

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

October 13 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Charles Becker, Rob Drake, Andy Duyck, Dave Fuller, Gene Grant, Judie Hammerstad, John Hartsock, Tom Hughes, Richard Kidd, Deanna Mueller-Crispin, Lisa Naito, Doug Neeley, Ted Wheeler

Alternates Present: Laura Hudson, Mary Olson

Also Present: Preston Beck, Group MacKenzie; Hal Bergsma, City of Beaverton; Craig Brown, Matrix Development Corporation; Ron Bunch, City of Gresham; Al Burns, The City of Portland; Michelle Bussard, Johnson Creek Watershed Council; Cindy Catto, AGC; Sarah Cleek, THPRD; Gary Clifford, Multnomah County; Debbie Collard, Ball Janik LLP; Danielle Cowan, City of Wilsonville; Bob Durgan, Andersen Construction; Kay Durtchi, MTAC; Craig Dye, Clean Water Services; Stacy Hopkins, City of Tualatin; Kelly Hossain, Miller Nash LLP; Gil Kelley, City of Portland; Jim Labbe, Audubon Society of Portland; Susie Lahsene, Port of Portland; Stephan Lashbrook, City of Lake Oswego; Charlotte Lehan, City of Wilsonville; Greg Manning, NAIOP; Sue Marshall, Tualatin Riverkeepers; Irene Marvich, League of Women Voters; Doug McClain, Clackamas County; Alice Norris, Mayor of Oregon City; Laura Oppenheimer, Oregonian; John Rakowitz, Portland Business Alliance; Ted Reid, Portland Citizen; Pat Ribellia, City of Hillsboro; Bob Sallinger, Portland Audubon; Amy Scheckla-Cox, City of Cornelius; Jonathan Schlueter, Westside Economic Alliance; Dresden Skees-Gregory, Washington County Citizen; Laine Smith, ODOT; Andrea Vannelli, Washington County Planning; Jonathan William, Intel; David Zagel, TriMet;

Metro Elected Officials Present: David Bragdon, Council President; Rod Park, District 1; Carl Hosticka, District 3; Susan McLain, District 4

Metro Staff Present: Kim Bardes, Dick Benner, Dan Cooper, Andy Cotugno, Chris Deffebach, Paul Garrahan, Randy Tucker, Michael Wetter

INTRODUCTIONS

Mayor Charles Becker, MPAC Chair, called the meeting to order 5:03 p.m. Those present introduced themselves.

3. CITIZEN COMMUNICATIONS

Jim Labbe, Audubon Society of Portland, asked the members to reject the resolution for Goal 5. He referred to his written testimony, which is attached and forms part of the record.

Sue Marshall, Tualatin Riverkeepers, said that the Tualatin Riverkeepers would also like the MPAC members to reject the resolution. She said she saw the resolution as a back step in the process and that they were actually at the eve of developing a program. She had concern about what this would indicate to the jurisdictions in the initiative that they had already undertaken. She said that the process should be allowed to continue and a model ordinance should be developed with reasonable timelines for the jurisdictions to adopt or demonstrate substantial compliance.

Doug Neeley asked if the exceptions process was current.

Andy Cotugno said that the members would receive an overview of how the process works after it had been discussed at MTAC.

Doug Neeley asked why it was being deferred to MTAC before MPAC had received the briefing.

Andy Cotugno said that MPAC would be reviewing exactly the same thing that MTAC would see but that due to a full agenda he did not think they would have time for the introduction material to be presented at this meeting.

Rob Drake suggested that the exemptions agenda item be moved to the end of the meeting or to another meeting date.

1. ANNOUNCEMENTS

Chair Becker discussed future meeting dates and suggested some alternatives to the conflict with the upcoming holidays. He said that Metro was planning a seminar on the Healthy Centers issues and that they would be setting a date for that pretty soon. He reviewed other possible agenda items for review between November and December.

Judie Hammerstad suggested that Chair Becker ask for a show of hands for those that could attend the MPAC meeting on November 17th rather than November 24th.

It was agreed to hold the second November meeting on November 17, 2004 instead of November 24, 2004.

Doug Neeley asked to have decision items be put on the agenda for early in the evening.

Chair Becker asked for a show of hands for changing the second meeting in December. It was decided that they would cancel the December 22nd meeting and reschedule for December 15th unless there were not enough agenda items to justify holding a meeting.

4. CONSENT AGENDA

Meeting Summary for September 9, 2004.

Motion:	Gene Grant, Mayor of Happy Valley, with a second from Ted Wheeler, Citizen for Multnomah County, moved to adopt the consent agenda without revision.
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Vote:	The motion passed unanimously.
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Motion:	Rob Drake, Mayor of Beaverton, with a second from Richard Kidd, Mayor of Forest Grove, moved to defer agenda items 7 & 8 directly to MTAC for review and referral back to MPAC.
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Amendment to the Motion:	Doug Neeley, City of Oregon City, with a second from Dave Fuller, Mayor of Wood Village, moved to remove agenda item 7, Exceptions Process, from the referral to MTAC and instead have it put onto an upcoming MPAC agenda, and to refer agenda item 8, Annexation Process, to MTAC at this time.
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Vote:	The amended motion passed unanimously.
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5. COUNCIL UPDATE

Council President Bragdon said that Metro Council was waiting to hear from LCDC shortly regarding their review of Metro's decision from last June. Council had recently been focusing on internal issues and solid waste.

6. GOAL 5

Council President Bragdon reviewed the Goal 5 draft resolution, which was part of the materials packet and therefore forms part of the record. He said that the resolution was not a final decision but a direction to Metro staff. He asked for discussion, comments, and suggestions from the MPAC members on the draft resolution after Rod Park had spoken on the issue.

Rod Park said that people were very concerned about the direction that the program was going, the uncertainty of where it was at, and the realization that regulating the few for the benefit of the many was not getting them where they seemingly needed to go. He described how the nursery industry in the Portland Metro region was the first in the nation to institute a voluntary program with a regulatory backstop for the clean water act. Other states had since instituted that program and it was very successful. That program morphed into Senate Bill 1010 in 1993. He said that due to the storm water system the region was connected by its rivers. He said that the jurisdictions needed to be able to use their own innovation to get the desired results. He said that the resolution would not suggest abandoning the regulatory program; there were technical/legal reasons why they would need such a program. People would do good things for Fish and Wildlife protection if they just had some standards to follow. Metro and partners would need to help with setting goals and getting jurisdictions going on regional protection. He said that a voluntary program has the possibility and probability of getting started right away, whereas the Goal 5 process without this resolution would take some time to finish and then require two years before implementation was possible.

Gil Kelley, City of Portland, said that there had not been enough time to deliberate on the resolution and that what he contributed to the discussion was taken from many individuals at the city and did not represent an official position. He said that he endorsed Councilor Park's philosophy and that the resolution represented a positive direction in many ways. He said that it was important to not dance around the issue of regulation. He said that there were several things that needed to occur to make the approach outlined in the resolution workable. The focus needed to be on arriving at performance standards that were clear and science based. He said that he thought the time frame was too long and that 2012 seemed like forever to some people. He suggested that 2008 was a better time frame for local jurisdictions to come forward with a program and then another year for Metro to measure, evaluate, and put in place a regulatory backstop. He emphasized that the science was telling them that the near stream habitat was crucial to habitat protection.

Lisa Naito asked about the process and timeline for the proposed resolution.

Chair Becker said that they would be taking initial thoughts on this issue and then it would be referred to MTAC so the members would have time to review the material and take it back to their jurisdictions for discussion.

Doug Neeley expressed concern that there were not objective standards that applied to a whole watershed system. He also expressed concern that local programs would not meet a regional standard.

David Bragdon said Metro staff would work with jurisdictional staff to develop those standards/measures. He said that it was also a recognition that different jurisdictions were at different places with their programs. He said that there was nothing that would imply that there would be a rollback at the local level.

Rod Park said that the model program ordinance that the local jurisdictions could adopt would be looked at by LCDC and put directly into their programs. He said that the resolution was just a different way to get to the same outcome.

Doug Neeley said he was concerned about those jurisdictions that did not have a good program, and the effects that would have on the regional watershed. He suggested that that issue needed to be explicit in the document.

Rob Drake said that he did not yet understand the program enough to give it a blessing or criticism. He commended Metro and David Bragdon for innovative thinking. He said that he thought the resolution warranted being looked at MTAC. He expressed concern that waiting until 2010 or 2012 was too long.

Gene Grant said that what was being proposed demonstrated a higher level of trust for the local leaders. He suggested that if the jurisdictions abused that trust by not making adequate progress then there would be regulation in place a few years down the line to back that up. He suggested that the resolution presented a more positive approach to habitat protection. He had been concerned that the regulatory part of the Fish and Wildlife Protection Program would be taking away development rights for property owners. He said the resolution looked to be a better solution to creating a balance of power between Metro and the local governments than putting forward a bond measure or instituting regulations that would not be fair to property owners.

Tom Hughes said that a few positive things had occurred due to the shift in focus by Metro. He said that the original GAP analysis that got Metro started on Fish and Wildlife Habitat Protection indicated that there was no progress being made at the local level to protect and preserve habitat. He said that the resolution would recognize that there had been a lot of progress made with the habitat protection since that original analysis was done. He said that some had expressed concern that if the resolution were to be adopted and nothing was done between now and 2012, then we would lose some habitat. Many jurisdictions already had Goal 5 in place and would protect that habitat from further degradation. The discussion now had to be about performance standards.

Judie Hammerstad said that the jurisdictions were, in this case, being offered what they had asked for. The environmental community was alarmed and did not trust that the local jurisdictions could accomplish habitat protection without regulation. She said that the performance standards would have to be set high and stipulate that the outcomes would have to be that there was no degradation and/or improved stream quality. She said that with the environmental community taking part in setting those standards and local government accepting the voluntary program, they would have that regulatory backup. She said that they needed input from all the stakeholders before a decision was made.

Dave Fuller said he thought the resolution was a user-friendly movement by Metro. He said that his city could do a good job in regulating this issue rather than having a one-size-fits-all solution.

John Hartsock also expressed his confidence that his jurisdiction could regulate this issue appropriately. He agreed that there would be a few cowboys out there, but for the most part the jurisdictions would step up to their responsibilities.

Doug Neeley said that they needed to discuss minimal standards. He was concerned that success for the whole region's habit and watershed, which hinged around local performance standards, could be ruined by one jurisdiction not stepping up to their responsibilities.

Susan McLain said that she was curious about what effect this resolution would have on the UGB decision. There was nothing in the resolution that Metro/MPAC had not looked at over the years. She said that they should discuss if the resolution completely removed the opportunity to develop standards if there were no regulatory backdrop. The Metro staff would be required to produce performance measures as part of the work plan and they were working on that right now.

Ted Wheeler said that just the innovation of the resolution was a benefit in and of itself. As the jurisdictions attempted to meet the Goal 5 standards they would get new ideas and innovative approaches. He also thought it was a good idea to send this to MTAC as he did not have staff to help him work through it. He wondered what would trigger an extension of the deadline.

Deanna Mueller-Crispin said that she had thought they were getting close to the finish line on the Goal 5 program and expressed concern about changes to the program ground rules as a result of the resolution. She also expressed concern that the resolution would extend the whole process and implementation timeline.

Rod Park said that the resolution should not take away from anyone's program. If a local jurisdiction wanted to adopt the model program once it was completed it should be up to them. The regional goals had not really changed and the question became how to measure the performance. No local jurisdictions would be able to slip because they would be held to the regional performance standard.

David Bragdon reiterated that the resolution was just a proposal at this point. He said that he felt it was getting good discussion and support for various aspects of it. He said it was also helping to point out what they really needed to work on regarding Goal 5, which was key to success. He said that the question was what would their relationship be like moving forward, regionally and locally, and wouldn't it be more productive to be working on what those performance measures would be. The Tualatin Basin was a model, which was very compatible to other basins around the region. Anyone construing this as a "get out of jail free card" would be very mistaken. He said that the resolution was an attempt to achieve the most effective outcome. Regulations prevented bad things from happening but did not ensure that good things would happen. He said that he appreciated MPAC's comments.

Chair Becker asked if the members wanted to forward any comments to MTAC.

Rob Drake said he would suggest that people take the resolution back to their jurisdictions and talk to other elected officials and citizens. He also suggested that MPAC send the resolution to MTAC for consideration. He said that he was not confident that they could have an answer or decision by the next meeting.

Doug Neeley suggested that a copy of the minutes get sent to MTAC before their next meeting, if possible.

7. EXCEPTIONS PROCESS

This topic was deferred to a future MPAC meeting agenda.

8. ANNEXATION PROCESS

This topic was deferred to MTAC for consideration.

9. HEALTHY CENTERS FORUM

Andy Cotugno informed the members of an upcoming Healthy Centers seminar. He wanted feedback from the members on whether or not they were interested in following through with the forum and with re-establishing the subcommittee. He said that they would be using the seminar to springboard the broader agenda regarding this issue.

Kelly Webb reviewed her two handouts, which are attached and form part of the record.

Chair Becker said that to strengthen the region they needed to strengthen the centers. He suggested that January might be a good time to hold the forum.

Susan McLain said that the most important thing for them to do now was to set the date for the forum and to get the word out.

Doug Neeley said that one benefit of waiting until January for the forum was that MPAC membership might change between now and then.

Andy Cotugno said that they also needed to recognize the target audience for the seminar. He said it was about broadening the education and advocacy for Healthy Centers. He said that the seminar should include broader membership of jurisdictional councils, planning commissions, local developers, bankers, advocacy groups, etc. He said the goal was to have a broad impact in the community. He said that they were looking for MPAC participation as the champion for a much broader audience.

Doug Neeley said that Metro should include a topic on the relationship between primary corridors and town centers.

David Bragdon said that the Portland region was getting a lot of notice from around the world and they needed to get the tools out there for global use.

Gene Grant said that Metro/Gresham should start advertising now for a January date.

Andy Cotugno wanted to have the help of the Healthy Centers subcommittee in forming the overall plan and also in planning the forum. He invited the MPAC members to be on the subcommittee. He assured the members that the subcommittee would be very nuts and bolts oriented.

There being no further business, Chair Becker adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR OCTOBER 13, 2004

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

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#6 Goal 5	10/11/04	Letter to David Bragdon from Ethan Seltzer regarding the Goal 5 draft resolution	101304-MPAC-01
#6 Goal 5	10/13/04	Email from Jim Labbe and others to Metro Council and MPAC regarding draft Resolution 04-3506	101304-MPAC-02
#6 Goal 5	10/13/04	Email from Greg Schifsky to Metro Council regarding MPAC and draft resolution 04-3506	101304-MPAC-03
#6 Goal 5	10/13/04	Letter to MPAC and Metro Council from Mike Houck regarding Bragdon-Park Memo to MPAC and draft Resolution 04-3506	101304-MPAC-04
#6 Goal 5	10/13/04	Email to Chair Becker and MPAC members from Nathalie Darcy regarding Response to Proposed Resolution 04-3506	101304-MPAC-05
#6 Goal 5	10/13/04	Email to MPAC members from Cindy Catto regarding Comments on Proposed Resolution 04-3506	101304-MPAC-06
#9 Healthy Centers	October 2004	Draft Lively Centers Forum Agenda	101304-MPAC-07
#9 Healthy Centers	October 2004	Draft Lively Centers Campaign – Catalyzing economic activity in centers with good development projects November 2004 – 2005/07	101304-MPAC-08