

MINUTES OF THE METRO COUNCIL MEETING

Thursday, January 20, 2005
Metro Council Chamber

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

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. STATUS OF AUDIT RECOMMENDATIONS

Alexis Dow, Metro Auditor said she was presenting the status of audit recommendations annual update. She introduced Debbie DeShais, Senior Auditor. She spoke to why they provided audits. One way to measure the effectiveness of the Metro management was through audits. Ms. DeShais presented (a copy of the power point presentation is included in the meeting record) the status of audits over the past five years. She noted that the overall results and acceptance of audits by management was very good. She reviewed the benefits of implementation. She spoke to key areas that needed effort; a framework for enhancing contract management, disaster recovery/business continuity plan, and Information Technology (IT) security assessment and vulnerability analysis.

Councilor McLain asked about the disaster recovery/business continuity plan. Ms. DeShais said they had issued reports from the financial statement audit. Ms. Dow clarified that this was probably in reference to information technology. She talked about the need for minimum backup.

Ms. DeShais talked about the consequences of inattention to project management improvements and disaster recovery/business continuity plan. She suggested management track the status of audit recommendations and assure they were properly implemented.

Councilor McLain wondered how Council was working on this with management. Council President Bragdon said typically Mr. Jordan provides a written response to the report. Councilor Burkholder said they did have a follow-up process in place. He provided this information for the public. He suggested that Mr. Jordan be asked in open session about the status of pending audits.

4. BI-STATE ANNUAL REPORT

Councilor Burkholder provided a short summary of the Bi-State Coordinating Committee. He noted that the committee currently dealt with issues concerning transportation and land use. Mark Turpel, Planning Department, provided a power point presentation on the Bi-State Coordination Committee (a copy of which is included in the meeting record) The presentation included background, future plans and issues that had been addressed by the committee. He

summarized the reasons for the need for Bi-State coordination such as the I-5 trade corridor, I-205 corridor, and funding mechanisms. He said there was recognition that this area had many commonalities. He spoke to achievements of the Committee in 2004. Councilor Burkholder talked about the upcoming issues that the Committee would be considering this year such as the crossing at the I-5 Columbia River Crossing project, freight rail forum, I-5/Delta Park/Lombard Project, and a number of other issues. He said the key issue was how they protected the transportation infrastructure. Mr. Turpel continued with the presentation by sharing a bird's eye view of the I-5 corridor. He reviewed expansion corridor issues as well as other regional issues that the Bi-State Committee would be addressing.

Councilor McLain asked about the land use connection and Metro Policy Advisory Committee's (MPACs) role. She suggested a report from Clark County and Vancouver about land use aspects. She thought there could be a useful conversation at MPAC. Councilor Liberty talked about the effects of land use and development patterns. Councilor Burkholder said there were future opportunities for more coordination. He was hopeful there would be more authority given to the committee and recognition of this committee. Councilor Liberty appreciated the progress the committee had made. He was concerned that we were doing things the old way instead of looking at things in a fundamental way such as what kind of a place were we creating, what kind of community did you get?

Councilor Newman talked about the bridge project. He didn't think it was a forgone conclusion that a new bridge would be built or that I-5 would be expanded. He hoped that all options were still on the table. Councilor Park commented about the land use patterns above Battleground. He shared Councilor McLain's concerns. He acknowledged that a billion dollars was a lot of money for the project. He wasn't sure what the effects would be in the long run. Councilor Burkholder responded to Councilor Newman's concerns about capacity on I-5. They would be looking at the various issues and alternatives. He said the community had been very active in proposing alternatives. It was a large project, which would take a long time.

Councilor Liberty asked about alternatives. Councilor Burkholder said there were no alternatives laid out yet. Councilor Liberty asked if the rail companies were interest in this project. Councilor Burkholder said the hubs for the rail companies were back east. This was a relatively small rail corridor, however, the local rail companies were interested in the project. Council President Bragdon talked about the and use impact on a bi-state basis. Councilor Burkholder said this was another issue for the Metro Council to deal with. He acknowledged Mark Turpel. Mr. Turpel had been very helpful.

5. SOUTH CORRIDOR FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) PRESENTATION

Councilor Newman said he had served as the chair of the South Corridor project. He spoke to the history of the project. He acknowledged the staff that had worked on this project. He said they were the best in the country.

Richard Brandman, Deputy Planning Director, introduced the topic. He talked about the history of the project. Today, they were talking about the final FEIS for the light rail project. This was a very big step, which allowed TriMet to enter into final design, the last step before construction. He said they had developed a Compact Disc (CD), which provided savings in printing and allowed for a new way to present the information.

Ross Roberts, Planning Department, talked about the team effort for this project. They had come in under budget. They had tried to meet the purpose and need of the project. They also tried to make it as easy as possible for the federal government to approve Metro's documents. They had had a successful relationship with the federal government. He talked about the every changing processes as they were developing these documents.

Dave Unsworth, Planning Department, provided an overview of the CD that they had developed on the Environmental Impact Statement (EIS). The CD included narrative, visuals and a virtual tour of the light rail project. The public had been very happy in finding extras on the CD. Councilor Burkholder met with Metro Committee for Citizen Involvement (MCCI) last night. MCCI was very impressed by the ease of this information. They also supported the savings in printing costs.

Councilor Liberty spoke to land use concerns with this project. Mr. Unsworth said they were looking for opportunities to build around this project. Councilor Liberty said he thought it would be a real challenge. Investing in transit in Clackamas County was essential. He worried that we were not going to get much opportunity to build communities.

6. BROWNSFIELD BRIEFING

Lydia Neill, Planning Department, introduced Elissa Gertler, Greg Theisen, Steve Kountz. She presented a power point presentation on Brownsfield Study (a copy of which is included in the meeting record). She said the Brownsfield Study included the purpose, case studies, and financial analysis.

Councilor Burkholder said he had questions about their assumptions in the financial analysis. He said when you talked about System Development Charges (SDCs), typically the SDCs were estimated to cover about 20% of the cost of actually providing those services and not the full cost. He asked if the analysis captured the full cost of providing public services when we used the SDCs? He also wanted to know who covered the cost of clean up? Was the clean up cost assumed to go to the developer of that property? He was aware that there were a lot of laws and rules that covered clean up and who was responsible. How much could we lay on the feet of the people who actually polluted? How much of this was real cost and how much could you actually recover some day? He asked about the cost of providing off-site infrastructure? He gave an example of an area where infrastructure was already there. For example, at the Shute and Evergreen site, you would have to talk about widening the interchange at Hwy 26. How did you capture that in this analysis? Was there a way of capturing location efficiency in terms of public benefit? The study mentioned the income that you would get through taxation on this developed property versus the region had an interest in location efficiency. There were all sorts of off-site impacts by having an inefficiently located place in terms of employees getting there and goods getting there. He asked, did we really capture the real costs and benefits? He wanted to make sure we were looking at the real numbers and the assumptions were important for him to understand.

Ms. Neill responded that she would touch on one of the questions and then finish the presentation and see if some of the other questions were answered. She talked about the question concerning System Development Charges. She didn't know of any city that had recovered full costs through SDCs. Some communities were better than others about assessing the full costs for improvement. The performa analysis that the consultant performed looked at SDC costs from a sense of "I am a developer, I am going to develop this site, I am going to have to pay X amount of dollars for these various improvement because these services were needed to be extended to the site". There were some instances with some of these sites particularly in the City of Portland where there were

credits that were given because there was already sanitary sewer or some other utility. As far as the comment about the polluter pays concept, the way they approached this was there was a cost to remove or make the site development ready. They were looking at the remediation costs that were associated with that. They did not look at the application of who was responsible for moving that site into a clean status.

Councilor Liberty asked if the costs were differentiated between public and private? Ms. Neill said she would provide that information for Council in her presentation. Councilor Liberty said Councilor Burkholder asked about the off-site infrastructure costs. It sounded to him as if these were on-site infrastructure costs. Ms. Neill said they struggled with that question. That was one of the major hang-ups at the end of the study. It was fairly easy to assess sanitary sewer from point A to point B to develop a site. The intangible or the less quantifiable costs were what portion of an interchange improvement was going to be associated with a 40-acre development at Shute and Evergreen Road? The consultant really struggled with being able to place a dollar amount on some of those costs. In the larger study there was a little bit of an attempt to do this but as far as dollar for dollar it was difficult for them to be able to do that in this type of a study. It was a policy discussion item and something that points to the larger issues of some costs that we already have made within the region. We have infrastructure investments that were best utilized in the areas where they had brownfields because they were located in older portions (particularly the City of Portland) of the region. In order to maximize the use of the investments we had already made, those were things that needed to be taken into consideration. It was not just a dollars and cents comparing one site to another. It was a piece of the study but it was not the purpose of the study and she thought it raised other issues that will take some further thought and direction from Council.

Councilor Liberty said the way this was looked at was that these were costs that were borne by the developer in looking at how the project penciled out. It was logical to put it all on the developers side even if it might be borne by the public. He asked Ms. Neill if he were understanding this correctly? Ms. Neill responded, yes. Councilor Liberty said if some of those costs were borne by the public, it might pencil out, there would always be questions about whether the public should bear that cost and what the benefit was. That would change their performance on this development. Ms. Neill said yes it would. That again was one of the conclusions of the study. If there were limited public dollars that were used for various purposes they might get a different financial picture. Mr. Theisen would be talking about that in more detail. The Port had had extensive experience dealing with the brownfields issues. As a public entity, the Port had a different role and the bottom line was different when a public agency was involved. Councilor Liberty expressed pleasure at seeing the report. When you have a good report it spurs a lot more questions. He felt it was very useful and provided good site comparisons.

Ms. Neill continued with her summary of scenarios, key and additional findings, general implications, and issues for discussion. Councilor Burkholder said they knew that they could capture some remediation from the previous owners. He spoke to perceptions, the factors that would change the ratio, looking at existing infrastructure, and locational benefits. Ms. Neill talked about cost and site differentials, which might change the picture. Councilor Park asked about items that were left off in terms of the brownfields sites that would push the costs higher. Ms. Neill said she didn't think there were any. She talked about the remediation process and site preparation. Councilor Park wondered how many greenfield sites were ready to go.

Ms. Neill talked about their key findings. She noted the public benefits of pursuing brownfields development. She also addressed the general implications for developing brownfields sites. There were good reasons to develop some of the brownfields sites such as transportation infrastructure.

She did note that the study was fairly narrow. She raised additional issues for discussion and opportunities.

Greg Theisen, Port of Portland, addressed the Port's challenges to develop brownfields such as the stigma of brownfields and transition challenges. He summarized the Port's brownfields agenda, which included resolving confusion between federal and state clean up laws, broadening Department of Environmental Quality's (DEQs) public purpose definition, and clarifying issue of passive mitigation. All of these items could work to streamline brownfields redevelopment and the Willamette industrial renewal area.

7. PORTLAND INDUSTRIAL ATLAS

Steve Kountz, City of Portland, Bureau of Planning, talked about Portland Industrial Districts Atlas project. He spoke to the goals of the project and the reasons for doing an atlas. It was useful as a reference document and provided a framework for understanding industrial areas. Ms. Gertler talked about her part on the project. Mr. Kountz continued with the power point presentation (a copy of which is included in the meeting record). He said the general goal of the project was to better understand and identify industrial lands. Ms. Gertler noted Metro's leadership role in this project. Mr. Kountz talked about district types and the usefulness of this information. He spoke to industrial land advantages. He talked about vacant land and brownfields acreage. He concluded by talking about land, labor and infrastructure.

Councilor Liberty asked about remediation costs for cleaning up sites. Mr. Theisen explained the variance in clean up costs. Ms. Neill added her comments about mediation costs. Mr. Kountz spoke to additional costs beyond clean up costs. Ms. Gertler addressed the different standards for remediation depending upon the use of the site. Councilor Liberty asked about clean up costs for 20-acre sites. Ms. Gertler said each site had its own costs but estimated a minimum of \$25,000 per site.

Councilor McLain commented on the coordination value of the study. She noted brown and green sites didn't start equally. She suggested that the follow-up discussions were extremely important. She wanted to see how much it would take to make these sites useable in the next 20 years. Councilor Newman enjoyed the presentation. He was interested in looking at their inventory and if Portland would map Regionally Significant Industrial Areas (RSIAs) differently with this information. Was the mapping accurate? Mr. Kountz said he felt it would be the same. He noted the difference between the industrial districts. Ms. Gertler said 92% of their industrial inventory was included in the RSIA designation. Ms. Neill spoke to the advantages of this work. Councilor Liberty asked if they (the City of Portland) were Metro how would it change what the Metro Council did. Mr. Kountz said a challenging issue was identifying the sites. In Portland it didn't make sense to look at tax lots. Most of the regional data was tax lots. He said their vacant land analysis focused on Portland. Portland had a very large share of the industrial land. Ms. Gertler spoke to the employment opportunities in Portland and what Metro had influence on. She spoke to the role of Metro as a regional leader.

Councilor Park asked how we leveraged this information? Ms. Gertler said they had provided sound technical information, which could be replicated throughout the region. They recommended that this approach be expanded throughout the region. She noted the roles that needed to be played by the State and Department of Environmental Quality (DEQ).

8. CONSENT AGENDA

- 8.1 Consideration of minutes of the January 13, 2005 Regular Council Meetings.
- 8.2 **Resolution No. 05-3535**, For the Purpose of Confirming the Re-appointment of Sheryl Manning to complete her four-year term appointment with the Metropolitan Exposition-Recreation Center.
- 8.3 **Resolution No. 05-3537**, For the Purpose of Confirming the Appointment of Councilors Carl Hosticka and Robert Liberty as Liaison Councilors to the Ballot Measure 37 Work Group.

Motion:

Councilor Burkholder moved to adopt the meeting minutes of the January 13, 2005 Regular Metro Council and Resolution Nos. 05-3535 and 05-3537.
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Vote:

Councilors Burkholder, McLain, Liberty, Park, Newman, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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9. ORDINANCES – SECOND READING

- 9.1 **Ordinance No. 05-1069**, For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule, Transferring \$18,000 from the Support Services Fund Contingency to Capital Outlay in the Property Services Division of the Finance and Administrative Services Department, Amending the FY 2004-05 through 2008-09 Capital Improvement Plan For the Purchase of a Copier; and Declaring an Emergency.

Motion:	Councilor Newman moved to adopt Ordinance No. 05-1069.
Seconded:	Councilor Burkholder seconded the motion

Councilor Newman introduced the ordinance. He said as older copiers were retired due to age etc., they were replaced with new machines that copied, printed, faxed and scanned and which were more cost effective per page. The copiers were replaced at a rate of 2 per year, and the two copiers included in the FY 2004-05 budget had already been replaced. The Planning department had a copier due to be replaced in FY 2005-06, which would also replace one of the department’s large laser printers. However, this laser printer had ceased to function correctly. Replacing this copier now, one year early, prevented the planning department from the additional expense of purchasing a new laser printer to use in the interim. He urged support. Councilors commented on the ordinance.

Council President Bragdon opened a public hearing on Ordinance No. 05-1069. There were none. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Burkholder, McLain, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.

10. RESOLUTIONS

10.1 **Resolution No. 05-3523**, For the Purpose of Amending the 2004-07 Metropolitan Transportation Improvement Program to include Oregon Department of Transportation (ODOT) Public Transit Division Funding Allocation for 2005.

Motion:	Councilor Park moved to adopt Resolution No. 05-2523.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder said this was a bookkeeping action. He explained the transfer of funds. He said federal regulations had changed and this money was allocated to the region. These projects had been funded from the federal government through Oregon Department of Transportation (ODOT). He urged support.

Vote:

Councilors Park, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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11. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, Chief Operating Officer, was not present.

12. COUNCILOR COMMUNICATION

Andy Cotugno, Planning Director, said he thought this connection to conversation on industrial land was really an important connection because the local planning for meeting Goal 9 obligations was stale. There was obviously a lot more activity in the last couple of years as Council could see. There had been more detailed work by the City of Portland in response to the recession but the actual plans that were in place that fully meet Goal 9 were 25 years old. So, because of the attention to the whole issue, the State was in a rule making process to say they needed to go back and comprehensively revisit all of the Goal 9 planning and the rule making that was underway was intended to lay out the framework. What was expected to be done? Much of the framework they were laying out was to do the kind of work that the Council saw in the presentations today on Brownfield and the Atlas. It provided a much better understanding of what were the kinds of demands, how do you characterize the different aspects of industrial lands supply, how do you factor in infrastructure.

They had discussed with Metro Policy Advisory Committee (MPAC) and Metro Technical Advisory Committee (MTAC) a lot of very detailed comments about the rule making. There were a lot of specific details that they had raised; concerns about how to make sure it was going to work right. The big policy issue for Metro was how should Metro be reflected in the rule itself. They had danced around this for at least a year. Staff had taken a shot at writing a proposed section of the language to include in the Goal 9 rule (a copy is included in the meeting record). Land Conservation and Development Commission (LCDC) staff didn't have a section in there yet. In fact, it was obvious that they hadn't thought through what sort of coordination should occur even in small places much less big places. This was an attempt to try to suggest an approach. It built on the kinds of things that were talked about. The first section recognized that there should be coordination in multi district areas and multi jurisdictional districts. In particular, an opportunity analysis that examined opportunities should be a single coordinated approach as much as possible and that in our Urban Growth Boundary (UGB) we should coordinate the work of the cities and counties in doing that opportunity analysis. Number 2 identified a specific

obligation by Metro and it was reflective of the kind of things that we did well. It was the kind of inventorying and analysis work that had been described in the previous presentations. Number 3 moved into more policy-oriented direction. Numbers 1 and 2 were more technically oriented and Number 3 was more policy oriented. It said, for the regional UGB area, we should review the local economic development plans. We should set regional economic development objectives and policies. To the extent we could, we should incorporate the local objectives and policies to the extent that they were consistent with one another, to the extent that they were consistent with the regional policy. That was new policy making direction that was called for in the proposal. It would need to distinguish between what constitutes regional economic policies and what constitutes local economic policies. What constitutes incorporating local into regional economic policies. Finally, number 4 was a direct linkage to our UGB obligations. Metro had had discussions with the UGB periodic review about what was the connection between the UGB decisions and Goal 9. This made it explicit in Goal 9 that the two should be coordinated but also their main issue in connection with the UGB was for the long-term supply. There was a lot more in the rule about the short-term supply and making land development ready with services. That was not what the UGB was about. The UGB was about the long-term supply. There were things like infrastructure that made it into short-term supply. They thought there should be more of a philosophical conversation. What did they want to say as a rule? This was a starting point; it didn't need to be an ending point. He suggested that they also should take the MPAC and MTAC. They had not consulted with them on the Metro role question. Although when they took the broader issues about the rule to MTAC for discussion, they had raised a lot of questions about Metro's role and coordination. There were a number of suggestions along these lines that Metro ought to be doing this coordination. There was unprompted support coming out of MTAC. They also found out from the LCDC staff that they were going to be doing this rule making in two bites. They expected the issue of coordination to be in the second bite. That was important because they had a hearing on February 3rd. They had already submitted the more technical comments for them to consider and they had gotten some good feedback from them about making some changes in response to those but they would not be doing the entire rule making February 3rd. They would do the first part and then after the session was over they would deal with the second part. In that part, they would take up the issue of coordination and role. They had opportunity after February 3rd to have a more consultative conversation in the region before they submit something to LCDC.

Councilor McLain said she thought the draft was a good starting place. There were two issues, one, they were responding to a question from the last go around. Metro was showing that they listened and heard what some of the local jurisdictions were saying as far as where they felt we had not taken on the responsibility that would have helped their jurisdiction in the industrial land search. Second, it was important how this was presented to MPAC and the other partners that they were talking to. What this showed was that Metro was looking for something that was truly going to make our life more efficient and effective. It would also help MPAC by providing them opportunities for input as well as their responsibilities for making input more stable and consistent. Before when they hadn't had this laid out there had been some bait and switch. This laid out the roles and responsibilities for both sides. She thought that was important in that it not just demonstrated how it was going to be efficient and effective for Metro but showed how it was going to be efficient and effective for them. She thought how this was presented to MPAC was very important as was the language itself. Councilor Burkholder asked about part three. He felt they needed to come up with a definition of the difference between a regional economic policy and economic development. He thought one was more of a policy outcome question. The other one was more of a strategy and tactics question. He thought they needed to talk about whether there needed to be a regional economic policy and strategy that was separate from economic development. He said on number 4, that this implied that they were going to be doing zoning in

the sense of identifying actual pieces of property as industrial or employment? He had learned that this was not how we should do it. If we added land, we should say here was land and identify percentages of land that would be housing, employment or industrial and to ask the jurisdictions to figure out where it worked best in their community. Lastly, there was an issue of commute patterns. They were talking about an area that was much larger than the UGB. We should be telling the State that it was their responsibility to give Metro some way to deal with that. He thought it was great that within the UGB, we did this coordination but we needed to figure out how we coordinated on a larger scale.

Richard Benner, Metro Senior Attorney, explained that this was only part of the rule. There were other portions of the proposed rule that invite local governments in an employment area to do their economic planning together. It was not a requirement but an invitation. It didn't provide funding or structure for it but it was addressed in the rule.

Councilor Liberty said he had less concerns or no concerns, he was glad they were proposing something to require some sort of regional perspective. He had attended the MTAC meeting when they were talking about the proposed amendments to the Goal 9 rule and it still equated Goal 9, the economy of the State, with large site industrial land development. There was no discussion of redevelopment and reuse of existing lands. There was no discussion about job quantity or where the jobs were. There wasn't recognition until Council's recommendations were adopted that it was metropolitan areas that were the basic economic unit instead of cities and counties. He also wondered about our assumptions about separation of uses for industrial versus other uses, which would affect the supply. There were people living close to industrial uses all over the country. It didn't address that land supply was constrained by the landowner's plans and desires, stock piling or speculation. He felt that we were trying to improve something that had some fundamental flaws in it. He wondered if anyone else shared these dissatisfactions around the State to address those bigger questions and turn Goal 9 into something that focused on the broader issues not just allotting empty land for manufacturing.

Mr. Cotugno said the rule itself called for an assessment of commercial, institutional and industrial land needs. It was not strictly industrial focused. In questioning the LCDC staff, was the intent of those three words to cover all employment? He suggested you might conclude that just using those three words excluded medical, government, and other employment. The intent was that it did cover all employment. That was the intent of the rule to cover all employment and not just industrial employment. Mr. Cotugno agreed that it was too heavily land based and that it needed more emphasis on other things that were not land based. It wasn't exclusively land based. It had a section that dealt with access to markets, transportation facilities, public facilities, access to labor, materials and energy available and costs, support services, pollution control, equipment, education, technical training programs. It was land based but tried to bring in these other factors. The Committee that Councilor Hosticka sat on was the one that was charged with going through the whole thought process and coming up with this draft. This was their draft. This was the first half of their draft. They were still very much in progress. Councilor Liberty said he still felt it was focused on large lot industrial recruitment strategy. Mr. Benner concurred with Councilor Liberty's remarks and said it certainly was particularly short-term supply. It was responsive somewhat to the direction they got from the legislature. As Mr. Cotugno said, this was a product of the Committee. It hadn't had a hearing before the agency yet. It didn't have the agency's stamp on it. There may be a revision to this draft before the February 3rd LCDC's hearing. His understood that Economic Development Policy Advisory Committee (EDPAC) would take the comments that were submitted, including Metro's, and redo the rule draft and have it ready again for the Commission's hearing. Councilor Liberty said he remembered a long discussion on site availability and site characteristics and not much about the economy of the State, diversity of

employment, change in characteristics of employment, other kinds of investments that we were making anyway and whether they supported a more diverse economy. There was very little mention of small businesses most of which land supply was not a major factor for them. Maybe this was because it was through LCDC where we were looking at land supply as one tool. It still seemed to him that we were looking backward not forward. Mr. Benner said, to answer his question precisely; there was a lot of opportunity to provide further comment because it was the beginning of the process.

Councilor Park commented about 2D, was there a reason why that redevelopment was not included as a section or was it that vacant land was assumed to include redevelopment and infill? Mr. Benner said the words that you saw in number 2 reflected the language that was in the rule before amendments that applied to cities and counties. So there was a conscious effort to continue the language. He thought it was intended to be broader than our own definition of vacant land but it was a good thing to propose to the agency as it moved through the process because they well knew that an awful lot of land in our inventory was infill and redevelopment land.

Mr. Cotugno said in addition, in the rest of the rule they asked for feedback on some of the definitions of vacant land and their suggestions were to cover all of the aspects of land and to tell them what Metro did, dealing with vacant land, partially vacant land, redevelopment land and underutilized land. LCDC should cover all aspects of land as well. Councilor Park spoke to subnote 2, where it talked about sub-region rule, the additional information that they had been able to gather, and the sphere of influence being much bigger. He thought they should be thinking about how they wanted to address the issue that when the originally thought about subregions they did not consider the outlying edge cities and how those cities functioned. They were part of a subregion if you defined it because it made a difference when you were looking at your ratios. He asked how soon this would be forwarded to LCDC? He was curious given the other major shakeup that our land use system had just taken. Were they going to move ahead? Was it wise to move ahead until we settle the Measure 37 questions? Should they be shelving this until the Measure 37 issues were settled? Mr. Benner felt it was a good question. He noted that this would happen in steps. LCDC felt compelled to act fairly quickly on short term sites and take the second piece which would be taking up the issue of coordination and other larger issues, but not long in the future, probably right after the session ended. That would be about the time when the effort to do the State's larger look would be getting underway. He suspected the agency would go ahead anyway as long as they didn't think they were creating Measure 37 problems by adopting the rule. He didn't believe they would. As long as they felt pressure to address some large questions quickly and didn't want to wait four year for the end of the big look.

Council President Bragdon echoed Councilors Burkholder's and Liberty's comments. He thought that because this was coming from a land use agency that it may inadvertently perpetuate the false corollary between economic development and land development. It was really about how to create more land as opposed to an economic development strategy that would actually be about the economic climate more generally.

Councilor Liberty said we were in a metropolitan region, which stretched from north of Vancouver to at least the northern part of Marion County. There wasn't a planning region, even an Oregon Department of Transportation (ODOT) region that fits that. How was that addressed? He was concerned about double counting of land. He had seen that when plans were being approved. He clarified that each part of the region assumed it was going to get the bulk of the commercial industrial development so they all assumed they were going to get the employment so we had a lot of surplus land up and down the valley including a lot on interchanges.

Mr. Benner noted that the draft rule proposed to add this concept of employment area which was larger than a city, larger than county, larger than a metropolitan service district. It could be outlying communities. It left it up to Metro whether we wanted to engage other communities in our economic development plans. He noted Randy Tucker's email about expanding Woodburn's UGB by a large number of acres, suggesting that given what Metro just went through in trying to accommodate economic development by expanding the UGB whether we ought to be working with Woodburn because with respect to distribution we were probably in the same market. We didn't yet know how we wanted to engage but there had been some ideas about inviting Marion County. They had come to see Council when Council was thinking about where they were going to expand Metro's boundary. The thought was to invite Marion County and Woodburn to explore whether this ought to be done in a coordinated fashion. The rule invited thinking about things on a larger scale, larger than a Metro district.

Councilor Liberty asked if you could use Goal 2 and the State agency coordination process to avoid what happened 25 years ago with Woodburn which they proposed to expand out to the interchange and a certain non-profit organization said that was a mistake. It was going to compromise the viability of the interchange and ODOT said they had no problem and that it wouldn't happen. Now, 20 years later there was a big problem and expense to try and fix it. If they were interested in this he thought EDD and ODOT and other agencies ought to be part of the coordinated process so we didn't end up creating problems. In the case of Woodburn, there was another problem, which was an equity issue again. Woodburn was a relatively poor community trying to get some fiscal base. There were better ways of solving than to turn every interchange into opportunity for revenue that then imposed other costs of gas taxpayers and motorists.

Councilor McLain asked what the next steps would be? Mr. Benner noted that there would be a LCDC hearing on February 3rd on the proposed rule and they had already scheduled a second hearing on March 17, 2005. They had sent a notice saying they might adopt on March 17th but they were not committed to doing that. They had gotten significant comments on the proposed rule that might cause them to have to take more time. He wasn't sure if the second part was scheduled yet but would probably be after the session.

Councilor McLain clarified that she wanted to know what Metro's schedule was. She suggested we needed to look at how we wanted to get going with our partners. Council President Bragdon thought they were going to take Council's verbal comments today and work them into the draft. Mr. Cotugno spoke to the overall philosophy and structure of the rule, and how should we all do good business in economic planning and secondly, what was Metro's role. This language was specifically about Metro's role. He suggested that we have a conversation with MPAC about both (possibly at the January 26, 2005 meeting). Councilor McLain suggested that a written letter be prepared that shared the Council's advise on the rule changes with MPAC. Councilor Newman concurred with Councilor McLain's suggestion.

Mr. Cotugno and Mr. Benner addressed the Goal 14 amendment. The agency's view was that this was getting pretty close to where they wanted it. There was a hearing on this as well on February 3rd. They had scheduled a possible second hearing (tape malfunctioned so the rest of the conversation is abbreviated).

Council President Bragdon asked if the term "livability" was defined in case law. He had seen this word co-opted around the MPAC table to justify UGB expansions where as other people might use the same term to justify not expanding it. Mr. Benner said it was defined, but it was ambiguous in the goal. In the discussion at the work group, one thought was that when this project got underway, there were goal amendments and there was a rule going along with it. He had reported to Council that the decision was made to take more time on the rule because it was

very controversial but suggested going ahead with the goal language. Livability had been in the goal without definition for almost 30 years. Councilor McLain said it looked as if it had been a little improved by being put in the boundary location area under 2 because it had other words with it. It said livability and efficient urban form. To her it had more definition that it had had in 30 years. Mr. Benner said that was a very good point. It was in a different context. He thought a lot of people thought that hanging out there as a need, was much more frightening. Mr. Cotugno added that changing it in this fashion also changed it from the fundamental reason you were doing expansion to where you were doing expansions. Mr. Benner addressed two other points, conversion factors and how Goal 14 related to the priority statute. The conversion factors applied to land inside the boundary that was not yet urbanized but was going to be urbanized over time. That part of the goal had really never played much of a role in the way things happened inside UGBs. This set of amendments would change that, improving it in his estimation first by clearly identifying lands that were subject to the conversion factors. In other words, clearly defining what lands were urbanizable and then talking about the responsibility of the local government to preserve the urbanization opportunity for it in the mean time while the local government was doing the planning so it got to controlling uses and land divisions. He suggested paying attention to the definition of urbanizable land and think of it in the context of Title 11. This was exactly what we did in Title 11. We brought in 500 acres and it retained it county zoning. We imposed some additional interim standards to protect larger parcels against up zoning. Meanwhile concept planning happened and ultimately there was comprehensive plan amendment and land use regulations and it was then ready for urbanization. What Metro did was consistent with what this provided. Lastly, there was much debate about how Goal 14 related to the priority statute. One point of view was that the priority statute ought to be incorporated in the goal because it was law and it was a good public practice that you put all the law that applied right in the document so citizens knew what was going on. The other point of view was, lets not do that because you didn't want to paraphrase it. If you paraphrased it you were inventing new legal problems. Also it was very long and wasn't it good enough just to make a reference. The work group settled on the reference to it. He said there was no effort here to make any changes to the priority statute.

Councilor Burkholder asked for a bit of clarification with regard to providing guidance on what direction Metro would go. Mr. Benner said that Council should give guidance. At the outset of this exercise the agency said we didn't want to spend too much time on what happened inside UGBs. This was really mostly about how UGBs were changed. We would wait for the Big Look until we dig into more efficient use of land inside an UGB. He talked about the debate at the work group level, should they have that statement in it or not. His own view was that it would be good to have it. It was an important concept to have in the goal. If there was rule making later it was something to respond to in the rule making. Councilor Burkholder spoke to the language contained in the goal (using land efficiently rather than adding additional land). The language reflected the original goal except that the language changed the word ensure to encourage which made it more weasily than the way the original goal was written. This made it less directive. He thought there was value to putting into the goal that every community should make sure they were doing the best job they can to use land efficiently before they ever talked about adding more land to their UGB. Mr. Benner reminded the Council about the statement at the bottom of the page, that was, that Goal 2 concept that was being reported in the Goal 14. You would not be able to expand your UGB unless you could demonstrate that if you cannot reasonably accommodate it within the boundary. That was what Metro was responding to among other things including our own instincts that we would try to increase the refill rate to use land inside the boundary more efficiently before we took land in. The language at the bottom of Page 1 was more important than the language that was in Option A. He didn't mean to say that we shouldn't recommend to the agency that we shouldn't include Option A. He just wanted to make sure that the Council didn't forget that they had that piece on page 1. Councilor Burkholder said he didn't like the use of the

word “encourage.” It didn’t make sense to him. Mr. Benner said you would get some resistance to it because they would be told this was policy neutral. If you went to the goal language today, there was nothing that said that. It said a locational factor was to maximize the efficiency of the land supply. It was not encourage or ensure, it was something you should consider as a locational factor when you choose your land. Councilor Liberty said that when you have a substantial amount of land to add to the UGB, he thought phasing was very important and he would hate to lose that in the amendments. It was not just about efficiency overall it was about targeting and urbanizing in a way that was logical. Rather than giving up on the phasing point he thought they ought to affirm it. Mr. Benner asked for clarification on phasing. Councilor Liberty said he was talking about the urbanization once inside the boundary that was in the existing goal. Mr. Benner said the only thing he read in Goal 14 today that talked about how you use land inside were the conversion factors. Councilor Park asked, under the goal definitions, how would this play out in a post-Measure 37 world – how would future expansions play out? It went back to the phasing question that Councilor Liberty had brought up. Mr. Benner wondered if he was talking about Measure 37 implications? Councilor Park said prior to being brought into the boundary someone was able to build on these two acre lots, once they were brought into the boundary because of the additional restrictions for planning, they would not be allowed to build. Mr. Benner said that was not correct. The limitation that applied when that two-acre parcel came into the boundary was that it couldn’t be divided. There was no limitation on residential use of the parcel. If it was unbuilt piece of property designated rural residential, someone could still put a house on it. If it was outside the boundary it could have been divided into two one-acre parcels, if it was inside the boundary it couldn’t be divided. To that extent it had been devalued. However, he would argue as soon as that two acre parcel came into the boundary, even if the prospect of urbanization was five years off, the value of it went up immediately. Councilor Park said he would want to test that out in terms of the timing issue.

Councilor Burkholder noted that Councilor communications will be delayed until the next Council meeting.

13. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Burkholder adjourned the meeting at 5:32 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 20,
2005

Item	Topic	Doc Date	Document Description	Doc. Number
3	Power Point Presentation	2004	To: Metro Council From: Mark Turpel, Metro Planning Department Re: Bi-State Coordination Committee Annual Report 2004	012005c-01
6	Power Point Presentation and CD	1/20/05	To: Metro Council From: Lydia Neill, Metro Planning Department Re: Brownfield/Greenfield Development Cost Comparison Study	012005c-02
7	Power point presentation and CD	1/20/05	To: Metro Council From: Lydia Neill, Metro Planning Department Re: A Focus on Districts and 2004	012005c-03
12	Goal 9 changes	1/20/05	To: Metro Council From: Dick Benner, Metro Senior Attorney Re: Proposed changes to Coordination of Goal 9	012005c-04
12	Goal 14 changes	1/20/05	To: Metro Council From: Dick Benner, Metro Senior Attorney Re: Proposed Amendments to Statewide Planning Goal 14	012005c-05
8.1	Minutes	1/13/05	Metro Council Meeting Minutes of January 13, 2005 meeting	012005c-06