

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, May 10, 2005
Metro Council Chamber

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

Councilors Absent:

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

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, MAY 12/ ADMINISTRATIVE/CHIEF OPERATING OFFICER AND CITIZEN COMMUNICATIONS

Council President Bragdon reviewed the agenda for the May 12, 2005 meeting. They talked about Resolution No. 05-3587. He noted the Nature in Neighborhoods ordinance and resolution amendments.

2. TUALATIN BASIN NATURAL RESOURCES COORDINATING COMMITTEE'S FISH AND WILDLIFE HABITAT PROTECTION PROGRAM

Councilor Hosticka said there was a set of amendments. The first amendments he talked about had to do with the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) recommended amendment, which was similar to the one that they had suggested last Tuesday. Brent Curtis, TBNRCC staff, suggested a word change to Council President Bragdon's Amendment #1 to add, "facilitate and encourage". Councilor Park asked about habitat friendly practices in Amendment No. 1. Councilor Hosticka explained the amendment. Councilor Park asked what about facilitating and encouraging in the other areas beyond the Class 1 and 2 areas? Mr. Curtis said that was what TBNRCC proposed. Councilor Liberty said this was designed to change outcomes on the ground. Mr. Curtis talked about developing inside and outside the vegetative corridors and the difference between the two. They wanted to encourage and facilitate rather than require. Councilor Liberty asked when this amendment would not create habitat friendly development. Mr. Curtis said it would have to be the decision of the developer.

Chris Deffebach, Planning Department, reviewed Bragdon Amendment #2 about habitat friendly development in Ordinance No. 05-1077. Council President Bragdon asked about the non-native species planting and if it was similar. Ms. Deffebach said the analogy was that some techniques might be added that they didn't know about today. Mr. Curtis added that they would be scoping these techniques over the next year and would determine how well they worked. Councilor McLain said she thought the techniques laid out was a floating list that might be added to as development evolved. They were acknowledging that there were different ways to do things.

Councilor Hosticka talked about Hosticka Amendment #1. Metro Policy Advisory Committee (MPAC) would be discussing this amendment. Councilor McLain commented that Councilor Hosticka had this drafted for MPAC discussion. They wanted the opportunity for jurisdictions to bring them something that could be judge on its own merit.

Councilor Hosticka explained Hosticka Amendment #2 concerning upzoning. He wondered if it was a Tualatin Basin amendment or whether it would be covered for all areas. Mr. Deffebach

explained the difference between how it applied to Tualatin Basin and how it applied to everyone else or to other parts of the region. Councilor Liberty stated that what was not included was when people asked for a variance where no upzoning occurred. He didn't think it was appropriate to include variance issues. Councilor Burkholder noted that this was referring to the Tualatin Basin and applied only to Class 1 and 2. Michael Jordan, Chief Operating Officer (COO), asked of this was required on any type of development. Mr. Curtis said yes. Councilor Liberty added his comments about development. Ms. Deffebach said Metro Technical Advisory Committee (MTAC) would be discussing this tomorrow.

Councilor Hosticka reviewed Hosticka Amendment #3 requiring more specific monitoring and reporting. Councilor Burkholder asked about monitoring requirements outside the Tualatin Basin. Ms. Deffebach responded that they did have monitoring requirements for other areas as well as performance objectives. Councilor Newman asked if this was an easy thing to report. Ms. Deffebach said permit data would be helpful but was not always easy to get. Mr. Curtis said Tualatin Basin's fundamental monitoring was water quality. This was additional information but they were willing to go above and beyond what kind of monitoring they did today. He didn't see any problem with the amendment. Mr. Jordan said we had put money in the budget to develop the methodologies. Councilor Liberty agreed with Mr. Jordan that methodologies needed to be developed. Mr. Curtis said they would work with Metro on monitoring and were willing to do what Metro asked.

Ms. Deffebach noted the Technical amendments for Resolution No. 05-3577 were mistakes.

Councilor Hosticka then reviewed Hosticka Amendment #6. This was to use parallel language that other jurisdictions used. Councilors discussed impacts of this language and shared concerns from industry about having to update Economic Social Ecological and Environmental (ESEE) analysis. Paul Garrahan, Senior Attorney said it would require analyzing other factors such as economics and the impact on ecological functions. There was broad discretion jurisdiction-to-jurisdiction. Councilor Burkholder asked why you would have to have different definitions. Mr. Garrahan talked about consistency. Councilors discussed applications as to how it played out in Title 3 and Title 13. Councilor McLain explained that she didn't want to change anything that had to do with Title 3. It was working. Councilor Hosticka said they would present at Thursday's meeting what these changes did in terms of practice.

Councilor Liberty introduced Liberty Amendment #1 concerning pollution control. He then talked about Liberty Amendment #6 which was Charlotte Lehan's language and recommended by MPAC. Liberty Amendment #4A had to do with adopting provisions to address demands for compensation under Measure 37. This was all new language. Councilor Park asked if we could do this? Can we take on that responsibility? Councilor Liberty talked about Metro's authority. Mr. Garrahan said this provisions offered Metro's resources if local jurisdictions wanted to take advantage of those resources. Councilor Park talked about the acknowledgement issues. Mr. Garrahan said he didn't see it as an acknowledgement.

Councilor Hosticka introduced Bragdon Amendment #1 which had to do with Title 3 exemptions. Ms. Deffebach shared a map on exemption areas. The exemptions would be an allow designation. Councilor Newman asked if Council President Bragdon's intention was to apply all Title 3 exemptions. Council President Bragdon said he was looking for consistency. Councilor Park asked what was the original reason for exemptions being granted? Mr. Garrahan explained what the Title 3 language laid out. Ms. Deffebach added that we allowed for the recognition that these were unique areas. She talked about the district plan approach, which recognized the unique economic areas. Councilor Burkholder talked about the City of Portland's testimony requesting

doing a district plan, which would not allow for these exemptions. Councilor Liberty talked about the Port of Portland international terminal.

Councilor Hosticka introduced Burkholder Amendment #1. Councilor Burkholder said this had to do with medical facilities. He thought they should locate in centers. Councilor McLain talked about medical facility criteria. They were talking about a list that had been described but no future medical facility. Mr. Garrahan talked about the technical amendment, which was a list of medical facilities. Councilor Liberty introduced Liberty Amendment #3 having to do with deleting Port terminals 4,5, and 6. Councilor Burkholder introduced Burkholder Amendment #2 related to deleting provision regarding Wildlife Hazardous Management Plans on Port property. Mr. Garrahan explained the amendment. Councilor Burkholder explained why he brought the amendment forward and spoke to redundancy. Councilor Park asked how this worked at the Troutdale and Milano Airports. Councilor Burkholder said this allowed for more consistency. Councilor Hosticka explained Hosticka Amendment #1. Councilor Hosticka talked about Hosticka Amendment #2, which was direction to staff and should be included in the Nature in Neighborhoods resolution. Malu Wilkinson, Planning Department, said Bragdon Amendment 3 was a clarification and described what already existed.

Councilor Burkholder explained Burkholder Amendment #3 which was about mitigation. He said he was trying to simplify Title 13 mitigation. Ms. Wilkinson clarified if Bragdon Amendment #2 was adopted it would be taken care of and Burkholder Amendment #3 would not be necessary.

Councilor Liberty reviewed Liberty Amendment #5, which had to do with clear and objective mitigation requirements. Councilor Newman asked about mitigation standards. Councilor Park asked where it came from. Ms. Wilkinson said the tree replacement standard came from City of Portland. Councilor Park raised the issue of how prescriptive did we wanted to be? Councilor Liberty suggested Councilor Park help draft something clearer. Paul Ketcham, Planning Department, talked about building in a mortality rate and density planting. Councilor Burkholder suggested a comparison of Clean Water Services and our own department. Councilor Park talked about outcome versus prescriptive plans.

Councilor Hosticka introduced Hosticka Amendment #4 having to do with Model Ordinance issues which was recommended by G5/WRPAC. Ms. Deffebach explained the amendment having to do with disturbance areas. Councilor Newman asked about when they got to see those scenarios. Councilors suggested illustrations.

Councilor Burkholder explained Burkholder Amendment #4 which included protection of uplands parks outside of Class 1 and 2 riparian.

Council President Bragdon clarified that Councilor Burkholder was trying to prevent ball fields, for example, from being placed in riparian areas. He felt that riparian areas inside the UGB would not otherwise be adequately protected. Councilor Burkholder explained his intent. (START)

Councilor Hosticka explained Hosticka Amendment #3, which had to do with new urban areas. Ms. Deffebach explained the language in Title 11 and Framework Plan language. She then explained the monitoring and reporting issues, Hosticka Amendment #5. Councilor Liberty explained Liberty Amendment #2 recognizing local programs. He explained the intent was to have local jurisdiction maintain the same level of protection, not to weaken it. Councilor McLain talked about substantial compliance. Mr. Garrahan clarified Metro's provision.

Councilor McLain reviewed McLain Amendment #1 which cleaned up language on tracking vegetation. Councilor Newman talked about Newman Amendment #1 which, clarified language related to water utilities. Ms. Deffebach explained what the amendment covered. Councilors reviewed the technical amendments. Councilor Burkholder raised an issue about Technical Amendment #5 and expressed concern that this amendment was not technical in nature.

3. BREAK

4. TRANSPORTATION AND GROWTH MANAGEMENT GRANTS

Councilor Burkholder reviewed possible grants and shared the pre-application summaries. He said next Tuesday at 12:30pm Peter Hutchinson would be here to talk about the Price of Government.

Andy Cotugno, Planning Director, said the pre-application was for the purposes of getting feedback. He summarized the results of that feedback. Mr. Cotugno recommended what grants we should be applying for. Councilor Liberty asked about the freight grant. Councilor Liberty asked about corridor implementation. Mr. Cotugno said Tim O'Brien, Planning Department, would come back and talk about the corridor study and the results of the study. Councilor Newman suggested submitting the freight plan, the I-5/99 Connector and the corridor grant. He was interested in the Measure 37 grant as well. Councilors discussed the grant options. Councilor Burkholder asked the Council for a nod on the three grants that Mr. Cotugno suggested.

5. AGREEMENT WITH CEDAR GROVE COMPOSTING/WEYERHAUSER DESIGNATED FACILITY AGREEMENT

Roy Brower, Solid Waste and Recycling Department, reviewed the upcoming ordinances (a copy of his comments are included in the record). They would consider two Designated Facilities Agreements (DFAs). They would be hearing two ordinances, which would add these to the code. He then spoke to the resolution for Cedar Grove because they dealt with putrescibles. Councilor McLain provided comments about efficiencies. She spoke to Cedar Grove, which was a new organic facility. Mr. Brower reviewed the Weyerhaeuser ordinance. He spoke to the benefits of approving the ordinance. Councilor McLain asked if the language was the same as other DFAs. Mr. Brower talked about the history of Weyerhaeuser. It was the same concept as the other DFAs.

Mr. Brower talked about the Cedar Grove operation. They currently have a contract with Metro to take food waste. It would allow Metro to inspect and monitor the facility and count towards the 10,000 tons per year. Cedar Grove was in the process of purchasing property and siting a facility in the Metro region. Councilor Newman asked why we would designate both facilities. Mr. Brower responded to his question. Councilor Burkholder asked about our ability to meet our obligation to Eastern Oregon. Was this financially viable? Mr. Brower said neither of these impacted the contract with Waste Management because of the type of waste. He then talked about the hauling issue. Councilor Burkholder asked about the Cedar Grove plans. Cedar Grove representative talked about the process for getting a facility sited in the Portland area. They were currently applying for permits. Mr. Brower explained the next steps for Metro.

6. COUNCIL BRIEFINGS/COMMUNICATIONS

Councilor Liberty talked about SB 1037 with Senator Ringo. Councilor McLain said she had gone and talked about LDCD staff and League of City staff about school siting. Councilors

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discussed other legislative issues. Councilor Burkholder then talked about action taken in Washington concerning the High Occupancy Vehicle Lane and their decision.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:55 p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 10, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	5/12/05	Metro Council Agenda for May 12, 2005	051005c-01
2	Summary	5/10/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Summary of Nature in Neighborhoods amendments	051005c-02
2	Draft amendments	5/10/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Amendments to Resolution No. 05-3577	051005c-03
2	Draft amendments	5/10/05	To: Metro Council From: Chris Deffebach, Planning Department Re: Amendments to Ordinance No. 05-1077	051005c-04
4	Pre-Application Summary	5/10/05	To: Metro Council From: Andy Cotugno, Planning Director Re: TGM Program Services 2005-07 Biennium Pre-application summaries	051005c-05