He noted that we would have testimony from the Department of Agriculture on November 4th. He talked about changing attitudes. He gave an example of the recycle program and the automatic reflex to recycle rather than throw away. He talked about the farming competition and regulations. He felt the incentive program was a way to get change going in the right direction. Council President Bragdon suggested a discussion about the regional role versus the local role.

Chris Deffebach, Planning Department, said they had summarized the WRPAC/GOAL5TAC and MTAC comments (a copy of these issues are included in the record). Councilor Burkholder said one of the concerns that had come up was, would they know between now and 2010 what the results of the program would be. He might be bringing forward some amendments concerning this issue. Councilor McLain asked how this resolution would affect the Tualatin Basin Intergovernmental Agreement (IGA). Paul Garrahan, Office of Metro Attorney, said it could affect the Tualatin Basin IGA. There was nothing in the resolution that would change the Tualatin Basin IGA. If they chose to incorporate their plan into our plan, Tualatin Basin could proceed with the plan as they were developing it. He wasn't sure of the Council's intent if Tualatin Basin chose to proceed. Ms. Deffebach said they met with Tualatin Basin group last week and explained the resolution. Tualatin Basin's suggestion was to wait and see what happened at Council. On November 15th the Tualatin Basin would meet again and determine their direction. Councilor Monroe said that just because the Council adopted an incentive program didn't mean a local jurisdiction such as Tualatin Basin could implement their program. Mr. Garrahan said part of the agreement was that we had agreed to acknowledge their plan within our program when we took our plan to the State for acknowledgement. If we chose to not include their program in our program, they would have to get separate acknowledgement from the State. Councilor Hosticka asked for clarification on judging Tualatin Basin's program and if Tualatin Basin had lived up to the IGA.

Councilor McLain said we had a vision statement. With the combination of tools, we could meet our Vision Statement. Can an incentive alone program meet that Vision Statement? How can we legally prove anything? Councilor Newman said he has several questions, which Ms. Deffebach had summarized (a copy of this document is included in the meeting record). He wanted to understand better how this would change the path that we were on. He wanted to understand the timing issue from the perspective of a local government. He wanted to understand conceptually how this resolution would work and how it would change the path they were on related to Goal 5. We would adopt a program and the program would be in the form of performance measures and local governments would have five years to adopt their own incentive based program that met the performance measures. Councilor Hosticka asked for clarified on outcome measure and performance standards. He wanted to know what were the performance standards? Council President Bragdon said the resolution was in the form of direction to staff to develop what those standards would be. Michael Jordan, Chief Operating Officer (COO), said there was a different purpose for these two as articulated in the resolution. The outcome measures were to determine how we were doing on the ground throughout the region. The performance standards would be how we would determine if a local program had a reasonable expectation of meeting the outcome measures. They would have to look at local programs. Does the program look like it will meet those outcome measures over time? They had to have some criteria by which they looked at those local programs. They didn't have those criteria yet.

Mr. Garrahan added that they would only look at those individual performance standards if they found after five years that we were not meeting the outcome measures they had hoped to be meeting. That was when local governments would then have two years to come up with their own plan and approach and adopt it in two years and we would judge that plan using those performance standards. That was the regulatory piece that happened in five years if we found that the other approaches they were trying in the interim were not getting us to the outcome measures we hoped to get to.

Councilor Park said the work that had been accomplished was very important. If this program worked right, you wouldn't have to adopt a regulatory program because the outcomes were being met through all of the other incentives. In order to make it a Goal 5 program, you have to adopt the regulation and have them in place. If you didn't, you had to go through the habitat inventory again, Economic Social Environmental and Energy (ESEE) again before you could adopt the regulations. He didn't think this region wanted to do this again. The performance measurements were part of this program that was adopted but were not implemented until the curtain was pulled if it was pulled. Councilor Newman asked if he was the City Manager of Fairview and Metro had adopted something that was envisioned by the resolution, what would the Manager's responsibility be at that point? Mr. Garrahan said, in terms of what they would be required to do under the resolution was, nothing in the first five years but what they knew was that the region was trying to reach certain outcome measures and they knew if they did not reached them, there would be a regulatory element that would require them to do something after the five years, that was on the books and they could see that and they knew what it looked like. They could determine if they could implement the regulatory component. A local government could choose not to do anything but might have to make changes after the first five years. If they determined that they would rather not implement a regulatory program, they could look at what actions they could take during that first five years to try to help the region get to the outcome measures. That was where there were technical assistance elements in the resolution where Metro staff could help local governments like Fairview try to look at barriers in their code.

Mr. Jordan reminded that each local government still had to have their Goal 5 plan acknowledged under State regulation. They still had a Goal 5 responsibility in their own comprehensive plans. Metro staff was preparing model ordinances and other options that could be put into a local plan to meet their own Goal 5 responsibilities. Councilor Hosticka asked what were those Goal 5 responsibilities as stated in current law if they don't already have an acknowledged Goal 5 plan? Dan Cooper, Metro Attorney, explained the Goal 5 rule and what happened to those local jurisdictions, which had already adopted a Goal 5 program that had been acknowledged. The question was what had that local jurisdiction done since the rule was changed. When they went next through their periodic review, the jurisdictions would have to show what they had done to date. Periodic review was now on a 4 to 7 year track. Some of the jurisdictions were still in periodic review, but the State legislature last session suspended new periodic reviews so the answer to the question depended upon what had that local jurisdiction done under Goal 5 since the Goal 5 rule was amended in 1994 and how close will their Goal 5 program that they have on the books match up with whatever regulatory program Metro chooses to adopt when we get to the end of this process. The Council would then determine substantial compliance. Some might have to amend their programs to bring them into alignment with Metro's program. Council would have to go through that analysis on a jurisdiction-by-jurisdiction basis.

Councilor Hosticka suggested a list, which said what would local jurisdiction's responsibilities were if the local jurisdiction had adopted a Goal 5 program, if Metro adopted this resolution, if Metro adopted nothing or if Metro adopted a regulatory/non-regulatory program without this resolution. Council President Bragdon added that it was not just what but when. Ms. Deffebach said they already have half this information. Councilor Hosticka said he didn't know what local jurisdiction responsibilities were for Goal 5. Mr. Cooper explained that if the resolution didn't happen then it would be up to the local jurisdictions as part of concept planning. Councilor McLain raised the issue of the Intergovernmental Agreement (IGA). She said we couldn't look at Goal 5 in a vacuum. It was related to other Urban Growth Boundary (UGB) decisions that had already been made. It would make a difference on capacity numbers that they had for the next UGB consideration. She asked how were they supposed to get a process in place to get full answers on these questions. Can this resolution meet the vision? Council President Bragdon felt that was a subjective judgment. Councilor McLain said she didn't know how it could be subjective and explained further. Council President Bragdon said he thought a vision was a subjective thing.

Councilor Newman asked what the responsibilities of local government would be? He asked if it was possible to have a model incentive based program or education-based program that mixed all of the tools? He knew there would be local governments that would want things off the shelf because they didn't have the resources. Ms. Deffebach said it was possible. She hadn't thought of making it parallel to the model ordinance they had talked about that allowed technical assistance to local jurisdictions.

Mr. Jordan said he believed a lot of what the work group and staff work was doing around the non-regulatory piece was not only to determine what were those non-regulatory types of tools and programs which would make sense on the ground but also who played which role in those tools and programs. There were non-profit groups that played a big role in non-regulatory Goal 5 work. We had local governments that could play that role and did in some cases. There could be a specific role for a regional entity to play in those processes as well. While there might be something that looked like a preferred group of non-regulatory tools that a local government could implement, it was very likely that the roles within those tools would vary.

Councilor Monroe asked what were we going to measure from now until five years out to determine whether or not we have been successful. He would think it was relatively simple to measure stream quality. What else could you measure that was actually measurable on a non-regulatory approach that would have a positive impact over that five-year span? Ms. Deffebach said this was a question they had worked on a lot. They had gone back to the Goal statement and tried to tease out those indicators that we could use to measure performance, looking at things like the continuous stream corridors and to what extent they were covered with trees, looking at the size of the habitat patches that were left to see if they met a minimum to sustain biodiversity, looking at the opportunities for connectivity because we knew that it was not just the stream but the connections in between, looking at factors that effect overall health like stream temperatures that would result in change in practices that reduced hydrologic impacts and also looking at opportunities for restoration, how much new resources had we created. They could identify measures and they could look at indicators of how we would measure. What they couldn't do was to say what was acceptable because of the determinations on limitation Council made in May 2004. That would be a separate discussion about were these the right measures but what was the expectation and that expectation came through on the comments they had had from different committees so far. What level were they going to be expected to perform? Councilor Monroe said he assumed that measurements would be established this year as our taking off point and then set goals for where we wanted to be in five years. Mr. Jordan said we have base line data. There was a policy question, a) where to you want to set the targets and b) the glide slope (we were on this slope right now that we were losing habitat). The question for the Council was is that glide slope OK? Don't let it get worse. Or do we want to level out and keep the level of habitat we had today or did we want to improve the urban life from a habitat perspective. Those were big policy questions that Council had to address. Councilor Monroe talked about leveling out and that it could be a big win-win. Since we were currently losing tree cover, if we leveled it out, that would be a win-win. He would hope that stream quality would improve. He understood that tree planting would help the canopy. Ms. Deffebach said that another question was how did you know you were successful if you did everything you could. In some ways five years was a short period of time, how did you measure success? Councilor Monroe said he wanted it to be measurable and he wanted us to have goals so we could determine how far we have gone toward reaching those goals.

Councilor Burkholder said these were the same questions he had on the program as a whole that they would need to get to. This resolution was setting a direction. He was struck by the comments from MTAC and Goal5TAC/WRPAC that were basically saying don't call this a non-regulatory approach. He said Metro itself wasn't requiring individuals to do anything right away. It was requiring local jurisdictions to adopt goals. We were doing wholesale regulation instead of retail regulation. We were still saying that local jurisdictions had to have something in place and had to meet certain goals but we weren't saying we were adopting strategies for property owners. Council President Bragdon said he had never characterized this as a non-regulatory approach. Councilor McLain said you couldn't call the Goal 5 program a non-regulatory approach because it wasn't a standalone program. Title 3 and Goal 5 were all part of the same State program that we had to have acknowledged. We had data all the way back to the year 2000. They knew that between 2000 and 2004 they had lost habitat even though we were planting many trees. They were losing large patches of habitat and connectivity along streams and in upland areas. The point was were you trying to do something that you thought would be successful. She had gone on record backing Councilors Bragdon and Park because she felt they had their heart in the right place. She believed that they believed in the vision. What this Council had to make a choice on was even if they had their heart in the right place, was it truly new direction for voluntary tools being 90% of the toolbox or the first toolbox we opened for up to 10 years, the one that would actually allow them to get to that vision. How much was it going to cost if they were going to

have to better the landscape. We had to have a toolbox that had a paycheck to pay for those incentives. She didn't see anything in the resolution addressing this.

Councilor Newman asked about the maps. If we used performance measures to deem if local governments were in compliance but our map was different that what they utilized, how would we align those two? Ms. Deffebach said they would set performance standards that required jurisdictions to care for the broader inventory that was reflected in the regional significant inventory that Council had adopted. She thought that was the answer and they measured how we were doing on protecting that habitat inventory. What got less clear was what happened when you were going to get Goal 5 acknowledgement and we had a regional inventory that we were asking the jurisdictions to become acknowledged to if they were going in to also get acknowledged. It seemed like their plan would have to reflect our inventory as opposed to their own inventory. Otherwise they would have to go to Land Conservation and Development Commission (LCDC) themselves unless they had already received acknowledgement. There were three answers, one, was that they could write the performance standards to reflect that local jurisdictions were caring for the inventory as a whole. Two, if they were going in to modify their Goal 5 program and they were going to be in compliance with the regional Goal 5 program, they had to show they were reflecting the regional Goal 5 inventory. Third, if they already had adopted a Goal 5 program, they don't have to do anything but they would be risking whether or not the performance measures were counting on them caring for that broader regional inventory.

Mr. Cooper said to the extent that there was an inventory map issue. It was also the question of who got to make the corrections and reflect the differences between a field survey and Metro inventory map. He gave an example of Title 3 and on how they used the map. There would still be mapping corrections. Council could deal with the issue of how much flexibility did a local jurisdiction have on map corrections when you got to the program stage. That question was not answered in the resolution. Ms. Deffebach said some jurisdictions have a riparian inventory but no uplands inventory included in their Goal 5. Mr. Garrahan said the performance standards could be structured in a way where we were leaving some flexibility for a local approach. When outcome measures were set last May, there was an acknowledgment that you were going to lose some habitat in some places. So ultimately the final program was still being developed with that assumption. If a local government had a program where they do things slightly different maybe they protected some of the highest value habitat more strongly than the model ordinance did and they didn't protect some of the lower quality habitat at all, in balance you might end up in the same place. The hard part for staff and for Council was trying to develop those performance standards so you could compare apples and oranges. What this resolution did was say that was the piece that might become effective in seven years based on whether other approaches could make improvement in the interim.

Councilor Park said one of the key issues was who would be the regulator of the current Goal 5 rule. When you looked at the areas that you would actually able to implement change on under the current way of thinking, under the current way of thinking of the current command and control system, that the earliest you could affect habitat not including Washington County was July 1, 2007. The latest one was Oregon City in 2017. There was this range of varies implementation times for different jurisdictions across the region. This was something different that they were working through that they could be assured of getting something through across the region by 2012 and a lot sooner. There were some questions in his mind about the acquisition ballot measure that was a key piece that hadn't been discussed. If that didn't occur then how did that affect some of the other things we were talking about? He suspected some councilors had amendment about that piece. That was part of the discussion that was missing, which was if we continued as we were, how many years would go on before you had an opportunity to get things

on the ground versus now where they had an opportunity to incent people to avoid that some day. It would get things going.

Councilor McLain said another way to do that same thing would be to amend the Functional Plan requirement. There had been discussion by staff over the last three months and outside the building that this was part of the Functional Plan that needed to be changed because it was too long of a timeframe. One of the reason we had praised the IGA was they were setting a good example in trying to make it an 18 month turn around, that was one third of the region so it was nothing to sniff at. The other part of it was the fact that she didn't want to have a resolution that would put her in the same position as the Affordable Housing scenario. Even though they went with regulations on the affordable housing issues and then agreed to go into a mediation to figure out how to make them work, they had ended up in a situation where nothing had happened.

They didn't know what you were going to do with the compliance reports. She felt you could go too far either way. Even if we acquired and got a bond measure going, it was not going to pay for all of the restoration we needed. She felt they needed a combined tools box with some of each. She said they were always going to have incentives and education, so it wasn't going to be a radical change. We needed to be able to fund it. She wanted a program that was successful. Councilor Newman said the worst thing they could do was require reports but not action from local governments. Councilor Newman wanted to get feedback from local jurisdictions on Councilor Burkholder's amendments. They suggested getting feedback at Metro Policy Advisory Committee (MPAC). He spoke to Councilor Burkholder's questions and concerns. He would like feedback on those questions. Councilor Burkholder noted that his amendments were pretty small changes.

Councilor Hosticka said he agreed with Councilor Park that there was a lot of uncertainty as to whether a date should be specified. He wasn't sure if 2012 was the date he wanted to support. He thought Council should be discussing that. He felt they should specify a date but that there was confusion as to what the right date was. Councilor Burkholder talked about budget and asked about the education aspects. He spoke toward his agreement on wanting to see a date specified on a ballot measure as well. He said there were some budget issues that arose from the resolution. He would like to see Metro make a good faith effort to the community. Councilor Hosticka asked about having a breakdown of what was being spent, to show how much was spent on staff time and how money was being spent in other areas. Would we be spending more or less if the resolution passed? He thought Council should know that before the resolution was considered for adoption. Council President Bragdon talked about expenses. There would always be some post acknowledgement activity. The question was, was it in the nature of Functional Plan compliance and checking to see if a local jurisdiction was doing something, which was sort of our post acknowledgement activity in a lot of different areas or was it something else. Councilor Hosticka asked about the ballot measure both the date and the contents. The discussion about what they could reasonably expect from a ballot measure needed to be determined. He said although we have acquired acreage, he didn't know how many of those were habitat acres.

Councilor McLain said if she was going to vote for the resolution, the two areas that she had the biggest problem with was the timeframe. She thought if you talked about 2010 you were really talking about 2012. You had to have time to reflect and react. You would also have to redo all of the technical work because no one was going to allow you to do it on 12-year old data. Second, was on the ballot measure, she wanted not just a date but also the details. She thought answering both of those questions would get them a long way. Councilor Park explained how the dates were chosen. He thought two years after 2010 was what the norm had been. What they were suggesting was not the norm of how they would do business here. He thought that was good. If they had

done their homework correctly and the local jurisdictions had adopted the regulations in place as part of the Functional Plan, within this timeframe, that the period of time after the adoption would give you the opportunity to shorten up that timeframe with something they felt comfortable with. He talked about an extended timeframe of uncertainty, which had created additional problems. It had gotten them negative results and had probably given them the worst of both worlds. They had the chance to change the dynamic. You would have the least likelihood of things happening negatively. He didn't think you were restricted by the two years.

Ms. Deffebach said the budget process was starting. They had interdepartmental meetings to better understand what current resources were available and being used in the agency in the different departments. They were looking at current resources in the agency to spend on this issue. There were many choices. The second question was what was Metro's role. How can we leverage what other folks were doing? They were working on the general concept. They were ready to come back on talk about performance measures whenever Council was ready. These were outcome measures. They were also ready to discuss best practices. These would turn into local standards. Councilor Burkholder said Council would like to see them sooner rather than later.

Councilor Park suggested that the amendments continued to build on this discussion. The fact that they were advancing felt good. It was creating some dialogue. Councilor Hosticka said the resolution was a good thing to have. Ms. Deffebach asked for clarification about amendments. Councilor McLain said there were some timing issues as to when they were voting. She asked if we needed to rush this decision.

2. TRANSFER STATION CONTRACT/CHANGE ORDER

Council President Bragdon asked about the costs of rejecting the second resolution if they asked Solid Waste and Recycling Department to redo the bid. Mike Hogle, Solid Waste and Recycling Director, said there was both quantitative and qualitative costs. He explained further what those would be. If they had to re-bid the contract, it would probably be at least 9 months; He reviewed the two resolutions that would be considered this Thursday at Council, Resolutions No. 04-3503 and 04-3502. He reviewed the process they had gone through to date. He said 04-3502 detailed the full proposal. The extension lasted until March 2005. He explained some of the transitional costs. This contract extension allowed them to update the equipment that might break down. The cost of the extension was \$205,000 less than what the new contract would be. Councilor Newman asked why they had to extend the contract. Mr. Hogle said they had to purchase new equipment, which they would have in place by March. Councilor Newman asked who asked for the extension. Mr. Hogle said it was part of their negotiations. Councilor Hosticka asked about sequencing of events.

Mr. Hogle explained the new contract. The Chief Operating Officer (COO) can opt out after three years. The Browning Ferris Industries (BFI) contract was \$2 million less than the cost of the original proposals. They had adjusted the organics rate, which resulted in savings. He gave further details on the new contract including guaranteed recycling rate, sustainability features, and additional staff. Costs would increase about \$1 a ton. He spoke to their options available (a copy of these options were detailed in the work session packet). Council President Bragdon asked about procedure for turning the resolution down. Councilor Burkholder said in negotiating with the winning bidder, it seemed that the bid they were getting was different than what was asked for in the Release For Proposal (RFP). It seemed that there were things in the RFP that were not being provided in this proposal. They were not meeting the original proposal. He wanted to make sure we were treating this bidder the same way as we treated the other bidder. He wanted to make

sure we were treating both bidders similarly. Mr. Hogle said in negotiations there could be some give and take. He explained the compactor issue. Councilor Park asked about the timing and how long it took to negotiate each bidder. Mr. Hogle provided the timeline. Councilor Park asked if there were any other changes besides what was being noted in the work session sheet. He shared Councilor Burkholder's concerns. He was trying to make sure we had a fair process. Mr. Hogle said they worked with Office of the Metro Attorney (OMA). Their advice was we wouldn't win on an appeal. Mr. Garrahan said as a legal matter with the Oregon Resource Recovery (ORR) negotiation, the deal in the negotiations was getting worst not better. Price negotiations were only in ORR's favor. In terms of the BFI contract, there was give and take. There was net decrease. They felt that was legally defensible. They didn't receive any challenges to the contract. The question being asked was the Council's own policy decision. Councilor Park asked if there were other pieces in the give and takes in the BFI negotiations? Mr. Hogle said with ORR they wanted to negotiate a ramp up on recycling. Metro was concerned about their ability to operate a large transfer station. They asked for an additional corporate guarantee. Mr. Jordan said the issue was security. Mr. Hogle explained where they had problems with the ORR. They wanted \$1.6 million more than they put on the table. Councilor McLain said she agreed with Councilor Burkholder's comment that the bidders needed to be treated the same. The second part of the bid was they started all over. They started negotiating with BFI. There were going to be changes during negotiations. The second step was negotiation. Councilor Park asked for clarification on the initial bidding. Mr. Hogle explained what process they had gone through. Council President Bragdon asked why they didn't go out for a re-bid after they rejected ORR's bid. Mr. Hogle said they didn't set the process up that way. Councilor Newman said because of the \$1.6 million, would their scores be affected? He wanted to know if it effected the scoring. Mr. Hogle said it brought scoring within .5 points of the other bidder. Councilor Monroe asked to hear from Mr. Jordan. He asked about the extension, would we end up with a better contract than we had here? Mr. Jordan said he didn't think there would be a substantial improvement. The difference with what they thought they could negotiate with BFI versus re-bidding was not substantial. Councilor Monroe asked about the costs to staff. Mr. Hogle said it was probably about \$100,000. Councilor Monroe asked Mr. Jordan if he supported the recommendation. Mr. Jordan said yes. Councilor McLain said she felt it was important to ensure fairness, equitable and a good result. Councilor Newman agreed with Councilor McLain. He didn't think what had been brought up was unfair.

3. BREAK

4. AMERICAN ZOOLOGICAL AND AQUARIUM ACCREDITATION PLAN

Tony Vecchio, Oregon Zoo Director, said when they transferred the excise tax back from the simulator and ARAMARK, they would identify priority items that needed to be prepared. They had identified the four highest priority maintenance issues. They were requesting that Council consider transferring the money back to the Zoo so that they can get the maintenance issues taking care of. Sarah Chisholm, Oregon Zoo, said they would bring an ordinance to Council to transfer the money back.

5. COOPER MOUNTAIN MASTER PLAN UPDATE

Heather Nelson Kent, Regional Parks and Greenspaces Department, said this was check in with the Council on their planning with Cooper Mountain. They had introduced to the public their draft proposed design concept. Most of the work had been done in house. They would have a traffic study done. She detailed the team that had been working on this plan. She noted Ron Klein's public involvement processes. She talked about the virtual open house, which had been

really successful. They had gotten over 500 visits to the virtual open house and only to 40 people at their normal open house. They had been working with Metro's transportation staff and local jurisdiction staff. She talked about the three concepts they had presented previously. The feedback they had gotten was, stick with the trails and enhance the environmental educational piece. Tualatin Valley Park and Recreation District had been a great partner. Councilor Monroe asked about the traffic issues and concerns. Ms. Kent shared on the map where there were concerns. Traffic was already a concern so anything that was going to add was an added concern. Councilor Monroe said the trailhead parking might help the traffic issues. Ms. Kent talked about the need to have American Disabilities Act (ADA) accessibility and how they would do this. She spoke to service access needs. They would propose that the Grabhorn entrance would allow for horse trailer access to support horseback riding. It was only a 2-mile loop. The equestrian community felt this was enough. They wouldn't allow any bike access until the regional trail system was developed. The big issue was maintaining protection of a large area of habitat. Councilor Burkholder said he thought this was pretty heavily trailed. He spoke about impact. Ms. Kent said they were looking for 3 to 4 miles of trails. They tried to provide this with the series of loops. For the most part they had most of the prairie, which was relatively undeveloped. The biggest issue was how to provide enough access for people to use it but to keep a big enough patch of unfragmented habitat. Councilor Hosticka suggested not showing a trail on Mr. Cooper's land. Ms. Kent said they would take that off the main document and might have a future piece. Jim Desmond, Regional Parks and Greenspaces Director, said they had not heard of Mr. Cooper until recently. They had proposed a ranger house. She talked about two landowners that weren't willing to sell. Councilor Hosticka said a question came up in Washington County if they would be allowing us to do things that they weren't allowed others to do. Ms. Kent explained why we might be able to site a house if they approved the master plan. Councilor Monroe said they were anticipating most people accessing the property through the Kemmer Road access. Through the virtual visits, they had gotten recommendation to have the main access to the Grabhorn Road area. Councilor Burkholder said he thought we might have problems with putting a house in the suggested area. Ms. Kent said they went to the Washington county Board of Commissioners with an ordinance approving a regional park overlay. They had used the State Parks rule and the regional park overlay. They were working closely with their staff. She provided a timeline for what was coming up including a traffic plan study, etc. They were hoping to have a draft master plan the end of March. She urged that they look at the virtual open house online. Mr. Desmond said they were reaching more people than they ever had before through the website. Councilor Monroe asked about the creeks and if they were intermittent. Mr. Desmond said they were intermittent.

6. COUNCIL BRIEFINGS/COMMUNICATIONS

There were none.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:35 p.m.

Prepared by,

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 26,
2004**

Item	Topic	Doc Date	Document Description	Doc. Number
1.1	Agenda	10/28/04	Metro Council Agenda for October 28, 2004	102604c-01
1.2	Memo	10/26/04	To: Metro Council From Chris Deffebach, Planning Department Re: Questions on Resolution No. 04-3506 (Goal 5)	102604c-02
1.2	Memo	10/27/04	To: MPAC From: Andy Cotugno and Chris Deffebach, Planning Department Re: MTAC Comments on Resolution No. 04-3506 (Goal 5)	102604c-03
1.2	Memo	10/31/04	To: Metro Council From: Chris Deffebach, Planning Department RE: Goal 5 WRPAC Comments on Resolution No. 04-3506 (Goal 5)	102604c-04
5	Proposed design concept summary	10/26/04	To: Metro Council From: Heather Nelson-Kent, Regional Parks and Greenspaces Department Re: Cooper Mountain Natural Area Proposed design concept summary	102604c-05