

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, March 8, 2005
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Carl Hosticka, Robert Liberty

Councilors Absent: Rex Burkholder, Rod Park, Brian Newman

Council President Bragdon convened the Metro Council Work Session Meeting at 2:06 p.m.

1. NATURE IN THE NEIGHBORHOODS FUNCTIONAL PLAN DISCUSSION

Dan Cooper, Metro Attorney, reported to the Council that the Public Employees Retirement System (PERS) decision was issued. The financial impact on this agency was still unknown. Councilor Liberty said it looked like the actuarial table had been set and was affirmed by the judges. Mr. Cooper explained what the legislature did with PERS. The question was how much the market came back since 2003 and how much could be put back into the system. Councilor Hosticka asked about Cost of Living Adjustment (COLA).

Mr. Cooper talked about a hearing on Monday afternoon concerning bills on annexation. All of the bills would limit annexations by cities. He provided detail on some of these bills. Mr. Tucker asked for Council's guidance on this issue. The League of Oregon Cities was doing everything it could to limit annexation changes. Council President Bragdon clarified the original position the Council had taken; cities inside the boundary should be able to follow the same process as cities outside the boundary. Mr. Cooper said one of the bill said only SB 122 inside the Metro boundary. Councilor McLain asked for clarification on SB 122. Mr. Cooper said SB 888 said the opposite of SB 122. He said the first effort should be to get the Senate to take a pause and look at the big picture. Councilor Liberty suggested taking two years and examining the question about subsidies and phasing services. Maybe, Metro could help with this analysis given resources were available. Council President Bragdon concurred with Councilor Liberty's thoughts. Mr. Cooper suggested achieving an effort, which was well thought out. Councilors agreed with proceeding in this manner.

Chris Deffebach, Planning Department, said they would be working off the March 2nd document (a copy is included in the record). Councilor Hosticka introduced mach-ups of the notice that the majority of the Council favored (a copy of which is included in the record). Gina Whitehill-Baziuk, Public Affairs Department, asked that Council provide feedback as soon as possible. Councilor Hosticka urged looking at the text. They were also working towards an April 25th Expo kickoff effort on Nature in the Neighborhoods. They would be discussing the Functional Plan work as well. Councilor Liberty summarized what they had discussed at the last work session concerning the Nature in the Neighborhoods elements.

Ms. Deffebach said they had been reviewing the Functional Plan components with a variety of groups. She then addressed Item #3, concerning level of protection in the new urban area and what rules should apply in those areas. She gave an example of the Damascus area. Councilor Liberty clarified that this did not apply to Damascus. Ms. Deffebach said it did not apply to Damascus. Councilor Liberty asked if they had talked about a higher level of protection for the Damascus area. Councilor McLain said they had opportunities in Damascus to do better because they weren't built out. Ms. Deffebach said they were participating in Damascus planning.

Councilor Liberty asked if there was a discussion or requirement that Damascus had to have a higher standard than the rest of the region. Councilor McLain said they were being treated like everyone else inside the Urban Growth Boundary (UGB). Councilor Hosticka said there had been a motion that was never voted on concerning 2002 UGB lands and the expectation of being held to a higher standard. Councilor Liberty asked when the master plan for Damascus was coming out? Michael Jordan, Chief Operating Officer (COO), said they would come before Council in a couple of months. Councilor Liberty said he would like to see more protected in this new area. Mr. Jordan said Damascus was very cognizant of protecting their natural resources.

Councilor Liberty suggested having Damascus and Pleasant Valley provide details on their concept plan. His policy expression was that he would expect more because it still had to be planned. He hoped we would apply the higher standard to areas that were brought in, in 2002, Councilor Hosticka suggested checking with legal counsel about whether they could go back and require that the 2002 areas be held to a higher standard. Council President Bragdon said they had not voted on being able to do this. Councilor Liberty asked if higher standards were incorporated in the master plan for Pleasant Valley? Mr. Jordan said yes, through the concept planning.

Ms. Deffebach said she had not been talking about the 2002 lands. Paul Garrahan, Assistant Attorney, asked if council wanted staff to develop some guidelines for new areas? Councilor Hosticka said to the extent that we can clarify what the standards would be in the future, that would provide clarity for the development community. Ms. Deffebach summarized what Council's direction was which was to set higher standards for new urban areas. Councilor Liberty asked about areas that were currently being planned such as Damascus. Councilor McLain commented on Councilor Liberty's idea about going back to the 2002 UGB lands and expecting a higher standard. She had a hard time going back and being retroactive because she felt the public felt that this was not fair. She saw involvement with the Damascus or Bethany plan as the way to influence the protection. Council President Bragdon agreed with Councilor McLain. He noted that Damascus had put in a lot of time on the concept planning and felt there would be more protection because of this planning. Councilor Liberty said Damascus was given some clarity about the fact that Council expected more.

Council President Bragdon said they were utilizing a half an FTE on natural resources guidance for Damascus. Councilor Liberty said he felt this was hopeful but was concerned about the results on the ground. He said it would affect the capacity analysis as well. He asked staff if they had other options to consider. Mr. Garrahan suggested being proactive in terms of the specific planning for the new areas. Councilor Liberty summarized the three options. Ms. Deffebach said they could expect more, providing clarity by establishing targets, or deferring the plan until they knew what the protection was in the plan. Ms. Garrahan talked about targets and that there would be a general predictability but not property specific. Mr. Jordan suggested including the standards in the alternatives analysis. You wouldn't get the certainty until we were in the throws of bringing in the land. Mr. Jordan said you could put policies in the Regional Framework Plan around future expansions of the UGB about natural resource habitat projection. Councilor McLain said Mr. Jordan just described this was on page 5 of the document under Item #3. Councilor Hosticka said he didn't want to urge people to cut trees thinking they would be planning for urbanization. He said the more uncertainty that was attached to the land, the less the value. Councilor Liberty talked about the pros and cons of planning for urbanization. Ms. Deffebach said you could be specific about how much you expected to save. The other position was not talking about specific targets but giving direction and guidelines before you expand the boundary. Councilor McLain summarized what Ms. Deffebach was working on. The issue was how detailed they wanted to be. Councilor Liberty said there appeared to be options; something more specific could be done before the expansion of the UGB or targets that were done in connection with master planning.

Mr. Jordan suggested adopting policy language in the Regional Framework Plan that guided UGB expansion. When land was brought in, you laid out your specific direction in the concept-planning piece. It was not Functional Plan language. It sent early signals.

Councilor Liberty asked if Council encouraged Damascus to come up with a windfall wipeouts plan. Councilor McLain said they had talked about it but didn't include language. Council President Bragdon said in all of the concept planning areas, there were going to be individuals who benefited more than others did. There needed to be a way of sharing that benefit. Mr. Jordan said they didn't have a lot of guidance from the courts about windfall wipeouts. Councilors talked about the importance of concept planning and the lack of fairness for one property owner to get a windfall and another not getting that same windfall. There seemed to be a need to share the wealth.

Mr. Jordan talked about his experience at Clackamas County and concurrency. He said the earlier you can do it in the process, the better. Councilor Hosticka suggested seeing some examples. Councilors agreed that the early the better and the more definite the better. Councilor Liberty summarized the options they had on the table. He asked Ms. Deffebach for clarification on the options she was presenting. Ms. Deffebach explained what she understood the two options would be. Councilor McLain said they wanted the words to control the map not the reverse. You got to that by making sure that the Functional Plan language was very specific. The second issue was that they had done an Economic Social Environmental and Energy (ESEE) analysis and then changed the inventory and made it smaller. They could have examples of both issues that Councilor Liberty asked for. Mr. Jordan said Councilor McLain and Ms. Deffebach were describing the same thing. Mr. Garrahan clarified what avoid was, avoid if you can. You have those areas and you also have guidance on what areas were going to get up-zoned. Mr. Jordan spoke to Council's choices and the mechanisms by which to do this. Councilor Liberty talked about issues of fairness in areas yet to be brought in. His comments were predicated on saving more in the areas that would be brought in. He urged that the structures be parallel. Mr. Jordan summarized that in areas that were to be brought in; he would discount the economic values because they didn't exist today. Mr. Jordan talked about reserves and what potentially Council could do in the future. Mr. Garrahan noted that they would have to update the inventory when new areas were being brought in.

Council President Bragdon asked about the urban reserve rule. Mr. Jordan said your rules didn't apply until land was brought into the UGB. Councilors suggested bringing examples. Mr. Jordan asked if this was a significant change in direction? Was this only in new areas? He thought there was additional work to do. Councilor McLain said they had asked Ms. Deffebach to bring back examples several weeks ago. Ms. Deffebach said there was a lot more interest in the new urban area planning than they thought originally. Councilor Liberty talked about the windfall wipeout issue. Mr. Jordan said some kind of financing tools would be helpful. Councilors talked about ESEE analysis and if they needed to redo the analysis. Ms. Deffebach said they would carry that formula throughout future analysis. Mr. Jordan suggested putting this into the formula in the Regional Framework Plan, if an area had high natural resource value it might have a low economic value. Councilor Liberty asked if Council President Bragdon would take a straw poll on #4. Councilor McLain provided the history on #4. Councilors said yes but Councilor McLain said it had never been used. Mr. Garrahan said the concept was to make it easier to use this. #4 concept was on a particular property, it would allow a single house where zoning could put five houses. When the local government submitted their compliance report, if they could prove that they were protecting habitat but had to reduce the number of housing units, then they could adjust the local government's density requirements accordingly. This had already been done in Pleasant Valley. In Damascus you were still sending the signal to zone some areas for higher density and

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zone areas that were natural resource protected with lower density. Mr. Garrahan said the language they were proposing was separate from Title 8. Councilors and staff continued talking about stewardship. Mr. Garrahan said they had also had local governments asked that their own Goal 5 inventory that wasn't under the Metro inventory be used. Councilor McLain suggested limiting the time on Measure 37.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:40 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 8,
2005

Item	Topic	Doc Date	Document Description	Doc. Number
1	Memo	3/2/05	To: Metro Council From: Andy Cotugno, Planning Director and Chris Deffebach, Planning Department Re: Nature in the Neighborhoods	030805c-01
1	Notice	3/8/05	To: Metro Council From: Gina Whitehill-Baziuk, Public Affairs Department Re: Nature in the Neighborhoods notice	030805c-02