

## MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, February 22, 2005  
Metro Council Chamber

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

Councilors Absent: Rod Park

Council President Bragdon convened the Metro Council Work Session Meeting at 2:05 p.m.

### **1. DISCUSSION OF AGENDA FOR COUNCIL RETREAT MEETING, FEBRUARY 23, 2005/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS**

Council President Bragdon reviewed the agenda for Council Retreat on February 23, 2005. He conferred with the councilors about their roles at the retreat.

Councilor Burkholder spoke about the Joint Policy Advisory Committee on Transportation (JPACT) process and vote timeline.

### **2. REGIONAL HABITAT AND ACQUISITION PROGRAM**

Nancy Chase, Senior Real Estate Negotiator with the Regional Parks and Greenspaces department, began the discussion by describing the map she brought. The orange areas represented target areas under the 1995 bond measure that they were authorized to purchase them. Green was purchased parks, magenta was what they purchased with the bond measure, white were the streams in class one and two. It illustrated that the bond measure of 1995 had been purchasing many of the lands that were considered under the fish and wildlife study. Council President Bragdon asked if the map showed the 15 target areas. Ms. Chase confirmed that it did. She said there were a total of 57 in the greenspaces master plan that was adopted in 1992. The map was updated in 2001 and picked up other areas, in particular wildlife corridors and linkages between those areas.

Councilor Newman asked about the Tualatin River and in particular the flood plains in the Forest Grove and Hillsboro area. He asked if the area showed white on the map because it was publicly owned. Ms. Chase pointed out the Forest Park extension, Banks wetland, and other areas outside the study area. The study area and the Urban Growth Boundary (UGB) were not the same thing.

Council President Bragdon asked if there was a map that showed the other areas. Ms. Chase said they could develop it and overlay it with the Goal 5 map.

Councilor Newman asked to see the class A & B uplands because they are areas not covered by the regulatory program and are important from a habitat perspective.

Council President Bragdon asked how many of the others that dropped off the table would still be valid ecological targets as opposed to ones that jurisdictions asked to be removed. Ms. Chase said the information would be ready for Council at the retreat.

Councilor McLain talked about places that would be taken off the list and the strategic planning. Taking some areas off the list made the other areas stronger.

Ms. Chase said that, for example, Bull Mountain was taken off the list by the business community because of the fragmentation effect; at that time the land was so expensive.

Jim Desmond, Regional Parks and Greenspaces Director, said Oaks Bottom was off the list because it was largely publicly owned and largely protected so there wasn't much left to buy. There were a few areas that fell into that category.

Council President Bragdon was curious about what the Parks Department went through in eliminating those.

Councilor McLain said that those two examples were definitely the two big pots. There were ones that were coming off the list because the jurisdictions didn't want them.

Council President Bragdon asked how many jurisdictions took things off because they didn't want them. Councilor McLain suggested there were three.

Ms. Chase said they started with the base of 12 that biologists had picked as most important. They priced them and went down the list based on the same scientific criteria and geographic considerations. It came down to whether they could keep the commitment to buy 6000 acres with that amount of money.

Council President Bragdon asked about Cornelius. Councilor McLain said there were a lot of factors; for instance they didn't have a park person at the time, and there was little land to work with. Mr. Desmond said that local control and the idea that Metro shouldn't tell them what to sell were factors. Councilor McLain said that the area they were interested in was industrial land at the time. Mr. Desmond said they didn't want Metro making the decisions but they changed their minds after the bond measure passed. Councilor McLain said at that time it became difficult to find something to spend the money on.

Councilor Liberty said this was useful background but looking at the relationship between maroon and orange on the map it would be hard to define need in a way that fit neatly into what was required. He assumed they would be building a different map the next time, as Councilor Newman said the A and B upland categories were not subject to regulatory programs regionally. The other issue related to those subject to regulatory programs, whether or not there would be some call on resources so they could go back to build it up, and what other pieces might be subject to the bond measure.

Mr. Desmond said this was a perfect segue. He understood the council retreat scheduled for March 23 would be used to discuss the bond measure in detail. He hoped that day they could give Council something specific to reshape and that they would use as a model what they did with the "four parks in four years" when at the first retreat they came in with a presentation and gave Council a proposal and a discussion draft. He hoped to get a key questions answered so on March 23 they could have ready not a bond measure but something with some shape to it.

Council President Bragdon would like a time frame for the hearings and decision points for the Council, for example the potential for non-natural area type elements they would like to test on a survey. Mr. Desmond said a work plan or timeline would be part of the proposal.

Councilor Burkholder called it ballot measure scoping to find out if it would be a bond, or if it would just be for natural area acquisition, for affordable housing, or other options. If they took the opportunity to put a ballot measure on the ballot they should put a broad survey on so they could discuss and test the whole scope. They needed to be really clear they were getting what they wanted so they weren't putting on something that the public wouldn't like. They had one shot per decade. The direction from the Council was for staff to go out there to do something for habitat but they needed to bring in a broader level of discussion so when the test occurred, they would have a wide range of options to look at.

Mr. Desmond asked a couple threshold questions. They had some assumptions they were operating under that may not have been correct so it was important to clarify. On the acquisition piece they assumed there would be target areas, broad or narrow. At some point they would select areas of priority for acquisition. They wanted to move forward to do the policy analysis needed.

Councilor Liberty's priority was that the bond measure that passed successfully would forward one or more concepts from the 2040 growth concept. They needed to find out what things had broader appeal. With natural areas and parks they had a good team with experience but there were some things that were less clear. The concern then was whether adding other items would make it too confusing and whether it would work. He preferred to have a broader mix that was directed toward their goals. He wanted some reaction from colleagues about the exploratory phase and how much they wanted to look at other issues or not.

Councilor McLain said that targets have worked in the past and it is a tool they should continue with. To Councilor Liberty's question, they hadn't had a chance to talk about what those things might be. She worried about watering the measure down so much that people wouldn't understand what they were getting. If other items were added, they would have to be so distinct and specific that people could see the outcome positively affecting their communities. Measures succeed because people see something added to their community that they want or desire. She was willing to survey but they didn't want the question so wide that people didn't know what it meant in their everyday lives.

Councilor Newman said when it came to those bond measures, the amount didn't matter as much as what people thought they were getting. That was the biggest test as to whether it would pass. He was willing to start an exploratory phase and test ideas with public polling. He suspected that a grouping of many things wouldn't work but he was willing to test it and would be happy to be proven wrong.

Council President Bragdon agreed with Councilor McLain. He said that just because you added more items didn't mean you gained more supporters and thought the reverse was probably true, but he was willing to test it in a poll. He didn't think that building housing or anything urban would have regional appeal.

Councilor Liberty said they were in agreement that they wanted something that would succeed and he understood the point about complexity. He thought they might also find out information they could use later. There had been discussion about transportation funding and affordable

housing, not necessarily for a bond measure, but it would be nice to involve partners in the research so they had a product that could be useful though not for Council. He thought it would be fun and interesting to brainstorm what the other pieces might be with Council members there, tying it together so it seemed more integrated and focused. Representatives from inside and outside the building should get together to work on the proposal so even before they tested the ideas, they could get it narrowed down to what they thought would poll better.

Councilor Burkholder was supportive of looking at things. He said that Denver put a sales tax on the ballot that supported “from Arts to Zoo.” It passed and included everything. He thought they needed to be open on the source of the money. Transit Oriented Development (TOD), housing, and others could be paid for through regional System Development Charges (SDCs) so growth would pay for itself instead of using property taxes. He said there were two questions to ask: what were some things on a regional level that made sense, and what were the sources and how would they match or not. There was a lot of pressure on the property tax, a high burden on people, and a lot of resistance, so if there were other alternatives, they should look at them

Mr. Desmond said that after their trip to the Twin Cities, the Parks Department with close coordination with the Council President could commission a poll after March 23<sup>rd</sup>. They had money in the Parks Department budget to use before July 1<sup>st</sup>, maybe even carry it over, to develop a scoping survey with room for other items such as affordable housing. They would need assistance from planning staff and others to write questions on affordable housing, centers, etc. Council President Bragdon said that sources other than property tax should be tested. Mr. Desmond agreed. He asked whom he should work with so he could do a coordinated poll when the time was right. He said April was generally a bad month to poll on money because of tax bills.

Councilor Hosticka would rather rephrase the first assumption to say, “continue regional acquisition restoration based on target areas.” They could agree they were based on target areas.

Mr. Desmond said they were also assuming there would be a fish and wildlife protection component, and it would be the overriding, not exclusive, part. There should be a science-driven habitat emphasis.

Councilor Hosticka wondered if they were trying to force the concept into the words. The word was target area; the concept was class 1 or 2 riparian or whatever they had defined as regionally significant habitat. Why couldn't they just say, “in addition it would be used to acquire significant habitat areas?”

Councilor Liberty said they hadn't really answered Councilor Hosticka's broader question about what they were trying to do and whether they did it on a watershed basis with Nature in the Neighborhoods. He thought they might get more ‘bang’ out of a restoration investment that created natural areas than protecting what was there. The way it was written, it looked as if it was more focused on preservation than restoration.

Council President Bragdon agreed and said it read like a continuation of the existing program and that was an issue. They wanted more choices.

Councilor McLain said that wordsmithing the document would make it fit with Council's suggestions. Rehabilitation vs. preservation – every time they talked about rehabilitation they

didn't get a following unless it was one specific group. One of the reasons was that people ask what level it would be restored to. In the last five years, they went through a huge process between MPAC, park providers and Nature in the Neighborhoods work. The questions had been about what the science was, what was the goal, what level of restoration would happen, and how far they wanted to go. The words restoration and preservation themselves could be problematic, so leaving the wording "target areas" might be best if they talked about what those targets were and why.

Council President Bragdon thought it was a good question. He asked if there was a restoration element and how it would apply.

Councilor Liberty said that word choice goes to philosophy. He wanted to know what they were doing for fixing things up, rehabilitation. Another question to ask was whether they wanted to have a local share matching grant, maybe a restoration matching grant, but that implied that restoration was included.

Mr. Desmond suggested they remember there was a threshold legal question about using capitol bond dollars, which had a certain public purpose, for restoration projects on private lands without easements or real estate interests.

Councilor Liberty assumed there would be an easement or something public required.

Mr. Desmond said that for a private land owner to allow Metro to plant trees on their property was one threshold of willing seller but to give them a perpetual easement was another. Easements were difficult transactions so their ability to have a wide scale restoration program on private land brought up the legal question of whether they could plant trees with bond money on private land without an easement. There was a risk with a lack of permanency.

Councilor McLain said she heard them all saying the same thing. They wanted to be careful about words. They wanted to include target areas in the measure. They could talk about preservation and restoration in that document.

Mr. Desmond said they would have more ready in a month.

Councilor Hosticka asked if they were currently taking opportunities as they came to them based on willing sellers or did they try to reserve money for high priority areas versus low priority areas. Mr. Desmond said they did reserve it. They were also aggressive about creating opportunities and developing willing sellers.

Councilor Hosticka said after money had been set aside, he hoped fish and wildlife habitat wouldn't be sacrificed in favor of acquiring land to create parks because fish and wildlife projects were administratively harder to accomplish.

Mr. Desmond asked if they would achieve their habitat goals if the moneys were so dispersed because of fragmentation issues. Buying small parcels here and there would make it more difficult to quantify the net habitat gain and where the taxpayer dollars were invested. He didn't see either way being more difficult. Assemblages had their own difficulties.

Councilor Burkholder said they also had a long-term maintenance issue.

Mr. Desmond said that was more difficult in scattered areas. Another threshold question was on the word 'trails.' They invested a lot in this in the last bond measure and it was integral to many departments. While wildlife passage can be aided by trails, they are not habitat areas but mainly recreation corridors for humans.

Council President Bragdon said that it surprised them that trails didn't score well in the poll two years ago.

Councilor McLain said that was changing. She was surprised to see a question about trails on the list. The beginning of the greenspace master plan came from questions about how they dealt with connecting trails for both people and wildlife from Mt. Hood to the coast. She asked what was more regional than a trail system that did that. There had been some property rights issues, for example trails that were public and went through yards. In 1992 people were concerned with people walking through or next to their properties but then they started seeing the benefits of those trails. She didn't think the questions were phrased right two years ago in the poll. They needed to make sure they got the right questions on the survey. People liked connectivity and having options besides cars, busses and trains.

Councilor Newman thought it was more important to work with other stakeholders and the Greenspaces Policy Advisory Committee (GPAC) to see what was important and what projects to fund, even if it was just acquisition. Even if trails didn't score well, they could still include them but not lead with trails as the prime issue. He said it was important to him and he wanted to include it whether or not it scored well in the poll.

Mr. Desmond said trails were culturally important in the parks, planning and transportation departments. There were benefits to trails but mostly for people.

Councilor Liberty said that Councilor McLain's comment about wording was important.

Council President Bragdon said that Councilors were saying they supported trails and if for some tactical reason it wasn't the headline item, it would still be there.

Councilor Hosticka said he supported trails as long as they were fish and wildlife habitat areas.

Councilor McLain spoke about regional parks. She said that 12 to 14 years ago in Washington County no one could say there was a state or regional park except for Hagg Lake. Irrigation facilities can vary by time of year and the irrigation needs. It was exciting for the area when state parks put in a park near Vernonia. People from her district often asked when Metro would equal out the parks distribution system and what happened to Westside parks. Metro had a holding of 600 acres in Gales Creek outside of Forest Grove. There were 240 acres in that area that would make a beautiful regional park. It would mean expanding Metro's role as a park provider but she wanted to discuss the idea further. The area wouldn't have to be managed by Metro but could be part of the master plan. Although in the Multnomah County situation Metro was given the parks, she thought that the public had expected Metro to have a full system in the last 10 years.

Councilor Liberty said the assumption was that parks and natural areas were a natural tandem and there was a resolution on natural areas, but he didn't remember ever discussing what the sense of the Council was on that and if they wanted to poll on that distinction or not. Also, during the Council meeting in Washington County there was an exchange about "go away but give us parks money." He wanted to know if there was a way to encourage more partnership by putting some of those issues into a match category.

Council President Bragdon said one of the things they wanted to know from the GPAC group was about the network system and was the regional system what Metro owned and operated or were they the things that were used regionally. The most popular park was operated and paid for by a city government, namely Forest Park. His opinion was that the term 'regional' was construed not only as things Metro owned. There were some areas whose governments had chosen not to have parks. It wasn't Metro's role to make up for that at the expense of other taxpayers who have chosen to have parks in their jurisdictions.

Councilor Liberty wanted to make sure they were clear about that.

Mr. Desmond said there was a wide variety of opinions on that subject and a lot of interest, much of which was spurred on by the trip to Minneapolis. He tended to hear that most park providers viewed "regional" based on usership rather than ownership. They moved quickly from that conclusion to the discussion of shared funding – operational funding, not capitol or acquisition funding.

Councilor McLain wasn't saying to buy another park, Metro already owned the land. They should coordinate in such a way that Metro would be helping to create a regionally used park. She thought they needed to talk more about it, and talking to GPAC would be fine.

Council President Bragdon said that in terms of capitol improvement projects they had to get some rationality for the patchwork they already had of publicly owned lands in the region, including disparities in both service levels and local effort. That was one of the very revealing things in the council meeting in Washington County when citizens said that Portland was providing 25 acres of parks per 1000 residents and Hillsboro was providing 11 but looking at Metro in a somewhat accusing way.

Councilor Burkholder said that regional scale parks operations funding should be put on the list along with what would be matching sources. He didn't think property tax would be a good source for that. It would be something to explore, something to offer. For example, Clackamette Park was a great regional park.

Council President Bragdon said that 90 percent of the people using that park came from outside the city limits of Oregon City, but Oregon City was footing 100 percent of the bill. Councilor McLain asked if they charged for the use of the park. Mr. Jordan said they only charged RVs, which was a small percentage of the use.

Mr. Desmond said that this was one of Oregon's conundrums. Around the country, over 90 percent of the regional parks systems was funded by sales tax and real estate transfer tax.

Councilor Burkholder said that Council was expanding what it was asking of the Parks Department, and he asked what kind of help Mr. Desmond needed. Mr. Desmond said that Council hadn't asked him anything they could not answer with current resources.

Councilor Liberty asked if all the acquisition at the regional share, not the local match, was all fish and wildlife. Mr. Desmond said no, that wasn't the case. Councilor Liberty asked about parks.

Mr. Desmond said that active parks were not included on the list – soccer fields as opposed to hiking trails in Cooper Mountain for example.

Councilor Liberty said he asked the question because the heading for the bond measure mentioned nothing about parks.

Mr. Desmond said that if they looked at the lands Metro bought last time, for example Cooper Mountain, there would be a 250-acre area and a very small part of it would be developed for public use. It would be called a nature park but it would be functioning, contiguous habitat that would show up on the fish and wildlife maps and have the qualities of high habitat value, yet Council took action a year and a half ago providing money to develop some of it for public use. The question was whether it was a park in the way Councilor Liberty was just using the word. Ninety percent of what they bought in the last bond measure would be defined as habitat under the criteria set up under the Goal 5 inventory.

Councilor Liberty said that was helpful but that the issues were what they were polling on and what people would be more interested in. It had been called parks, open space, natural areas, etc. They agreed they wanted to test a big spectrum, but this was minimal as a starting point.

Ms. Chase said they were going off the resolution they adopted in December which spoke of Fish and Wildlife habitat. Council President Bragdon said it wasn't written in an exclusive way.

Ms. Chase wanted to assume it meant natural area parks they assembled and trails. It wasn't on the program but they wanted to make sure they were correct in that assumption.

Councilor Newman said since they did not have any revenue support, operating levy or otherwise, they didn't want to broaden their focus to get into active recreation. Most people think of passive recreation such as hiking and bird watching as opposed to team sports on ball fields and playgrounds. They didn't want to get into the other area because it had never been Metro's focus or niche and that was what locals tended to provide. He said they could discuss whether the local share and local governments should be able to use the money for that use.

Councilor Liberty asked about nature parks and whether there might be some pieces of restoration that would have no public access at all. Were they characterizing that correctly to call it a nature park if no one could go in it?

Mr. Desmond said they would not use the term park but the term natural areas if there was no developed public access. For example, they had no intent to open the 400 acres of Multnomah Channel to the public. Councilor Liberty said he just wanted to be clear when talking about what they had in mind.

Council President Bragdon suggested they go ahead to local share assumptions.

Mr. Desmond gave some background. He said last time the local share was distributed through the jurisdictions, through park providers, including sub-regional park providers. He said this local share was fundamentally different than the last one because it would not go to local providers. It would be useful to know that early rather than later. Council could put whatever screens it wanted on how the local park providers could spend the money. Metro's providers could spend on habitat; they put that screen on last time and they did a great job and provided a lot of great projects. He was not really sure where Council was this time on philosophy of what the local share was.



Councilor Hosticka asked whether there was a sense of entitlement that each jurisdiction had a certain amount of money available to it or was there a pool of money for local purposes and jurisdictions would bid based on criteria for funding?

Councilor Newman asked what the formula was in 1995. Ms. Chase said it was per capita. Councilor Newman asked if the money went entirely to local governments or if it also went to parks districts.

Councilor McLain said it went to a variety of places. Hillsboro had its parks providers do the work. Washington County did not have a parks department of its own.

Ms. Chase said that there was a formula in the greenspaces master plan adopted in 1992 that all the local jurisdictions agreed upon. It was split between the three counties based on assessed value so they would need to re-do the assessed value today. Each county met with jurisdictions in that county. For instance in Multnomah it was distributed by population; Washington County sat down and reached agreement.

Mr. Desmond said that Washington County decided that Tualatin Hills Parks and Recreation Department would get the main share of the funds. North Clackamas got less of a share but did receive a significant share of Clackamas County's share.

Councilor McLain said that it was per capita out there. Ms. Chase said they had that as part of their formula because of the parks districts serving over cities.

Councilor Newman asked why the decision was made to do it based on assessed value as opposed to population when it was distributed to the three counties. Ms. Chase said that was just how it was arranged in 1992. Mr. Desmond said property tax value was a factor.

Council President Bragdon suggested they strike the assumption that they were using the formula from the 1995 bond measure. He didn't understand what county lines would have to do with this or why assessed value should matter. Just because an area had more industrial property and more expensive houses it got more parks. Ms. Chase said it was because they were paying a larger share of the bond measure.

Councilor McLain said the whole concept was that because of the amounts of money collected in each county, it would go back to those counties. Council President Bragdon said you could use that same reasoning for an area like Sherwood and Cornelius.

Councilor McLain liked the focused idea that Metro either had themes they wanted jurisdictions to use their local share on, goals Metro wanted them to achieve or projects that meet a certain criteria more than population or per capita idea.

Councilor Liberty was interested in the idea of matching, regarding local share and distributing money Council previously talked about. He acknowledged that there were challenges with that. But where the money went regionally as well as what it was doing was important. He agreed it was not fair to say wealthy communities got more parks. He thought the local government could endow the operations, do improvements, or find partners in the non-profit or for-profit arena that would want to invest in some way. He wanted to make that more flexible.

Councilor McLain felt that the local share money should be used and could be used for capital improvements and active parks. If they were responsible for active parks then they should have

the opportunity to use some of their dollars that way. They could focus it and say they wanted a certain amount used for habitat and restoration and an amount to be used for active parks.

Mr. Desmond said that when talking to regional parks providers they were hopeful that a local share would flow to the parks.

Council President Bragdon said Council was saying that they liked the concept of local shares but weren't wedded to any particular formula but they would like to explore challenge-matching, local effort type things.

Mr. Desmond said there was openness on the localities' part as to whether it was for greenspace or something broader than that. There were lots of needs and getting regional funding for any of them would be helpful.

Councilor Hosticka said it would be interesting to see the Chicago wilderness that had been discussed and how they did it.

Councilor Newman wanted to keep relatively open at this stage to see how the local share would be used. In a place like Damascus the needs were very different from Milwaukie, which was urbanized and built out. The priority there was to build their riverfront park, which was already owned by the public, but there weren't dollars to provide amenities. Secondly, another thing from the December resolution that he wanted to keep on paper was that local governments would not get access to local dollars unless they adopted their fish and wildlife program. He wanted to make sure that was still important and they used that "carrot" to get follow-through with the local governments.

Ms. Chase said she already had questions from North Clackamas and Tualatin Hills Park and Recreation Districts, which were not directly associated with land use jurisdictions. Councilor McLain said that they were still in the same governing body so they had to deal with that. Whoever was in charge of land use, those park districts in that jurisdiction had to make sure that had been finished up if they wanted the money. One way to do that was to make sure the money had to go through the jurisdiction versus the park district. The money then could be handed out to the park district when the habitat program was finished.

Mr. Desmond said the document he handed out should have the words "rough conceptual draft" written all over it. The document described in the broadest terms how they were thinking of process. At the bottom was existing policy work that informed the discussion, such as the greenspaces master plan, trails plan, the refinement that went into the 1995 bond measure, and the fish and wildlife habitat map which was much more current. From that point they wanted to work with Council to come up with some list of proposed areas and program outcomes. Council President Bragdon asked whether Mr. Desmond was talking about geographic or policy areas.

Mr. Desmond said they could start with the scientific staff review if they identified particular types of habitat or outcome-based things Council wanted to achieve. For example, in the uplands they were concerned about a certain set of habitat types. If they zeroed in on some outcomes they could find some places on the ground to attack the problems most effectively, which would eventually lead to geographic target areas. Program elements would be things like the local share challenge grant they had discussed, or the restoration piece. They would work closely with the planning staff. Councilors and staff had been out in communities lately and were getting in a lot of information. He was hearing a fairly consistent voice from key players who do a lot of this work that their vision for where Metro was going was consistent with what Council was saying,

and more importantly, consistent with each other. Councilor Liberty asked what the vision was. Mr. Desmond replied that it was regarding what the acquisition needs were, what could be accomplished through another acquisition, how another round of large acquisitions could accomplish a certain set of habitat-related goals. They could assemble large areas, particularly Cooper Mountain-type areas at the fringe of the city; greenbelt-type properties that were fairly large and regional in scale, large enough to sustain habitat.

Councilor Hosticka said he was describing joining public involvement with the list of proposed areas. Not listed were the people who would be more interested in the habitat than the parks. He hoped those people could be involved too.

Council President Bragdon said they were missing a communications piece to the plan. Mr. Desmond asked if they meant the watershed councils or others like the Department of Environmental Services.

Councilor Hosticka said he meant the Tualatin River Keepers, the Audubon Society and other organizations like them. Mr. Desmond said that those groups were very active in the Parks Forum. Council President Bragdon said though it was at the end of the plan, there needed to be a communications piece earlier in the process.

Councilor Hosticka said he didn't know what the Parks Forum was; he had thought they were parks providers. Mr. Desmond said the Parks Forum was a group that formed itself, made up of some public agencies and larger parks providers, but primarily nonprofits who met quarterly. They didn't have a mission, but their intent was to share information, band together, advocate, and track legislation. It served part of the function the old Greenspaces Technical Advisory Committee (GTAC) used to. They had an executive steering committee chaired by Jane Cromland who was the executive director of the Three Rivers Land Conservancy.

Councilor Liberty said that there was no comparable experience in dedicated staff and leadership for the non-parks and natural areas component. They had talked about doing research to see if people were interested, but were much farther along because parks was the focus of earlier work. He wondered what if the polling showed that people had an appetite for something broader or additional or some mixture. They would need something parallel for the other subject areas, like affordable housing, centers and transit options that might seem similar but weren't quite, such as green restoration and development, etc. They were nowhere on those other areas and had a short timeline. He didn't want to slow down the parks piece but wanted to make a decision about whether they were going to do the other or not.

Councilor Burkholder spoke on the political implications of how would they get city of Portland voters to be interested in this package. They'd done work in the past preserving Portland properties and there were not many areas left within the city of Portland to protect. They had to come up with something like the local share piece that let Portland operate their parks or something else for them. Portland was the core constituency for passing this program. Most of the city of Portland isn't in the orange areas on the map, so citizens might wonder what was in it for them. The political issue was how to get inner city Portland people to vote for this measure, using trails, local share, or other issues that would make this politically viable in Portland. Mr. Desmond said there were ways to do that. They were able to find target areas and bought 1,000 acres of land either inside the city of Portland or adjacent to Forest Park. Councilor Burkholder said that just looking at the map might make Portlanders vote against it without other incentives. Council President Bragdon said they were almost out of time on this issue so they should wrap up.

Mr. Jordan had a question about the last time Metro did a bond measure. He said he'd never been associated with anything involving this much money that at some point didn't turn into a Christmas tree where everyone wanted to add something to it. He wondered how they had stopped it in the past and how did the Council make a decision of where the end was. He heard legitimate questions from Councilors about broadening the scope. He assumed similar policy questions were there last time and asked how they close debate.

Ms. Chase said there would be many more sessions to lay out the package formally for input. Based on the polling and survey work, they would set parameters on what people could be commenting on. You could propose the world but the survey would tell realistically how much and what they could do with the money. Mr. Desmond said the Metro Council in 1994 put limits on it. Mr. Jordan said that at some point in the process someone, preferably the governing bodies, would set out the limit.

Councilor McLain said they would have the same opportunity they had in 1994 to set a foundation after they saw the survey and heard what GTAC said. She agreed with Mr. Jordan that they needed something formal, a resolution saying that after looking at all the information the Metro Council wanted staff to develop a certain type of program and take it through a certain process.

Ms. Chase said in the last study session there was an attached timeline that they would be working with. In response to Councilor Liberty's comments, she said public involvement was going out to the same groups who testified on Goal 5 and trails through the years. There needed to be someone to listen to them. Members of the Forum and of GPAC are good people to sit and listen along with a councilor from that district. There was a lot of work in the public involvement component.

Councilor Hosticka said that given the concern of sideboard items, the best strategy would be to throw everything in the pot and have a winnowing process rather than start with a limited list and have people start to add things as they progressed. He was happy to think of everything he could right now and eliminate things as they went through.

Council President Bragdon said they would take up the issue again on March 23<sup>rd</sup>.

Councilor Liberty was concerned that they were much farther along on the parks issue and had people involved who had gone through the process before, but no groundwork had been done on the other potential topics, not even telling people they were a possibility. Councilor Hosticka said he would not assume that, because there was a lot of work done on affordable housing measures and other issues. Councilor McLain said they had basic information that would have to be updated a little bit but not much.

Councilor Liberty wanted to make sure they'd talked about it before sending the idea outside the building. He didn't think it was fair to ask Mr. Desmond and Ms. Chase to put together other elements of the package.

Councilor McLain said the TOD program should be involved with them on the survey along with those who had been working on affordable housing. Those people should help with the survey questions to make a rough draft for Council to work with. Councilor Liberty thought it was a resource question as well.

Mr. Jordan reminded them that the next day at the retreat Council would be having another discussion about the bond measure. He thought the scope of that discussion would help address some of those issues. He said he had heard Council say it would rather start broadly and winnow rather than come with a defined package and allow people to add to it.

Council President Bragdon would rather be more cautious. He did not want to send out a message to everyone that they had money up for grabs. He said the agency had a mission they were trying to focus on and a track record of success to build on. It reminded him of 1999 when Council was asked for money toward a new performance building, for the food bank, and other requests. He thought it was better to not let that happen and raise expectations unnecessarily.

Mr. Jordan said it sounded like there would be more to discuss on March 23<sup>rd</sup>.

Councilor Hosticka said that some parameters early on could help the process. Every time they went through a draft it shouldn't get longer. Council President Bragdon agreed and said Council could invite 20 interest groups in on various issues and they would say why their cause deserved money.

Councilor Burkholder said it was an inside-the-house discussion rather than an outside-the-house discussion to have. Inside the house they could make sure the resources were there and could talk about things before passing on the opportunity.

Council President Bragdon said that councilors were free to develop proposals. Councilor Burkholder said it was a once in a decade opportunity to raise regional money so they should not limit themselves.

Mr. Desmond said that they should look at other polling being done by other groups between now and March 23<sup>rd</sup>. Councilor Liberty said there had been some polling done on affordable housing. Mr. Desmond said it wouldn't supplant Council's own polling but could be helpful.

### **3. BREAK**

### **4. COLUMBIA ENVIRONMENTAL**

Mike Hoglund, Solid Waste and Recycling Director, said they were there again to discuss the Columbia Environmental's transfer station application. He wanted to give an update of what had occurred since December 16<sup>th</sup> when they last met, go over the anticipated timeline that they had discussed with the applicant, and talk about new criteria that had been proposed by Councilor Park at the December meeting. He hoped to discuss how Council wanted to weigh those criteria. He said he had talking points but would also be referring to the attachments in the work session packet, the evaluation factors. In December staff recommended denial based on analysis of code evaluation factors for transfer stations, a few of them being consistency with the Regional Solid Waste Management Plan (RSWMP), cost to the ratepayers and whether they had met health, safety and welfare protocol requirements. On December 16<sup>th</sup> Council granted a 60-day extension that expires on March 8 and instructed staff to consider some additional criteria that were proposed by Councilor Park.

Councilor Hosticka asked about the timeline. Roy Brower clarified that the 60 days started January 8<sup>th</sup>, which was the end of the original period.

Mr. Hogle said the new criteria were laid out in Table 2 of Attachment 1. It was a draft illustrative concept of where they were heading on evaluative criteria. Councilor Hosticka asked about the official status of those criteria since Council didn't adopt them. Mr. Hogle said Council had asked staff to consider them and they were there today with the results. They were there to talk about whether or not Council still wanted to consider the criteria and how they wanted to weight them. He read off the list Criteria numbers 6 through 10.

Councilor McLain asked about Criterion 10. She said the region already had Metro Central and Waste Management, USA Waste, in that waste shed already. She asked if Mr. Hogle was saying this would be a third. Mr. Hogle said that there was only one in the area, Troutdale Transfer Station, and it had a low cap.

Councilor McLain said she understood but Mr. Hogle was acting as if Central was on a different waste shed. She wanted to know what was being measured on #10.

Mr. Hogle, discussing this with Councilor Park previously, pulled out the legislative record from when the waste sheds were originally developed. At the time Columbia Environmental was starting to think of a new transfer station. There was some legislative record that was never adopted by Council but was noted in staff reports, that for the 130,000 ton waste shed in the northeast part of the region Council might want to consider reserving capacity for a second transfer station in that vicinity.

Councilor McLain said it wasn't an adopted Council Action, it was a comment in a staff report. There had been no action by Council on the six so if they were to consider them Council would need to be careful about understanding what they measured. She asked if what they were measuring in Criterion 10 was that he found in a staff report that there was a comment that maybe Council should reserve a place for a second transfer station.

Mr. Hogle said that no, Councilor Park had found that comment. They then looked it up with him and went back to the legislative history. There was some history about potentially needing a second transfer station in that waste shed but the Council that adopted the service area concept decided not to take action at the time and left it open for the future.

Councilor McLain said that had been a controversial issue. She asked if, up to that point, that particular goal been efficient or did they still need it. Whether the service areas themselves worked or functioned was something they were supposed to have more information about for the next go-around on the solid waste system. She wanted to know what they were actually measuring in that criterion. She didn't see it as a measurement but as a comment.

Councilor Liberty said on the existing code evaluation factors three, four and five; the staff conclusion was that there was no reason to believe the applicant could not meet these criteria. He thought it was odd phrasing. He asked if they had to find affirmatively that the applicant would meet them as opposed to knowing they would not meet them.

Mr. Hogle said it was a double negative, they met those criteria. Councilor Liberty said the actual finding was that they met the criteria. Mr. Brower said part of the reason for the language was because the applicant had only handled source separated waste, not putrescible waste, in the past, but there was no reason to believe they couldn't in the future. They didn't state it affirmatively because there was no past track record on that.

Councilor Liberty asked if they were talking about adopting potentially five new criteria that were not in effect at the time the application was made. Mr. Hogle said Metro Code laid out the criteria in Table 1, and there was another criterion that said “or any other considerations the Council may want to include in their deliberation.” On Dec. 16<sup>th</sup> Councilor Park introduced the request for an extension based on his belief that there was some merit to statements that had been turned into the considerations listed on Table 2.

Councilor Liberty asked if the applicant was agreeable and had a chance to address those criteria. Mr. Hogle said that yes, they were agreeable to the new criteria. Councilor Liberty asked if the applicant suggested the new criteria. Mr. Hogle thought there were some discussions at a work session and at Council along with some deliberations by Councilor Park, staff and the applicant. Council President Bragdon said they should ask Councilor Park about that.

Councilor Liberty asked if there was any previous weighting on these factors. Mr. Hogle said no, the final question on the work session worksheet was how would Council like to consider the additional five criteria in light of the other criteria.

Council President Bragdon said that in Councilor Park’s absence the other Councilors believed that he proposed the criteria because he believed in them. The question was how did the other six councilors feel about them.

Councilor McLain said Criterion 9 for example was subjective but also had implications for ratepayers on the Westside and the cost to the overall regional system. Before she could support Criterion 9 she would need to know the cost to others of the potential savings to ratepayers on the eastside. She agreed with Councilor Park that they should always ensure they had thorough criteria and had looked at all the data but what was given to her just raised more questions. Her questions about each of the criteria were whether it was a true measurement, at what priority would she like it utilized and how could they to ensure that they weren’t harming the whole system or other ratepayers in the system.

Council President Bragdon said that was contained in Item 2 in Table 1. Councilor McLain understood but if they were using the additional criteria then they were taking Criterion 9 as though it was an independent reason, yet she found negatives to that on the other side. She said she was left with contradicting information.

Mr. Hogle said this was an illustrative additional piece. They thought in that particular case, Criterion 9 was a subset of Criterion 2 and perhaps they should include it as such in the listing. They could identify who were the winners and losers in the region and identify them on a map. It would show who would possibly see a rate reduction because the services their haulers provided would have a lower cost. In the whole ratemaking process local jurisdictions went through, the rates would likely come down over time.

Councilor McLain said they would not know that for sure.

Mr. Hogle said they were trying to get Gresham and the City of Portland to give their best estimates about whether it would trend down or up, but it wouldn’t be precise.

Councilor Newman asked how Councilor Park or Mr. Hogle defined the eastside, whether it was east of the Willamette River or east of Portland. He imagined that if they were going to make a calculation they would have to have a defined geographic area. Mr. Hogle said there was a consortium of haulers that would be using the facilities so they would pull the service area

from them. Councilor Newman asked if Mr. Hoglund knew roughly what that area was and if it included any of Clackamas County. Mr. Hoglund said it was both commercial and residential so it was complicated. Mr. Brower said the eastside service area was what they would consider the eastside. He said service areas were calculated by being equidistant from the facilities.

Council President Bragdon asked if equidistant meant mileage or travel time. Councilor McLain asked which of those Councilor Park wanted to look at. Mr. Brower said service districts were defined by distance. Councilor McLain said another issue about the service districts was the debate between travel time and actual distance from the facility. There were discrepancies in ways of viewing that type of material.

Councilor Hosticka asked about the interaction between Criteria 6 and 9. Criterion 6 seemed to state that the purpose was to allow the haulers to be more competitive and benefit from their profit. Nine said that the ratepayers were going to benefit. He asked if there was an analysis of how much of the benefit would go to the haulers and allow them to be competitive in the environment and have better profits or were they looking to see if the savings realized by the facilities were passed on to the ratepayers.

Mr. Hoglund said they were trying to get an analysis. In the worksheet it showed they had requested that information from the applicant. They were trying to get cost savings estimates from the applicant both for them and their customers. The issue came up in December as well. There would be savings in their operation, and some of those would be passed through the ratemaking process and on to the ratepayers. They were trying to get more information on which cost savings would go to whom.

Councilor McLain said the same report talked about the difference between distances and travel times. Looking at where the facilities were, she would like more information on that proposal.

Councilor Liberty spoke about Criterion 6 on Table 2 and the beneficiaries there. He said he was in favor of thriving small business and competition. He wondered if that was the public good that Criterion was supposed to address. He asked whether or not the benefit to ratepayers was covered by the existing criteria. Mr. Hoglund said the entire pool of ratepayers is addressed in Criteria 1 and 2. Criterion 9 was the ratepayers on the eastside. Councilor Liberty asked if the theory behind the competition was that the criteria would also get back to benefiting the ratepayers. Mr. Hoglund said it went mostly to independent haulers. Councilor Liberty asked if the theory was that healthy competition would benefit ratepayers. Mr. Hoglund said that was the crux of the conversation in December. The feeling about competition at the time was that the more competition, the cost would be lower or it would add innovation to the system. Because of the way the system was set up now, as an oligopoly, he felt they were losing efficiencies at their transfer stations, losing tonnage, so the unit costs would go up and would be spread out to the whole system.

Council President Bragdon asked if, in Criterion 6, the existence of small independent haulers and their continued ability to do business implied a good in itself. Mr. Hoglund said yes. Councilor Liberty said it was odd because usually the argument was that providing competition was good, but there was some there before.

Mr. Hoglund said the other side of the competition was the innovation factor and they were looking for that. The applicant had proposed some innovative recycling options as well that were being looked into.



Councilor Burkholder said that his hauler, who was one of the partners in this project, was not included in the potential service area. He wanted to know how they were accounting for that and were some of the haulers currently shipping beyond the service area. He didn't know who all the partners were in the operation and if they were all within the service area or not. He thought that might affect some of the decisions on travel time.

Mr. Brower said they were trying to find out more about that from the applicant, who had just provided some additional information that day including maps and other data. He did not know at that time since they had not yet reviewed all the new information.

Councilor McLain said she was trying to make sense of how the criteria from the first list to the second list played off each other. To the point on Criterion 6 and whether it was good in itself for small independent haulers be able to do business – they put the word competitiveness in there, and naturally they do compete, but to be able to make that statement you have to see where that waste is coming from that they pick up. Were they competing with other private vendors or with the Metro transfer stations? Criteria 6 and 1 would be counter-acting each other. To make either Criterion 6 or 9 make sense, there had to be a comparison between the good for itself against the way it affected the overall ratepayer, not just an individual slice of ratepayers.

Mr. Hoglund said they just got the additional information from the applicant that day, so hopefully some of the issues would be clarified. They also had more information on recycling and recovery rates. They were getting updated information as to the new application's lower wet waste requests, which would affect unit costs at Metro South and Metro Central so there would be less of an overall impact. They were working with the city to learn the impact on ratepayers. He said the application they had that day significantly revised the original one, which starts another 120-day review period. They were trying not to take that whole time, especially since they weren't starting from scratch. He was working with the applicant to lay out a timeline within the next week. He said it would likely take a couple of months, however, and during that time he wanted to come to work sessions and go through criteria as they moved along and they got more information. He acknowledged it was somewhat unfair to ask Council to weigh the criteria without fully understanding them or the information to go with them. He offered to come back to another work session before they processed any recommendation.

Councilor Liberty asked if there was any relative weight assigned to the existing factors. Mr. Hoglund said there was, based on the Councilor values that were expressed to them in the summer of 2003. They used those to scan the criteria and code and weighted RSWMP Factors 1 and 2 the highest. The ones that had the double negatives that Council discussed earlier were the least important to those Councilor values.

Councilor Liberty asked if that was done informally, as it was important to an applicant to know how their application would be weighted. He asked if it was known at the time the application was made. Mr. Hoglund said it was not known at the time they submitted their application. It was laid out in November when they first presented a staff recommendation.

Paul Garrahan, Assistant Metro Attorney, said the code just said the Council had to consider those five factors before it made its decision. Council could consider any other factors it thought were relevant and could weigh those factors however it felt was appropriate. There was no preset formula about how factors were weighed. Staff, in their recommendation, explained how they weighed the factors, but Council could weigh them however they wished.

Councilor Hosticka wanted to know where they were procedurally. The memo had four options; one of them said that with significantly new or revised information, a new 120-day period was automatically triggered. He asked if they were currently in that period.

Mr. Hogle said it was written before they had received the new application and just laid out the options. Councilor Hosticka asked if today they had triggered the extra 120 days listed in Option 1. Mr. Hogle said yes, so Options 3 and 4 became moot.

Mr. Jordan explained Option 4, where if no action had been taken on the old application it would have automatically been granted. Since there was new information that was significantly different, they were in a new 120-day period. Mr. Hogle said that Option 2 was if the new information was not determined to be significant, they could have negotiated another extension, but in this case it triggered the new 120-day period.

Councilor Newman asked if the applicant agreed that this was a new application or would they contest that if the March 8<sup>th</sup> deadline went by. Mr. Hogle said the applicant was nervous about taking another 120 days. That was why they were planning to meet Monday to come up with a timeline and try to process the application as soon as possible.

Councilor Hosticka asked who Columbia Environmental was, who owned it, what was their ownership structure, and what was their relationship with the local haulers. He wanted that information so he could understand who they had a relationship with. Were they granting a franchise and what was the ongoing nature of the entity that held that franchise? He understood that if the ownership shifted over time, it would be invalid unless they re-approved it under new ownership. He asked a while ago what was the structure of this entity, and still wanted to know.

Mr. Hogle said Councilor Hosticka was correct in assuming that the permit was for this group and would not be transferable. Councilor Hosticka asked if the membership of the LLC changed, did the entity remain intact. Mr. Hogle said they would get that answered for him.

Councilor McLain said the first four factors were prioritized, but in the first area it did not meet criteria. She needed information about why they should go beyond the first two, which were major areas of making sure they had not undermined their own system and caused more ratepayer expense. She said right now there was no question that the first two were denial material.

Councilor Burkholder asked a procedural question. They had adopted a moratorium and the initial application had been exempted from it. Would the new application still be exempt? Mr. Garrahan said it was considered a revised application, not a new one. It started the 120 days over but was still considered a part of the same application.

Councilor Liberty asked whether Councilor McLain wanted the applicant to put in new information and restart the 120-day clock again. Councilor McLain said the only information she had was from the original report, and she didn't want to be caught in a bind where the new information did not relate to the old. Councilor Liberty said no one had taken the problem out of the five additional criteria so they could look at that. Councilor McLain said they didn't have to.

Councilor Hosticka asked if they had to adopt those as criteria formally or could they just think about them. Mr. Garrahan said Council could just think about them. He advised that they state on the record the criteria that contributed to Council's decision. As long as they did not direct staff not to present information on them, the applicant would have the opportunity to raise them at a public hearing or on their application.

Councilor Hosticka asked if it was a legislative act or a quasi-judicial act. Mr. Garrahan said it was quasi-judicial. The most prudent course would be to disclose any ex-parte contacts they had regarding the item but they were not in the ultimate review period. Councilor Hosticka felt they were somewhere between the two.

Councilor Liberty said they had five factors they said they would consider. There were also other things they could consider as long as they said what they were. He was also concerned about the process for the applicant. There were more operative criteria and questions about sufficiency of the data. He did not want the applicant to keep feeling obliged to keep submitting information, but if Council kept articulating reasons and they never got a chance to talk about them that would be odd. He assumed Council was done with collecting evidence.

Mr. Hoglund said they needed to look at the new application they'd received that day. Councilor Liberty asked if staff offered an evaluation of that information the applicant would have a chance to respond. Councilors indicated that was the case.

Council President Bragdon asked if there were further comments.

Mr. Hoglund said it was a little odd because they didn't do this often. To summarize, staff would go through the application, meet with the applicant and come back to work session or set individual councilor briefings to update Councilors on the progress and answer questions. He thought Mr. Garrahan gave good advise about the other criteria that influenced individual deliberations and votes. There was no necessity that Council come to agreement on all criteria. Code authorized them to continue using code criteria as part of their analysis.

Councilor McLain commended staff and executives on their efforts to be very fair to the applicant. Even though the issue had gotten a bit murky, they had been doing the best they could with the process and code they had. They may have to look at the code in the future. She wanted the process to be more exacting for the council to make it fairer for the applicant.

Councilor Liberty said the applicants should be asked if any procedural error had happened so they could make corrections.

## **5. COUNCIL BRIEFINGS/COMMUNICATIONS**

Councilor McLain said that she and Councilor Park had met on neighboring cities and handed out paperwork for discussion at the retreat on Wednesday. She said a plus of the project was that it would be done within the existing budget. Councilor Hosticka asked whether current Full Time Equivalent (FTE) would be counted up even though it could be done in the existing budget.

Councilor Burkholder asked about including Vancouver. Councilor McLain said she didn't want to step on the toes of Bi-State Committee. Councilor Burkholder suggested keeping them informed of what they learned.

Councilor Burkholder reported on a discussion with Congressman Blumenauer that morning about transportation policies. Congressman Blumenauer was doing a round of visits with local governments and included Metro. They mostly talked about the changes going on in Washington, DC, specifically with House Leadership. The Majority Leader was to write the transportation bill outside the regular transportation committee. Congressman Blumenauer talked most about issues like Social Security, Medicare, tax bills and the Bonneville Power Administration (BPA) that

he'd been talking to the State Legislature about. The BPA was looking at privatizing or the equivalent and the Congressman felt there was a need for Oregon to speak up, perhaps MPAC-like discussions. The Congressman said to talk to his staff on transportation issues. Traditionally, each representative had \$45 million worth of projects but that might disappear. Policies that were pro-transit and enhancements were under threat. The crisis in federal transportation might come to Oregon sooner than they thought. It was basically a parliamentary system in Washington, DC, where President Bush acted as prime minister and his party determined what happened. There was no division between the legislative and executive branches there in practice.

Councilor Liberty asked if Congressman Blumenauer said why Don Young had changed his tune. Councilor Burkholder said that Don Young, who used to be the most powerful man in transportation, had deferred to Congressman DeLay but he didn't know why.

Councilor Burkholder said JPACT members were going to Washington, DC, from March 7-10. They would send a letter to Jack Hoffman on issues of JPACT impact and maybe address MPAC and whether there might be a role for this region to approach Congressman Walden.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:15 p.m.

Prepared by,

Amelia Porterfield  
Council Support Specialist

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 22,**  
**2005**

Item	Topic	Doc Date	Document Description	Doc. Number
2	2006 Fish & Wildlife Bond Measure	2/22/05	Council study session information	022205c-01
2	2006 Fish & Wildlife Bond Measure	2/22/05	Process flow chart	022205c-02