

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, May 3, 2005
Metro Council Chamber

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

Councilors Absent: Rod Park (excused)

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

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, MAY 5, 2005/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Brad Stevens, Financial Planning Department and Lisa Colling, Human Resource Department, reported on the voluntary separation program (a copy of which is included in the meeting record). It completed last Friday. Mr. Stevens said there were 33 participants in the program. He spoke to costs and savings. He noted the distribution by years of service as well as the average salary of those who left Metro. He then reviewed the hard freeze position savings. Councilor Burkholder asked what was the definition of central service hard freezes. Mr. Stevens responded to his question. He also reviewed essential and program positions and possible savings. He provided a list by employee of the separation program. Councilor Burkholder asked how this compared with what they originally planned. Councilor Liberty asked if any of the results surprised them. Mr. Stevens said the Planning Department results surprised him and explained why. Councilor Liberty asked about when the money would be recovered. Mr. Stevens said they had calculated an average of six months to recover. Councilor McLain commented about essential and program positions. She wasn't sure that list was a one-time decision and explained why. Mr. Stevens said the program positions were unique. The Chief Operating Officer (COO) and Human Resources Director had to approved those positions to be refilled. Ms. Colling added that some employees had been extended.

Council President Bragdon reviewed the May 5, 2005 Council agenda. He reminded Council about the Metropolitan Exposition Recreation Commission/Council meeting this Wednesday. Councilor Liberty indicated that he was unable to attend. Councilor McLain said she would have to get a substitute if she was to be there. She felt that there was no consensus on the times for this meeting. Councilor Liberty suggested meeting in the evening. Councilor Newman noted that they would vote on the substantive amendments for the budget. Councilor Liberty asked if there were anyway to determine how much support there would be for certain amendments. Dan Cooper, Metro Attorney, responded that a vote took a motion, a second and a roll call.

2. UPDATE ON FAMILY FARM AND CONDOR PROJECTS

Tony Vecchio, Oregon Zoo Director, introduced the programs in education and conservation. Both programs started before Nature in Neighborhoods. Charis Henrie, and Mia Reager, Oregon Zoo presented the Family Farm project update. Ben was also a teen volunteer. Ms. Henrie talked about the Family Farm. She spoke about challenges. They found that teens teaching younger kids were a successful way for children to learn. They tried building as much flexibility into the program as possible. They had an open house for the Family Farm after it had been opened about six weeks. The program had been very successful. Word of mouth was spreading among teachers.

The kids were doing animal keeper responsibilities. She spoke to next steps, which was to get the kids to do public presentations. Ms. Reager said they wanted teens to make substantive decisions with the Family Farm program and have groups work together. They wanted a real work environment such as planning an event, budgeting, and administrative responsibilities. She spoke to teens becoming leaders, job shadows, mentors, and short-term interns. She gave examples of different scenarios that were occurring with the Family Farm program. They had had 98 interns, 11 schools, and many types of schools, over 4000 hours of service. Ben, teen volunteer, talked about how he had been involved with the program. He had been working at the Zoo for three years during the school year. He had worked all over the Zoo. Councilor Burkholder asked if his experience was typical. Why did other kids come to be an intern? Ben responded that all of the interns go for their own reasons. Some teens did it as a required internship. Councilor McLain asked about his best experience and worst. Ben said the Zoo as whole had been a good experience for him. He talked about participating in minor surgery of an animal. He also liked the Zoo mobile and took animals out to children in the community. He said sometimes the public could be a challenge. He talked about kids horsing around in the barn and being destructive. Councilor Liberty asked if this experience had helped shape a career. Ben said he wasn't sure yet but planned to major in biology. He enjoyed working with animals.

Councilor Burkholder asked how this fit into our labor rules. Ms. Reager responded that the students were answerable to the Zookeepers. She gave an example of this interaction. Ms. Henrie said they had gone to Bureau of Labor and Industry (BOLI) to make sure they followed the internship requirements. She explained the criteria for an internship. Tony Vecchio, Oregon Zoo Director, talked about their goal to take their teen program to the next level. They wanted to give the teens the experience to learn what they were capable of.

Joe Burnett, Assistant Curator, in charge of the Condors, provided an update on the Condor project. Mr. Burnett said the program had been going well. We were one of three breeding zoos. They had three eggs from three different pairs. He talked about a problem egg. They had sent it to San Diego to hatch. The program had been very successful. The birds had acclimated to Oregon. They had tapped into several partnerships such as organic farmers that provide food for the birds. This had been a good conservation program. They were now in the second phase of construction. Councilor Newman asked about future pairs of birds. Councilor Liberty asked if this was a technique that could be use for other bird species. Mr. Burnett said each species has its own challenges. Mr. Vecchio talked about examples of failures of endangered species. Mr. Vecchio updated the Council on fund raising for the project. They had exceeded their fund raising goals for the breeding facility. The construction was dependent upon the condors' schedule. He suggested that we recognize the farmer that was contributing the food for the condors. He talked about Norm Thompson's chocolate condor egg sales. Councilor Newman asked about the \$1 donation for the condor program and if it was successful. Mr. Vecchio said it generated a lot of conversation but not much money. He said it was an ongoing program.

Council President Bragdon asked where he saw this program going in 10 to 15 years. Mr. Vecchio responded to his question about what they would considered to be successful. Mr. Burnett talked about the mortality threats in the wild. He said the recovery plan needed revising. Mr. Vecchio said one of their goals was to see condors back in Oregon. Mr. Burnett talked about the hazards in the wild. Councilor Newman asked why this fund raising program had been so successful. Mr. Vecchio talked about the historical ties to Oregon such as American Indian and the Lewis and Clark ties. Mr. Burnett reviewed the history of condors in Oregon and the unknowns in having condors come back to Oregon. Mr. Burnett said condors were very adaptable because they were scavengers.

3. BREAK

4. NATURE IN NEIGHBORHOODS LEGISLATION

Councilor Hosticka introduced the topic. There were a number of potential amendments that had been identified. The deadline for amendments was this Friday for Councilors. Council President Bragdon asked if this used the COO recommendation as a starting point. He asked about the regional significant medical and educational facilities.

Chris Deffebach, Planning Department, said, the amendments were from the comments that they had received prior to the hearing. They were available to answer more detailed questions. They wanted to walk through the issues and have Council tell them which issues they wanted amendments on. Councilor Liberty asked about additional amendments that weren't on the list. Ms. Deffebach said they would be happy to draft any amendments. She spoke to the Measure 37 issue. She noted recommendations (a copy of these issues were included in the record). Councilor Liberty said his preference was that they make it broader and include it in the pollution control area. Paul Garrahan, Assistant Attorney, said there would be a set of findings drafted following adoption. Councilor Hosticka explained Water Resource Policy Advisory Committee (WRPAC's) recommendation about environmental considerations. Ms. Deffebach concurred with Councilor Hosticka's comment. Councilor Newman said he would like the category drafted as amendments. Councilor Liberty said he would be proposing an amendment that Metro would adopt their claims responsibility. He explained further issues that surrounded this amendment. Councilor McLain agreed that she supported taking out the practicable; she liked the Wilsonville language and the pollution control. Councilor Burkholder asked if this was the same part where it talked about fair market value. Mr. Garrahan said yes.

Ms. Deffebach talked about similarly situated sites issues and the responses from City of Portland and Goal5/WRPAC. Councilor McLain said they had offered a district plan. It was important that this ground was not taken away. What made it a most equal playing ground for the City and Port? Councilor Burkholder said he also had a question on this concerning having the City of Portland developing a district plan. Mr. Garrahan said they could adopt rules, which superseded Goal 5 rules. They had enough authority. It was a matter of politics. Ms. Deffebach pointed out the class 3 riparian was now erased because class 3 riparian was now "allow". Council President Bragdon asked about change of use, would this be revisited. Ms. Deffebach said it would exempt them. Councilor Liberty said he wanted on the IT site but not the terminals.

Ms. Deffebach talked about Title 3 Exemptions. She said this applied to West Hayden Island, which the Port of Portland had raised. Council President Bragdon asked about the Willamette river waterfront and was this included? Ms. Deffebach said part of this was. Council President Bragdon said, for discussion purposes, could they draft an amendment. He wanted to know if this was part of the south waterfront and the impact. Ms. Deffebach talked about the District Plan. Mr. Garrahan talked about the requirements being adopted as the waterfront was developed.

Ms. Deffebach then addressed the issue of Federal Aviation Administration (FAA) Wildlife Hazards. She explained what was in the staff recommendation. There were three airports; Portland had an FAA adopted plan. The other issue was if you approved the Tualatin Basin, it would not include the Hillsboro Airport. The Troutdale Airport had other issues and explained further their issues. Each airport had different circumstances. Councilor Hosticka talked about mitigation for Port owned property. He spoke to the different concepts concerning the Port. Mr. Garrahan explained the mitigation site-specific issues. Councilor Liberty asked what the

watershed was. Mr. Garrahan said the Columbia Slough. Councilor Hosticka clarified the staff recommendation.

Ms. Deffebach addressed the staff recommendation on regionally significant education and medical facilities. She spoke to the comments they had heard from G5/WRPAC and City of Portland. Councilor McLain said City of Portland urged the district plan. Councilor Burkholder said he would support an amendment to delete the medical facilities. He thought the hospitals could locate in centers. Council President Bragdon said that would not change the list of current medical facilities. Councilor Hosticka asked about the property owned by these institutions or was the plan for the primary facility. Was the language drafted for the primary facility only? Mr. Garrahan said in the fall they would bring back a tax lot map that was specific to the primary campuses not the property owned by the medical facility. Councilor Liberty asked about avoid, minimize and mitigate and the outcome differences with site designs. He would like to see the Goal5/WRPAC amendment drafted. He felt there was a larger issue. Mr. Garrahan said this was too call these uses high urban development uses so that effected what level of habitat conservation area they would be. The COO's recommendation applies avoid, minimize and mitigation to these area. He said there was still an avoid test that would apply to all of the institutions. Ms. Deffebach explained the Goal5/WRPAC recommendation did not take into account the urban development value. They wanted to look at the habitat value only.

Ms. Deffebach talked about the industrial land issue. She said Port of Portland had suggested designating all industrial land as "high urban development value". Councilor Newman said he was not supported of this amendment but wanted to draft one to include intermodal rail facilities. Andy Cotugno, Planning Director, talked about the Regional Transportation Plan. Ms. Deffebach talked about the habitat friendly development practices. They had had a lot of input on this issue. Mr. Garrahan said, based on comments and looking back, they realized that the Functional Plan when you tried to apply it didn't do what the model ordinance required. He explained the application issues, required versus incentive. Staff reviewed the types of techniques in the chart to see if there was a better way to organize it. He gave examples of encouraging clustering and storm water management. He spoke to a series of amendments, which staff would recommend. He spoke to the requirement and practices you could use to minimize the hydrologic impacts. Council President Bragdon summarized that they would like to refine their recommendation and have a Councilor sponsor the amendment. Councilor Hosticka suggested drafting the scope of work amendment describing Nature in Neighborhoods.

Councilor Hosticka suggested talking about the Tualatin Basin Plan. Ms. Deffebach said the Tualatin Basin group was here to answer questions. They had taken the analysis that Washington County had done and had a series of table, which help them to understand the differences in the Tualatin Basin. Council President Bragdon suggested Brent Curtis, Tualatin Basin Natural Resource Coordinating Committee (TBNRCC); address the economic issues and frequency of the monitoring plan. Mr. Curtis noted that they had prepared an amendment, which they urged adoption of which dealt with the one issue about "require". He suggested based on the hearing testimony that they thought it was important to respond to Tom Wolf's testimony. He spoke to consequences of adopting the resolution without the amendment. He then talked about Mr. Wolf's testimony, about fees and the project. Mr. Wolf wasn't aware of the conversation about fees. There had been briefings about adopting a healthy streams plan. He spoke to the draft plan, the Surface Water Management (SWM) fees, and on the ground projects. Mr. Curtis explained what their work had been about with Goal 5, Endangered Species Act (ESA) and Clean Water Act. Their goal was to merge those issues. He was concerned that if Council adopted the plan unamended the momentum would be lost. Bob Cruz, Clean Water Services, said they had been involved in this process since its initiation. They had discussed with Tualatin Basin partners,

Clean Water Advisory Committee (CWAC). They brought a model planning processes to CWAC. He clarified Mr. Wolf's involvement. He said funding was left up to their board of directors. They rarely brought funding issues to CWAC. They would not automatically adopt increases in SWM fees. Mr. Curtis talked about the revenue and the fees. Their program revolved around regulation, revenue, and volunteerism. He noted key projects, which would be done over 20 years (a copy of which is included in the record). He said this was fee, which could be adjusted in the budget process. He also explained what the fee was not. He talked about their analysis of the fee. The public was supportive of modest adjustments to the SWM fees for such projects as had been laid out. They had had a substantial public debate about SWM fees. The elected officials in the Basin asked a lot of questions about the impact of adjusting the fee. This was vital to their proposal to the Council. Mr. Cruz added that a lot of the focus had been on the surface water management. He also spoke to other fees that they would use such as system development charges and sanitary sewer fees. Councilor Hosticka supported the recommended amendment proposed by the TBNRCC. Councilor Liberty talked about the debate, which had been about the differences in vegetative corridors. Mr. Curtis said the investment went beyond vegetative corridors. He detailed the specifics of coverage. He said their coverage was considerably more than what will be in Multnomah or Clackamas counties. There will be investment outside the urban area. They had worked cooperatively with Metro's staff to refine the plan. He talked about the size of the increment and what was the magnitude of it. He then talked about investments, all of which had benefits to the riparian areas. He spoke to the most direct investments. They weren't limiting themselves to the vegetative corridor. It was broader than corridors.

Councilor McLain talked about what happened outside of the Metro jurisdiction if we were going to do a basin approach. She asked what they could do to show connections. Mr. Curtis said they wanted to do this on a watershed basis. Mr. Cruz said they had been working on a number of programs. They were an urban service that didn't go into the rural areas. Mr. Curtis talked about the increment. Councilor Newman said the Metro inventory map was more robust in Washington County because of the work that Clean Water Services and TBNRCC had done. Ms. Deffebach said the inventory had improved since they started this project. Councilors talked about including the TBNRCC program. Councilor Hosticka suggested an amendment on habitat friendly development and the recommendation on TBNRCC. He thought Metro Policy Advisory Committee (MPAC) would be discussing avoid, minimize and mitigate issue. He thought they should let MPAC come up with recommendations. He would also like to see a redevelopment amendment drafted which included restoration requirements. He suggested they have language available so that MPAC had something to discuss. Councilor McLain said there were elements where they were dealing with different partners. The Basin approach was willing to guarantee improvement. She thought they should honor the multitude of approach and still reach the standard. Council President Bragdon summarized what he had heard: building practices, gap between vegetative corridors, upzoning in those areas, investment targets, and monitoring. Mr. Curtis talked about the monitoring and the commitment that they would all be doing this. Councilor Hosticka suggested that there should be more work on section five about monitoring. He wanted more precision. They were trying to monitor outcomes on the ground.

Jim Labbe, Audubon Society of Portland, talked about the quantity of the gap and the quality of the habitat. The point was that there were significant class 1 and 2 outside the vegetative corridors. He spoke to an example of Fanno Creek. He shared a series of maps on Fanno Creek and Rock Creek. He talked about mass bank failures. These were areas that should be part of the minimum standard. The quality and location was important.

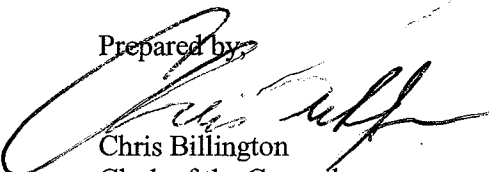
Ms. Deffebach then addressed definition of development. She spoke to what Title 3 did which was to change the definition of development. She then addressed new urban areas. The policies effecting how new urban areas was in Title 11 and Framework Plan. She spoke to the benefits of being more directive versus less directive. Mr. Garrahan clarified the language in Title 11 and the Framework Plan. Councilors discussed the issue. Mr. Garrahan clarified the differences in the language. They discussed the additional word of avoid. Councilor Liberty raised the issue of no rolling back of existing local Goal 5 program. Councilors talked about the MPAC recommendations on supporting the two-year timeline for local compliance as in the Functional Plan. Ms. Deffebach then addressed the Model ordinance issues and the concerns raised from other groups. Councilors offered suggestions on amendments. Council President Bragdon asked about the transfer of development rights "for the like". Councilor Liberty asked what happened if two years went by and there had been nothing done. Mr. Garrahan said Title 8 was the enforcement title. It walked through the different options for enforcement. Councilor Liberty asked about monitoring and connections to Title 8. His interest was that we make sure we get a response. Councilor Hosticka suggested bringing the amendment language to Council ahead of time.

5. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Liberty talked about the Transit Oriented Development (TOD) criteria issues. .

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:25 p.m.

Prepared by



Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 3, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	5/5/05	Metro Council Meeting Agenda for May 5, 2005	050305c-01
1	Fact Sheet	5/3/05	To: Metro Council From: Brad Stevens, Financial Planning Re: Voluntary Separation Program results	050305c-02
4	Summary of amendments	5/3/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Ordinance No. 05-1077 & Tualatin Basin Resolution: Issues & potential amendments from MPAC & Goal5/WRPAC concerning Nature in Neighborhoods	050305c-03
4	Memo	4/27/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Goal 5 TAC/WRPAC comments on Ordinance No. 05-1077	050305c-04
4	Health Streams Plan	March 2005	To: Metro Council From: Brent Curtis, TBNRCC and Clean Water Services Re: Health Streams Plan draft	050305c-05
4	Goal 5 Regulatory Parameters for Tualatin Basin Approach	5/3/05	To: Metro Council From: Brent Curtis, TBNRCC Re: Goal 5 Regulatory Parameters for Tualatin Basin Approach: Application of Vegetated Corridors for Typical Scenarios vs. Mapped Proxy	050305c-06
4	Vegetated Corridor Comparison	5/3/05	To: Metro Council From: Brent Curtis, TBNRCC Re: Comparison of Clean Water Services Vegetated Corridors Proxy and Metro Habitat Conservation Areas within the Tualatin Basin IGA	050305c-07
4	Recommended Amendments	5/3/05	To: Metro Council From: Brent Curtis, TBNRCC Re: Recommended amendments to proposed Metro Council Resolution No. 05-3577, Approving the Tualatin Basin Natural Resources Coordinating Committee's Fish and Wildlife Habitat Protection Program	050305c-08
4	Key Features	5/3/05	To: Metro Council From: Brent Curtis, TBNRCC Re: Key Features of the Tualatin Basin Goal 5 Program	050305c-09
4	Comparisons	5/3/05	To: Metro Council From: Brent Curtis, TBNRCC Re: Comparison of Regulated Resource Areas, Tualatin Basin vs. Proposed Metro Regional Program	050305c-10
4	Aerial photos	5/3/05	To: Metro Council From: Jim Labbe, Audubon Society of Portland Re: Aerial photos of Fanno Creek and Rock Creek	050305c-11