

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, December 14, 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 2:02 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, DECEMBER 16, 2004/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the December 16, 2004 Council agenda. He talked about the Damascus reception. It would be at 1:00 p.m. downstairs in the entry area. He said the Columbia Environmental issue would be coming up again this week. Councilor Park said he had asked Dan Cooper, Metro Attorney, what the process would be. Mr. Cooper said they were trying to sort out the deadlines and the original application date. Councilor Park said they were looking at 38,000 tons of wet waste. Council President Bragdon talked about what the hit would be on our transfer stations. He said there was no vote to pass the ordinance. Councilor McLain said she would vote yes and provided rationale for why she would be voting yes. Councilor Burkholder said he disagreed with the application. Councilor McLain spoke to duplication of services and overlapping services. We needed to make sure that we weren't setting up a company to fail. Councilor McLain would be voting yes because she agreed with staff. Councilor Park said he didn't want to get into the merits of the application. They had been asked to prepare alternative scenarios. Councilor Newman said at this point they had to approve or deny. Councilor Park said they had an opportunity to extend. Councilor McLain talked about issues with the site such as a road issue. Council President Bragdon said they had technical questions and procedural questions. Councilor Monroe spoke to vertical integration and suggested capping the Forest Grove transfer station. He hoped, that if the extension were granted, that Council would be cognizant of our public facilities.

Council President Bragdon spoke to the proposed regional planning director position and upcoming legislation on regional policy options relating to Ballot Measure 37. He noted a recommendation from Dick Benner, Metro Senior Attorney, concerning utilizing our Data Resource Center. He asked Council if there were other issues to be included. Councilor Hosticka asked if Metro had received any claims. Mr. Cooper said they had received a letter from the attorney for Dorothy English. Her property was not inside our boundary so none of our regulations applied to her property. Mr. Cooper said he didn't think that Metro would get any claims against us. The claims would come into the local governments. He suggested a process for interfacing with the local governments. He had been talking with local government attorneys. Councilor Hosticka suggested having a process. Councilor Park reviewed the legislation concerning Measure 37 and made some suggestions. He wondered if MetroScope could be utilized. Council President Bragdon said he felt that the resolution took care of Councilor Hosticka's concerns and suggestions. Councilor Newman asked about a model ordinance. Mr. Cooper said that would be included in their discussions. He said the local jurisdictions fell into three camps. He wasn't sure if there should be a model to follow. Councilor Newman wondered if

Becky Shoemaker had received requests for research. Mr. Jordan said he was not aware of any requests.

2. HARD EDGE DISCUSSION

Tim O'Brien, Planning Department, updated the Council on the hard edge project that was put forward in 2004 by Council motion. The motion identified five locations. He gave an overview of those areas. He spoke to the five areas. They had met with the local jurisdiction staff. He noted comments from local jurisdiction comments included in the work session materials. He provided an overview of the comments. Those comments were separated between counties and cities. The cities were supportive of hard edges. Oregon City wanted to make sure some of the land to the east was in the potential for future expansion. The cities on the edge were not set up to provide services to large expansion areas. The counties had concerns and a number of questions. They felt there was a broader discussion that was needed on the issue. They weren't sure Metro had authority to do this since it was outside our jurisdictional boundary. All three counties wondered why we were doing an analysis of the hard edge now (a copy of other issues they raised is included in the meeting packet). He spoke to course of actions, also included in the meeting packet.

Councilor Newman talked about needing to have the hard edge discussion in June. When they met with the jurisdictions, they didn't want to do an enormous undertaking. They looked at another option, short of an ordinance, which would provide intent, such as a resolution identifying hard edges around the region. They might tie that resolution to Intergovernmental Agreement's for neighboring communities. They didn't know what all of the issues were in June. There were two options, one to drop it or provide a resolution, which was a statement of values. Councilor Hosticka asked what were the practical differences between an ordinance and a resolution. Michael Jordan, Chief Operating Officer, said if you take an action through acknowledgement, then to undo it was a similar action. It could also open you up to litigation. A resolution was intent to share what this Council felt. Councilor McLain said she felt hard edges had been discussed in different venues. Councilor Park and she had both been involved in those discussions as Chair of the Planning Committee. She wasn't sure that a resolution had much impact. She wanted to think about the implication of precedent setting issues as far as doing this kind of directive. When you give definite edges you were putting more pressure on the other geographic areas. She wanted to go back to the basic endeavor as managers of the Urban Growth Boundary (UGB). It was a tool of dividing urban and rural. Metro had always made an effort to take care of both urban and rural. She couldn't support this resolution.

Councilor Burkholder said he wanted education on what was an urban reserve. The question should be where did we want to grow. How did we do more inside? If we were going to do an expansion, he wanted more education. He was concerned that this was an incredible trap. They should be looking at the question of where they wanted to grow. Councilor Park said either they were going too far or not far enough. The question was where do we want to spend the resources. He didn't want to go half way. They wanted broader assurances to have a partnership with the State. If the State wasn't supportive, then they were not going anywhere. Councilor Monroe said if you do hard edges, you were by de-facto creating urban reserves. He felt it would be dangerous to do limited hard edges instead of doing them all around. He suggested rethinking this whole process. Council President Bragdon suggested Option 2. He thought Councilor Burkholder's question about where we grow was the important question. Councilor Newman said they wanted more information six months ago. He was happy to have that larger discussion.

Council President Bragdon suggested giving staff direction by selecting one of the options. Councilor Newman said they had heard from a number of elected officials that they would be taking this issue to Salem. Councilor Hosticka supported Option 2. He would like to take some of these off the table. He thought the majority of the Council would agree on where we didn't want to grow. He said taking these areas off the table would allow the public to speak. Three Councilors supported Option 2, three Councilors supported Option 3 and Councilor Monroe said he would not be here. Councilor Newman said he wasn't sure what the Big Look was. Council President Bragdon suggested having this discussion at the retreat in January. Councilor Park suggested a discussion on more definition of the Big Look. Councilor McLain said Council had to agree on what their responsibilities were. They had not agreed on their role of managing the UGB. There were some basic documents that they needed to carry out or amend. They had some commitments that they had said they were doing. Council President Bragdon suggested a discussion at the retreat.

3. HOUSING

Councilor Burkholder talked about Metro Policy Advisory Committee's (MPAC's) reaction. The idea was to go ahead and look at the housing supply issue, which would include affordable housing. Because the charge was different they would be recruiting different people. They were going beyond the affordable housing issues. They were looking at barriers. The staff wanted Councilor Burkholder to make sure Council suggested members to the committee. The idea was to widen the scope of the membership. He talked about the staff team to help support the committee.

Gerry Uba, Planning Department, suggested looking at the representative groups and asked Council to look at those groups and see if there were any additions. He spoke to the need to balance the committee (a copy of the proposed committee membership was included in the meeting packet). Bringing experience to the table would be helpful. Councilor Burkholder said they didn't need everyone in the room. This committee would be exploring questions they had about housing. Councilor Park liked the direction because it was looking at the broader universe. He liked the idea of layers. The real estate people had been left off the committee last time. He urged involvement by that group. He also thought because of the demographic shift, they might have to better quantify the need for certain types of housing. Councilor Burkholder said they would also be updating some of the information with census data. Council President Bragdon suggested recruiting people who were in the field as opposed to people who were the lobbyists for that area. Councilor Monroe said you wouldn't keep politics out of it. Second, he thought the problem was getting worse. We were entering a stagflation. We will see higher interest rates, which will make it more difficult for people to become homeowners. Apartments were decreasing not increasing. He urged not ignoring this issue. He wasn't optimistic.

3. BREAK

4. DREDGE SEDIMENTS POLICY

Janet Matthews, Solid Waste and Recycling Department, said she was talking about dredge sediments. She presented information on August 17th. At that time they were proposing policy changes to reduce landfill charges for landfill sediments. Port of Portland was sending clean sediments. They wanted to understand the scope of both contaminated and clean sediments. They had a consultant do a report. She spoke to issues the consultant was to review, issues including projected tonnage over the decade. Ms. Matthews provided regulatory process for the disposition of sediments in the Willamette River (a copy of which is included in the record). The path of least

regulatory resistance was to choose landfill. She then spoke to non-landfill options, which include structural fill, beach formation and wetland restoration but the regulatory process was lengthy. The consultant also reported on how this compared to other states. The process was much more descriptive in other states. There were also viable options for sediment management. If the material met the standards there was no regulatory requirement. In Oregon it was not possible to deregulate dredge sediments. The Port saw this as an obstacle. They thought the generators needed to come to the table. Metro was concerned with this material with respect to a landfill. After all they had learned, their original recommendation still stood. That recommendation was on the work session sheet. They were back with the proposal that had come to Council in August. That was a lowering of a rate to a \$1.00 a ton, an elimination of exemptions to level to playing field. They thought Metro could track and ensure revenue collection. She noted Councilor Newman's concern about \$1.00 per ton. It was far less than \$1.00 per ton. They settled on a \$1.00 a ton because they could propose this to Council as a minimum. They could give staff direction if Council wanted to look at going lower or higher. They knew it was less than \$1.00 in terms of their costs. Councilor Newman asked was that dollar a ton was disposal fee. Ms. Matthews explained what Council could do. Councilor Burkholder asked about how the Port was dealing this. Lise Glancy, Port of Portland, said they hadn't look at a legislative fix. Their maintenance dredging was fairly modest. There was no federal funding for that dredging. So the Port provided this as a regional service. Ms. Matthews said they met with Department of Environmental Quality (DEQ) and Port staff. DEQ did not see regulation of clean sediments as a problem. They didn't see any signals from DEQ.

Councilor McLain agreed with the three goals. She felt Council could support these in an official way. She asked how much of this type of material was going to our landfills. Ms. Matthews said 90,000 to 100,000 tons of useful material exemption. Roy Brower, Solid Waste and Recycling Department, said landfills didn't account for it separately. The closest figure they had was the useful materials exemption. Councilor McLain said it seemed important to know how much tonnage was coming from the Port. Ms. Glancy said she thought it was 400,000 tons every five year. Councilor McLain said it made a difference in the dollar fee to know that information. Councilor Hosticka asked about jurisdiction, what did Metro's jurisdiction cover? Ms. Matthews responded that it covered anything that went to the landfill. Councilor Hosticka clarified what sediment dredging was covered. Mr. Jordan said it was maintenance dredging from the Willamette River. Ms. Matthews said they would be getting input from the stakeholders and then bring a draft ordinance back. Councilor Burkholder raised the issue of landfill capacity. He needed real costs estimates. Councilor Newman said, depending upon the costs, how much was disposal fee and how much was excise tax? Ms. Matthews said Councilor McLain wanted to know about how much dredge was going to the landfill. Councilor McLain said her issue was to deal with future capacity. She wanted to know the cost of disposal. Ms. Matthews said would get back to Council with amounts of tonnage and verified costs.

5. ZOO ELEPHANT PROGRAM

Tony Vecchio, Oregon Zoo Director, said there had been a recommendation for a change in their elephant collection. This was a big change. There were public relations implications. The Zoo participated in the endangered species program. It was a committee of experts that reviewed the endangered species and made recommendations. This committee had recommended that the Oregon Zoo would receive a bull elephant from California. Elephants were in the news a lot lately. Some Zoos had decided to close their elephant exhibits and transfer elephants to sanctuaries. Our Zoo had a reputation for being a good Zoo. Councilor Monroe asked about the statistics on the bull. Councilor Hosticka asked about the costs. Mike Keele, presented the information on the bull. He was considered middle aged. Councilor McLain asked about Packy

and the impact on Packy and the space issue. Mr. Keele said they had had three bulls until last January. He felt they had space available. Mr. Vecchio spoke to the money issue. They would sign a loan agreement. There would be no cost other than transporting the animal. It would be an expensive shipment. As far as food they eat a lot. They had had a full-grown elephant until last year. Councilor Newman asked about capacity for more babies. Mr. Keele said they had capacity for females. Councilor Newman asked about artificial insemination and gendering the babies. Councilor Newman summarized their concern was public relations related to animal rights. Councilors talked about other elephants at the Zoo. Councilor McLain talked about her children's experience with the elephants. Councilor Newman asked if they could anticipate the arrival and do a public relations splash. Mr. Vecchio said they would like to do a public relations splash. Mr. Vecchio talked about their animal tours.

6. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Burkholder shared a Brookings report, which was based on an analysis of population growth (a copy of this information was included in the record).

Councilor Newman reminded the Council about the Damascus reception. Mr. Jordan said he had been asked to prepare some remarks. Councilor McLain said she had talked with Solid Waste and Recycling Department about solid waste programming for budgeting. She spoke to per capita grant to get hard to recover waste. She said they had talked about packaging issues. She was trying to do a substantial review of the solid waste budget. Councilor Burkholder said tomorrow at 2:00pm they would be doing a review of the strategic planning effort to give some final direction to Council President Bragdon for his budget next year. Two of the departments had already reorganized their staff based on the strategic plan. Councilor Newman asked Mr. Jordan about the dredge sediments and the \$1.00 issue. Mr. Jordan said they could set the excise tax wherever they wanted to. Councilor Newman suggested looking at this for the general fund dollars. Mr. Jordan said there was maintenance dredging and superfund dredging.

Councilor Hosticka said they had their first discussion about branding. He spoke about the dredging issue. What was this all about? He urged a briefing about future revenue and dredging issues. Councilor Park said there was a broader conversation going on in the solid waste industry. He said the other piece was that Council President Bragdon had had his concern about the Regional Planning Director position. It was Mr. Jordan's job to determine staffing issues. If this government was going to work properly, we had to get out of managing. Mr. Jordan talked about Council President Bragdon's concerns.

There being no further business to come before the Metro Council, Deputy Council President Newman adjourned the meeting at 4:10 p.m.

Prepared by,

Chris Billington
Clerk of the Council

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

| Item | Topic | Doc Date | Document Description | Doc. Number |
|------|---|----------|--|-------------|
| 1 | Agenda | 12/16/04 | Metro Council Agenda for December 16, 2004 | 121604cw-01 |
| 3 | Housing | 12/04 | Toward a New Metropolis: The Opportunity To Rebuild America | 121604cw-02 |
| 5 | Dredge Sediments Polity | 12/16/04 | Flow Chart of Maintenance Dredging/In-water Disposal | 121604cw-03 |
| 6 | Summary of Oregon Zoo Elephant Program | 12/16/04 | Zoo Elephant Program | 121604cw-04 |