

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, February 15, 2005
Metro Council Chamber

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

Councilors Absent:

Council President Bragdon convened the Metro Council Work Session Meeting at 2:03 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, FEBRUARY 17, 2005/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the Metro Council agenda for February 17, 2005. Councilor Burkholder said the two resolutions on transportation were preparing for their Washington DC trip.

Dan Cooper, Metro Attorney, said he had met with Randy Tucker. There was a hearing tomorrow on a double major annexation bill. Mr. Tucker said he felt there should be testimony from Metro. He didn't think Metro should be in the lead indicating this was a bad idea. He suggested that they report that Metro Policy Advisory Committee (MPAC) would be having a discussion concerning annexation. He would report back later what Metro thought about the legislation. Councilor Newman asked if the League of Cities would be testifying. Mr. Cooper said yes. He thought it would be appropriate for Mr. Tucker to find out what they were going to say. Councilor Park asked how it affected us outside the Portland area. Mr. Cooper said Metro's bill would reconnect to the rest of the state. Councilor Park wondered about the fairness issue. Why didn't the level of service expectation change when you were in an unincorporated area of the counties? Councilor Hosticka suggested urging not rushing to judgment. He felt these would be good marching orders for Mr. Tucker. Mr. Cooper also reported they were voting on the Damascus bill today.

2. IMPACT OF FAST GROWTH ON EDUCATION

Councilor Newman introduced Martha Schrader, Clackamas County Commissioner, Gene Grant, Mayor of Happy Valley, Pauline McGuire, Parent, Stand for Children, and Ron Naso, Superintendent of North Clackamas School. He said this was an opportunity to discuss growth issues on schools and the challenges. He had an opportunity to participate in a discussion about school issues and growth. He had learned that since 1998 when North Clackamas passed a bond measure to build four schools, all of the schools were now currently at capacity. There were more homes in the pipeline to be built. Superintendent Naso explained that he had spoken to the Planning staff of Happy Valley. Their school district was in a high growth area, particularly raging growth on the east side of 205. Their concern was that they were outgrowing the facilities that they had. Schools needed to be on the agenda when it came to thinking about planning for new growth areas. He was trying to figure out where they were going to be as a school district when the new homes got built. It was the next 60,000 units that were being projected that he was concerned about. Schools represented greenspaces. They didn't object to this. In planning for the livability of the community, schools needed to be considered. Councilor Newman asked about the number of schools and capacity. Mr. Naso suggested their situation was similar to Beaverton. Most every school had to have portables to accommodate the growth. Schools didn't have access

to funding. School districts could use operating funds for capital expenditures but that didn't make sense. They were using operating funds to put portables on the ground, which meant cuts on programs.

Mayor Grant talked about the 1500 homes that were in the pipeline. The meeting was convened because the voters were concerned about the school overcrowding issue. He talked about Metro bringing in land to this area. Happy Valley annexed a portion of that area. In that planning process, Happy Valley had provided notice to the school district. That comprehensive plan was adopted without any school plan included in the comprehensive plan. The city's legal counsel was advising them about how to consider school capacity. It had to be considered at the comprehensive stage. He said you couldn't do anything to a development application about schools. They were asking the school district to help plan for schools in the area that they had just annexed. Council President Bragdon asked about legal mechanisms for requiring planning for schools. Pauline McGuire said many of the schools were over capacity. It made no sense that developers had no responsibility in planning for schools. She had found other areas that do it differently. Many areas had fees in place to help with school infrastructure. It made no sense to not plan for schools. She urged Metro be a team player in helping solve the problem. It was a statewide issue. This was not an isolated issue. She also addressed Title 11, where the new urban growth areas were being brought in, so that schools could be considered on that level. It was clear, the state law said development could not stop because of school capacity issues. Schools must be considered in a planning process. Ms. McGuire said Damascus hadn't put schools in their comprehensive planning goals either.

Jan Lundquist, Facility Planner for Beaverton, shared with Council the Beaverton experience. They had been growing at a rate of 700 students per year. She said densification was very successful in the Beaverton area. Developments couldn't be denied. They got the opportunity to comments on every development applications. There were no system development charges for schools. They were completely reliant on bond measures. They brought in over 6000 acres into the UGB expansion in the west area. She spoke to the challenges they faced. They were always behind the eight ball because they couldn't pass large enough bond measures to meet their needs. They also faced the double majority in relying on bond measures for funding. In the 90s the school superintendent asked for voluntary contributions from the developers. That went over like a lead balloon. Councilor Newman talked about Title 11 and schools that were closing. Ms. McGuire clarified schools were included in public facilities in the Damascus Boring Concept Plan.

Ray Valone, Planning Department, said schools were under the public facilities goal in Title 11. He reviewed what Title 11 said which included a conceptual school plan. He suggested looking at the number of students per household. He felt it looked low so Metro might want to relook at those figures. They were trying to go out and find acreages to accommodate the schools. They were doing this at the neighborhood level. They were accounting for the schools. He spoke to the parks issues. They leveraged school and parks sites together.

Councilor Liberty said neither of the state laws made sense. He said Home Builders had a lot of power. They had heard that school districts needed 40 acres for a school. He knew there were standards but he felt 40 acres was a lot of land. He gave examples of high schools in the Portland area, which did not have 40 acres. We needed to think about schools in a new way such as including community centers or senior centers. He asked if school districts had planners? Ms. McGuire said there wasn't enough money to have a planner in their budget. Ms. Lundquist spoke to what acreage they had targeted for Beaverton. She spoke to comparing Beaverton and Portland schools. Many of the schools sites were serving as recreation sites. They were looking at joint

uses such as extended days to gain capacity. Most of their middle schools have more students than in Portland. Councilor Liberty talked about land efficiencies and school capacities. Mr. Naso put a footprint on a 37-acre high school they had just built. He explained what took up the property was fields as well as building and parking spaces. Councilor McLain agreed with Councilor Liberty about school uses. She talked about two to three story buildings. School districts had expressed concerns about safety issues with more than one story. She noted that children walked up and down stairs at home so safety may need to be revisited. Ms. Lundquist talked about uniform building codes, which didn't allow elementary schools to be more than one level. Councilor McLain said they needed to be changing some of those codes.

Deb Habel, Beaverton Parent and Stanford Parent, said she had an opportunity to be involved in a school district discussion about school planning. She said Beaverton was doing a lot of proactive things to deal with change. She said they were proud of Beaverton Schools, they did a very good job but they had been slammed. Councilor Burkholder said his kids grew up going to schools that were two to three stories. School districts would have to face the realities of more limited acreage. They were supportive of schools district using System Development Charges (SDCs). There was a strong force that said we didn't want to pay any more for anything. One of the functions of a regional government was trying to make governments function more rationally. How can we make our borders between schools more porous? It may mean more busing. Councilor Park asked, if they were able to site their schools and cost wasn't the issue, what would be their ideal site? Mr. Naso indicated that from their standpoint transportation was an issue once you got to middle and high school. They wanted to get in a situation where they were not driving through neighborhoods with 14 to 15 buses a day. The community wanted their elementary schools in their neighborhoods, close at hand. They needed to plan for schools somewhere in the residential zoning area. He said it wasn't essential to incorporate their middle and high schools in the neighborhoods. If you were using these for multiple uses such as community centers, it seemed that you would want those schools in the neighborhood. Ms. McGuire said she would prefer to have the schools in their community, putting parks and schools together in the beginning infrastructure where the neighborhood stemmed off of that site. Councilor Newman said there were two issues that effected Metro 1) no building moratorium because of school overcrowding but you can deny zoning and 2) how far can this Council go with Title 11 requirements. Michael Jordan, Chief Operating Officer, said they had flexibility in what they required in a concept plan. They could require a school facility be included in the plan before adopting a concept planning.

Mayor Grant talked about conditional zoning. Mr. Jordan said the broader issue was the notion of concurrency. You couldn't deny land use decisions based on school capacity alone. Councilor McLain said they had come up with Title 11, 11 years ago.

3. BREAK

4. REGIONAL SOLID WASTE MANAGEMENT PLAN PROPOSED VALUES

Janet Matthews, Solid Waste and Recycling Department, said they were asking Council to help with the framework for the Regional Solid Waste Management Plan (RSWMP) values. They were talking with their stakeholders in developing this plan to identify a list of regional values. Did Council agree? She felt it was a bridge between a lofty plan and regional policies. This would be an additional way to guide future solid waste planning. She noted the 7 potential regional values in the work sheet. She noted attachment two which was a way to show how Council values meshed with regional policies and regional values. She asked for Councilors' take on whether they felt regional values fits for a RSWMP and did they agree with the values outlined. Councilor McLain felt that they needed to bless the foundation of values. The values were important for

executive summaries. What were they trying to achieve? The values helped you demonstrate what the product would be. She felt the general concept was a sound one.

Councilor Burkholder talked about the mix of in comes and outputs. He was trying to understand a work plan for Metro versus a regional system. What was the problem they were trying to solve, what were the outputs they were looking for? Organization was an important piece of this document. Councilor Hosticka asked about the origin of regional values separate from Councilor values. Councilor McLain responded that the regional values came from the stakeholders and outreach efforts. Councilor Park felt it was a legitimate question. Ms. Matthews said they were asking; should they include values? The public involvement piece spun out the regional values. Councilor Hosticka said there were implications if they adopted these values. Councilor Liberty talked about the RSWMP vision statement. What was the relationship between the values and policies and how did it translated to policy outcomes? Ms. Matthews explained what she defined a vision statement was their ideal, what they eventually wanted to get to. The values were what do we stand for, what do we hold as most important. Councilor Liberty said if it were visionary, what would that mean in the next twenty years? Mike Hogle, Solid Waste and Recycling Director, said it was difficult to understand the values unless they knew how it was going to be applied to. Councilor Liberty talked about what happened if people didn't share the value. Mr. Jordan said there might be times where values compete. The staff needed guidance from Council about what was important. There will be policy questions that forced them to weigh more than one value. He suggested revisiting the values conversation. Mr. Hogle said the contextual piece was important and Councilor Burkholder had suggested outcome based. Ms. Matthews said it would be helpful to bring this back in a broader context.

5. MEASURE 37 UPDATE

Councilor Liberty talked about the potential membership list. He said if Councilors had concerns, he wanted to hear from them. He would then bring this membership list to Council by resolution. He said they also needed to have a discussion about the scope of work of the task force. They wanted to provide some options about what they work on and what the costs were. They would have to come back to Council about budget. He reviewed the project proposal with Council as well as meeting major topics. They planned 13 meetings 90 minutes each meeting. Council President Bragdon said he felt some of it was a matter of scope. He wouldn't want this advisory committee to go and testify before the legislature or Land Conservation and Development Commission (LCDC).

Lydia Neill, Planning Department, said they had talked about staff resources for the Task Force. If they were going to have two meetings a month, they would have some focused FTEs to make the meetings meaningful. She talked about the current claims. They didn't have reliable sources for getting claim information. She felt there was a research thread that was important that would be difficult for us to get. There was an outreach program with two phases: develop a web site page concerning claims and there was a discussion piece about information they wanted to provide to the public. Councilor Liberty talked about the use of the Metro Attorney's contribution. Councilor Newman said it was hard for him to evaluate what they would be taking away from the departments to accomplish. He didn't understanding the public outreach piece. He thought it was premature. Councilor Liberty talked about where we were investing our current planning resources. He thought the potential was more outreach. Councilor Newman said he felt investing resources in public outreach was premature. Councilor Hosticka said it would help to try to link the resource requirements to the bullet points. Councilor McLain thought the public relations piece was premature. Councilor Hosticka said they had a list of tasks, he wanted to know how many FTEs would each task take?

Mr. Jordan said next week they would be looking at project proposals to determine where they wanted to put their resources. Councilor Burkholder wondered what was Metro's role. He felt the task force could address this. They needed to find out what other people were doing? He felt this was a large task. He recommended one of the first tasks of the task force was what was already being done. He felt this was ambitious but the question was what should Metro be doing? They needed to look at their resources. Councilor Liberty felt that people needed more detail. He talked about the smallest possible program. He wasn't sure what that would cost. That was below what Metro should do. He thought getting the thing thought through was the initial piece. They didn't know what the scope of work would be yet. He wanted to come back to Council and talk further once the Task Force had met. Council President Bragdon concurred about the public information seeming to be premature. Councilor Park asked if this was bifurcated with the responsibilities going inside the boundary versus outside the boundary and what role did we play? Was it Metro policy or county or city policy? Councilor Liberty said what happened outside the boundary would impact the jurisdictional boundary. Councilor Park asked as a Metro Council, what was the extent of their legal ability? He was trying to determine what Metro Council's role was. Councilor Hosticka said he felt the Task Force could examine some of these issues. Councilor McLain said she spoke on Measure 37 today. They were looking at the integration of how this fit into what we worked under. What were short term and long-term implications? She hoped the task force would address this? She wondered how we were dealing with resources and how were we lining up? Councilor Burkholder said one of the work plans for Joint Policy Advisory Committee on Transportation (JPACT) was on a finance committee. One of the issues they would be talking about were impacts of Measure 37. Measure 37 permeated what they did. Councilor Liberty asked about the proposed membership list. Mr. Jordan suggested Margaret Kirkpatrick. Meg Fernekes, LCDC staff, responded that Ms. Kirkpatrick planned to attend the meeting tonight. Ms. Neill talked about resources. Councilor Park suggested incorporating this plan into their other decisions that they would have to do in the urban growth boundary.

6. FISH AND WILDLIFE HABITAT PROGRAM – PERFORMANCE OBJECTIVES

Councilor Hosticka said they would have a work plan for Nature in the Neighborhoods next week. He talked about the proposed Functional Plan language and the impact of Measure 37. Councilor Park talked about the regulatory language in the Functional Plan. The discussion of the performance objectives was a main foundation for the program.

Chris Deffebach, Planning Department, talked about the performance objectives outreach efforts. She talked about regional outcome measures. Councilor Hosticka talked about different forms of success. What did they think they were doing? Ms. Deffebach asked Council what they meant by outcome measures. They had laid out a few options. If a jurisdiction could show compliance without following Metro's performance standards, they could support this but needed to know how to measure this. They had also identified the importance of habitat protection. Councilor Burkholder said setting targets was a lot of work but it helped make clear what were the outcomes or performance objectives. He felt it was critical to talk about resource issues. Ms. Deffebach talked about the three objectives they had laid out. Councilor Park said what helped him keep things aligned was performance measures, which were actions you could take to get to outcomes. What were the best management practices to get to the outcome? Was it an outcome or an action? Councilor Hosticka talked about the practical implementation. They would have to figure out where in this spectrum they wanted to fall. Ms. Deffebach talked about where they were now in terms of streams and vegetation. She spoke to targets for improvement. She spoke to conditions today by watershed.

Andy Cotugno, Planning Director, said they could give them a model ordinance. If the jurisdiction didn't want to comply, they would have to come up with their own program. Councilor Park talked about performance objectives and outcome measures and felt the language was confusing. Councilor Burkholder explained what objectives versus outcomes were. Councilors discussed watershed issues. They also talked about implementation of the Functional Plan. Ms. Deffebach said they didn't have a good sense of how you measured success. The question they were raising was, it was one thing to say we want to improve, do better, did they want to have more specific approaches? Councilor McLain said when she met with the Tualatin Basin group they were making a goal that every aspect of the watershed improved. Should they keep the same success story? Councilor Burkholder said he relied on staff to be technical experts. He asked for their help in determining what was enough. Councilor Hosticka said he would like to see improvement overall. He wasn't sure Councilors would agree. Councilor Liberty said it might be better to do one thing in one watershed and another thing in another watershed. Councilor Park said maybe they were measuring this in the wrong way. By changing the marker on how they were measuring It might be a better way to look at it by changing the marker on how they were measuring improvement. Councilor Burkholder supported Option B, three councilors liked Option C, some expression of improvement. Ms. Deffebach asked what more could they give Council to get more clarity? Councilor Liberty asked how many watersheds were there? Ms. Deffebach said there were 27 watersheds. Councilor Liberty suggested a menu with a couple of watersheds for discuss. Mr. Cotugno said you had to look at specific conditions of a watershed.

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

Members Present: Kevin Dull, Ruth Scott, Kerry Gilbreth, Lisa Collings, Alexis Dow, Brad Stevens, Bill Stringer, Kate Marx, Michael Jordan, Metro Council, Chris Billington

Time Began: 4:55 pm

Time Ended: 5:12 pm

7.1 **Resolution No. 05-3539**, For the Purpose of Approving a Voluntary Exit Incentive Program for Metro Employees.

Motion:	Councilor Burkholder moved to adopt Resolution No. 05-3539.
Seconded:	Councilor Liberty seconded the motion

Councilor Burkholder explained the resolution. Council President Bragdon said this was good stewardship for the agency. He concurred with management's recommendation.

Vote:

Councilors Hosticka, Burkholder, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilors Park and Newman absent from the vote.

8. COUNCIL BRIEFINGS/COMMUNICATIONS

There were none.

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There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:16 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 15, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
1	Topic	2/17/05	Metro Council Agenda For February 17, 2005	021505c-01
7.1	Resolution	2/15/05	Resolution No. 05-3539, For the Purpose of Approving a Voluntary Exit Incentive Program for Metro Employees	021505c-02
5	Measure 37 Memo	2/8/05	To: Carl Hosticka and Lydia Neill From: Councilor Liberty Re: Measure 37 Task Force Workplan by Meeting	021505c-03
5	Project Proposal	2/15/05	To: Metro Council From: Lydia Neill, Planning Department Re: Metro Council Project Proposal on Measure 37 Task Force	021505c-04