

# MINUTES OF THE METRO COUNCIL MEETING

May 7, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Susan McLain, Patricia McCaig, Ed Washington, Lisa Naito, Don Morissette

Councilors Absent: None

Presiding Officer Kvistad convened the Regular Council Meeting at 2:06 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATIONS

**Art Lewellen, 3205 SE 8th Portland Oregon** introduced himself and continued his commentary in favor of his LOTI alignment for a light rail system instead of the South North alignment that Metro was contemplating.. He gave the Council 2 documents including his reply to the city of Portland's review of a presentation he had given for them last August.

He read... "it is important for citizens regarding public capital investment to receive a response,. Failing to adequately reply inform and/or assist citizens discourages alienates and breeds distrust of planning agencies and dissatisfaction with the process and outcomes....

He read another document, regarding the Oregonian printing 20 responses to the question it asked regarding South North light rail. Four opposing, 7 opposing specific alignment segments, 9 supporting. He stated that the Oregonian had distorted the truth about the submissions containing overwhelming support of South North. He called for independent investigation of submissions to check accuracy. He gave copies of his documents to the Council.(A copies of both of these documents can be found with the permanent record of this meeting.)

**John Junkin, CAPS, 888 SW 5th Avenue, Portland, OR,** appeared on behalf of Citizens for Accountability for Prison Sitings (CAPS) a newly formed organization against the proposed Tualatin-Wilsonville alternative site for the women's prison. He wanted to talk about Metro's role in accountability for the siting. He explained that his organization did not want to foist the prison on any other neighborhood or community but they were very opposed to the siting plan now. He detailed the zoning and said the siting was wrong for a prison. He pointed out that the site was not in first tier Urban Reserve. He pointed out that no input by citizens was planned into Metro's expansion of Urban Reserve

boundaries that were involved with the prison siting and he thought that would bring problems because there was nothing in the record that this exceptional land would be industrial use. Metro specifically found last year that expansion in the manner now being considered would violate Metro's RUGGOs. He asked Metro to review a schedule he had. He also mentioned that Metro had said they would do an environmental plan for area 42.

**Lou Ogden**, Mayor of Tualatin, said he would talk about prison siting philosophy instead of other things he could have talked about. He brought up the concept of NIMBY and said this was not the reasoning here. He said it was a quality of life matter that made him against the prison at the Tualatin site. He said he would be against a prison in Tualatin or anyplace else in any neighborhood site. He suggested letting the state supersite the prisons. He said providing planning for land use for prisons in urban settings went against the concept of urban form he felt the region was looking for. He strongly felt prisons didn't belong in communities.

**Councilor Washington** excused himself from the meeting due to reactions to medication taken for his allergic reaction the previous evening.

**Jeff Burke**, 22765 SW Eno Place, Tualatin, OR 97062 said he moved to Tualatin from Wisconsin because of the city's schools, surroundings, and moral character. He explained that he was within 1 mile of the proposed alternative prison site and was shocked that such a siting was possible. He showed a videotape of a meeting in Tualatin with over 300 concerned residents in attendance. He said the videotape represented very well the large number of people concerned about the alternate prison site being used. He read from and wanted to ask a question of Council about something in the packet he received from Margie Taylor at the Division of Corrections:

"421-628. Effective decision of correction facility siting authority notwithstanding ORS, or any other provision of law, including but not limited to statutes ordinances, regulations, and charter provisions, the decisions of the corrections facilities siting authority, if approved by the governor, shall bind the site and all counties, cities and political subdivisions in this state as to the approval of the sites and the construction and operation of the proposed corrections facilities. Affected state agencies, counties, cities and political subdivisions shall issue the appropriate permits, license and certificates and enter into any intergovernmental agreements as necessary for construction and operation of the facilities subject only to the conditions of the siting decisions."

**Melanie Pennington**, CAPS President and Founder, 10365 SW Day Road, Sherwood, OR 97140 said there was an incredible amount of support for CAPS in the month since it had been formed. She said there was a lot of opposition to the alternative prison site. She said the group was interested in the truth and read from Metro's Resolution 98-2623A which was to encourage the governor to consider the alternate location. She pointed out that the background and analysis section of the staff report stated the proposed Wilsonville industrial site was primarily zoned Rural-Industrial and located inside Metro's Urban Reserve area. She reminded the Council that several people had already

discussed that this was not true and the area was definitely not industrial. She said it was also not entirely within the Urban Reserve because there was a proposed legislative amendment to bring it into the Urban Reserve. She said she did not see anywhere in the siting process where the city affected could pick another piece of property and get DOC and Metro to help bring it in and make it viable. She said the governor clearly stated in his letter that the Dammasch site was a very good site and not inadequate for construction and/or operation of the correctional facility.” She said she did not see how this made the alternative site a “special need”.

**Alison Browdie**, 9840 SW Lumbee Lane, Tualatin, OR, 97062 commented that the Resolution 96-9623A and paraphrased “if the DOC selected this site Metro would try to take steps to allow its use as a prison site consistent with Oregon land use laws.” She said it had been explained to her that Chapter 3.01 of the Metro Code would outline Metro’s approach to making decisions about this matter. She pointed out that Chapter 3.01 said first tier Urban Reserve land would be brought into the reserve first. She said that 60 acres of this 103 acre alternative site were not only not in First Tier land but not within the reserves at all. She also felt this was not “special need” because the governor and DOC had already noted that other land already within the boundary was appropriate. She summarized criteria in Chapter 3.01 and said it was clear that the intent of this Chapter did not meet with the alternative site plan. She asked if Metro did not consider themselves bound by the 421-648 and why Metro had decided to involve themselves in the matter. She asked who was funding Metro in this matter and why had it not sought input from affected communities.

**Lori Duffant**, 22640 SW Miami Dr., Tualatin, OR 97062 appeared as a concerned citizen and said she opposed the alternative siting and the way it was being pushed so hard and fast to make it happen. She said she researched her new home when she moved here from Seattle and was told the siting had already been done and approved so she moved where she did. She said the alternative site was being mis-characterized and misrepresented to the public. She reported that the Dammasch property was already owned by DOC and cited the governor’s letter regarding the property. She noted costs and problems of the alternative site. She asked why the process was being fast tracked and asked in this was what Metro meant by livability.

**Julie Burke**, 22765 SW Eno Place, Tualatin, OR, 97062 spoke against the alternative prison site. She said she became factually informed about the alternative site since she found out it was being considered a month ago. She said the degree and extent of Metro’s involvement in the alternative site matter was not right. She said the land in question was outside Washington County’s Urban Growth Boundary. She brought Resolution 97-37, passed in Washington County in 1997, which opposed siting outside the Washington County UGB. Washington County had sent a letter to the governor opposing the plan. She said Metro was accountable to all people concerned and not one group or city. The governor’s directive was to consider the alternative site further. Ninety days was given to refine analysis, not to amend UGBs. She asked the Council to review and research the information they had for accuracy, consistency and equality. She said most important was for Metro to study what, if any, role they should take in the process.

**Darren Pennington**, 10365 SW Day Rd., Sherwood, OR, 97140 said he was absolutely opposed to the alternative site because his “L” shaped property bordered the site on 2 sides. He expressed deep respect for Metro and the land use process. He said there were some problems regarding the alternative prison site. He distributed copies of a 3 page memo from Larry Shaw to Mike Burton dated one month ago regarding the Wilsonville “special needs” UGB Amendment Process. He said the memo spoke to bringing UR 42 legally into the UGB. He said he was disturbed by the references to “strategy decisions” and how to make the process faster. He felt the tone was inappropriate to a body such as Metro and was an outline to fast-track a prison outside the UGB without minimal process. The memo pointed out the letter of the law but not the intent. He said even his average sense of smell told him that this was “fishy”.

**Rich Gentes**, 24925 SW Garden Acres Rd., Sherwood, OR, 97140 lived in UR 42 and across from the proposed alternative site. He said the city of Wilsonville was trying to pass on to the rural residents of Washington County a dis-service that was implemented on them by the state. He said this was outside their jurisdiction and they had been telling half-truths. He felt Metro Council had been too quick in accepting the unsubstantiated claims and altering their agenda in support of the Wilsonville effort to alter the land use of the area. He recalled that Councilor McLain had spoken to a group in Wilsonville a year ago and stressed the 2040 plan and the need for additional high density housing due to rapid population growth. He said the URGBs were displayed and the need for high density housing was emphasized but at no time was the need for more industrial or commercial land mentioned. He requested the Council to re-evaluate the land use and the 2040 plan for this area and leave the job of prison siting to the DOC and the state. (A copy of this letter can be found with the permanent record of this meeting.)

**Miq Millman**, 22465 SW Grahams Ferry Rd, Tualatin, OR 97062 spoke of his belief that Metro should not be and was not now involved in prison siting. He spoke about the UGBs and the circumventing of the due process to evaluate the prison site land as a whole. He quoted 98-23A statement of the governor “...if picked, then steps will be taken”. He pointed out that the site had not yet been picked and steps were already being taken. He said a lot of information about the site was based on future plans. Much of the information released to Metro was based on changes that Wilsonville has planned for when the site was incorporated into the city limits. He asked the Council to think about the amount of their time and money from the taxpayers had been put into the lengthy and involved 2040 planning process. He asked them to check into their facts on the siting decision.

**Cathy Oyster**, 22015 SW 106th Place, Tualatin, OR 97065 thanked Metro Council for taking on their unique responsibility. She asked Metro to explain if they were planning to follow Metro agencies in others area trying to develop viable communities or were viable prison sites the goal. She said she would look forward to hearing from Metro in the next 45 days on that question.

**Susan Rychlick**, 25190 SW Grahams Ferry Rd., Sherwood, OR. 97140 spoke of her family and told how Sherwood took 3 generations of kids went to school from their property when the other areas were not interested. She said it scared her to think Wilsonville could come in and condemn her property to build a prison when they had never been involved with the area with services or any other way. She urged the Council to reconsider before taking any hasty decisions on changing the boundaries.

**Gary Rychlick**, 25190 SW Grahams Ferry Rd., Sherwood, OR 97140 echoed his wife's concerns and said he was scared to have somebody with the opinion that his area was blighted and under used be the representative of his interests for getting it annexed into a city.

**Rick Yarnall**, 22675 SW Miami Dr., Tualatin, OR 97062 said he had recently moved from South Dakota and was very unfamiliar with the Metro government body and where it fit into the big picture. He said he wanted to speak out against the alternative prison site. He said he had not shown his house that was on the market to a single person in 5 weeks and blamed it on the prison being planned there. He said it would cause severe monetary hardship on him as he had already bought another house there expecting to be able to sell his old one quickly. He asked why Metro was involved in the decision and said he hoped they would oppose the site.

**Dan Willis**, ORPS, 10811 SW Hunt Ct, Wilsonville, OR 97070 voiced his appreciation of Council's Resolution to consider the site and willingness to keep an open mind for alternatives. He said while he did not endorse the governor's executive decision to site a prison in the tri-county area, it did fit within the 1 mile buffer that some had so diligently work for with the legislature in the past months. He said Dammasch was immediately next door to school and near other schools and residences. He said he did not agree with the tri-county area for prison siting, but another site within the 1 mile buffers needed to be found.

**Terry Withers**, 33900 NE Wilsonville Rd., Newberg, OR 97132 said the buffer was objective, it was true but the intent was to site prisons within appropriately zoned places. He said the Wilsonville industrial site met the intent of the Oregonians for Responsible Prison Sitings (ORPS) criteria. Because of that Wilsonville passed a resolution of interest to site the intake center. They were the only community to do so. He said the site would be in Tualatin not in Wilsonville but the issue had been made into a Wilsonville problem. He said they were resolving it the best way they could. He said the problem should be solved in a regional cooperative manner.

**Joanne Mills**, 10980 SW Matzenor, Wilsonville, OR 97070, a member of ORPS, said Metro would be deciding some of the UR and UGB issues in June. She felt it was important to state ORPS's position regarding the site because so many people had spoken today. The prison siting process had been going on for about 2 years. ORPS started out trying to get a 2 mile/3 mile rule passed in the legislature: 2 miles from schools and 3 miles from homes. That was from national standards. The citizens in the area had no general support for such a rule. The legislature overwhelming supported the one mile

limit. The prison was not going in eastern Oregon or somewhere in the desert. The Wilsonville area had been targeted because of its location and access to I-5. She said it would be an intake center for all of the prisons in the entire state. Wilsonville had passed a resolution of interest. The prison would go in the middle of the housing that the area so desperately needed or it could go in the heart of a present or future industrial area.

**Mayor Charlotte Lehan**, Mayor of Wilsonville, 29786 SW Lehan Ct., Wilsonville, OR 97070 reiterated that Metro was not siting the facility or even considering a change that would allow siting the facility. She said Wilsonville was not siting the facility. The State of Oregon had the authority under super siting to put it anywhere they wanted to and Wilsonville was where they wanted. Our role was to try to come up with a response that makes the best regional land use sense in terms of preserving the ability for existing land use plans to go forth, housing and commercial and industrial land that is in need in the Urban Reserve.

**Stephen Lashbrook**, Planning Director, City of Wilsonville, PO Box 1282, Wilsonville, OR 97070 pointed out that there had been a lot of inaccurate information. In response to people saying the property was in Wilsonville or Sherwood or Tualatin, he pointed out that the UR map showed UR 42 directly adjoined the city of Wilsonville. He said Wilsonville would have to plan for and provide services to it and they were doing the best they could on that account. He said the statement regarding the property not being within areas designated for urban planning by Wilsonville was not accurate. Wilsonville was already doing UR planning for that area. He said the statement that the site and size of the prison would not allow for buffering was not accurate based on the information he had received from the DOC. He said part of Wilsonville was indeed in Washington County.

### **3. EXECUTIVE OFFICER COMMUNICATIONS**

None.

### **4. AUDITOR COMMUNICATIONS**

**Alexis Dow**, Metro Auditor, updated Council that 3 audits were in process and 3 more were being started. She said 2 departments in the administrative services division had been scheduled to participate in the national benchmarking survey and she had selected Deloitte & Touche as the new auditors for Metro's financial statements. She said a review of the controls of the cash collections in outside locations was in process and a survey of each operating department that would make sure plans were working "as planned" was in the works. She reported a continuing effort to report back to Council with the statistical overview of trends that Metro fell into. She also reported work on finalizing an RFP to review the implementation of the InfoLink.

### **5. MPAC COMMUNICATION**

**Councilor McLain** said she and Councilor Naito had attended the Coordinating Committee who was setting up the agenda for the joint meeting on May 28. She said the

committee was looking forward to a conversation on regional funding and infrastructure costs that would help with the 2040 growth concept and all of the elements involved in the Functional Plan as well as the Regional Framework Plan.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the April 23, 1998 Regular Council Meeting.

**Motion:** **Councilor McFarland** moved to adopt the meeting minutes of April 23, 1998 Regular Council Meeting.

**Seconded:** **Councilor Morissette** seconded the motion.

**Vote:** The vote was 7 aye/0 nay/0 abstain. The motion passed unanimously.

## 7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 98-746**, Amending the FY 1997-98 Budget and Appropriations to recognize \$44,000 in new grant revenues, reclassify certain expenditures, transfer funds from the Regional Parks Fund Contingency to various line items within the fund; and declaring an emergency

The clerk read the ordinance for the first time by title only. Presiding Officer Kvistad sent Ordinance No. 98-746 to Finance Committee.

7.2 **Ordinance No. 98-747**, Amending the FY 1998-98 Budget and Appropriations Schedule transferring \$4,000,000 from Open Space Fund Contingency to Capital Outlay in the Open Space Fund in Regional Parks and Greenspaces department to provide funding for unanticipated expenditures; and declaring an emergency

The clerk read the ordinance for the first time by title only. Presiding Officer Kvistad sent Ordinance No. 98-747 to Finance Committee.

## 7. ORDINANCES - SECOND READING

7.1 **Ordinance No. 98-730**, For the Purpose of Amending Ordinance Nos. 96-647C and No. 97-715B, to amend Title 3 of the Urban Growth Management Functional Plan, and amend the Regional Framework Plan, Appendix A, and adopt the Title 3 Model Ordinance and Water Quality and Flood Management Maps.

**Councilor Naito** presented the ordinance. She said the stream and floodplain protection plan had taken a number of years to develop. She said her district had lost a lot of streams to development and she hoped this ordinance would prevent future mistakes regarding streams and wetlands. She said this ordinance would create a solution for 2 main issues, water quality improvement and floodplain protection. She referred to the Functional

Plan's policy on water quality and floodplains and read the requirements for new development. She said the plan had full review and input from WRPAC, MTAC and MPAC. She reviewed the Growth Management Committee work coming up. She thanked the people who testified on the issue today.

**Councilor Morissette** concern was the impact on property rights. He felt the language of Title 3 would affect 30,000 - 40,000 existing households who deserved to be notified that the new setbacks would affect them and give them a chance to voice their opinions and concerns. He urged prudence in moving forward.

**Councilor McFarland** asked what kind of consideration Council had for notifying the affected households.

**Councilor Naito** answered that the wetlands and notice issues had been set aside to be dealt with at the May 28 Growth Management meeting so there was no real answer to that question yet.

**Councilor Morissette** said his problem with local governments doing the notifying was they had very little room to maneuver. His goal was to make sure a process to bring back concerns was in place after notification. He believed there was a solution and said he was afraid it would not get a proper hearing.

**Presiding Officer Kvistad** asked if the committee had considered the potential federal impacts on the watersheds due to the salmon listing issue.

**Councilor Naito** said more information could be brought on that matter.

**Councilor McLain** clarified that after the public hearing she would be responding to Councilor Morissette's comments.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-730.

**Amanda Fritz**, Friends of Arnold Creek, 4106 SW Vacuna St. Portland OR 97219 requested deletion of Section 3 Part A Lines 30-32 and Lines 37-40. This would delete the option for jurisdictions to allow incorrect maps to prevail over language specifying the resources to be protected. She said she had not heard a good explanation for why this should be included since she asked for the deletion the last time.

**Councilor McLain** responded she would carry the amendment to WRPAC for debate. She said she was not finished reviewing the request at this time.

**Mike Houck** was not present when called.

**Anne Nickel** of the Columbia Corridor Association, PO Box 55651, Portland, OR 97238 said she spoke for several hundred property owners and over 2,800 businesses in the 28 square mile prime industrial area. She said the area housed 48% of the vacant industrial



land. She wanted to make clear that the business community was indeed interested in this process but had to rely on people like her to bring the message while they operated their businesses. She said they understood and supported the need for Metro to coordinate and facilitate the region-wide effort. She said they were not asking that any goal be changed or undermined, but did want to ask where was the balance if you chose to preserve any wetland, even those classified as insignificant by state criteria, at the expense of other goals and allowed insignificant wetlands to be filled and mitigated. She said that would allow maximum use of the land by encouraging development of upgraded water resource areas. To minimize the pressure on the UGB expansion. She felt creative use of the land would be required for job creation and housing density. She said go ahead and set standards and see that they are met, but also grant enough flexibility that jurisdictions and developers could creatively develop a site and meet all the goals of the Functional Plan. She said that Metro staff had said that flexibility was built into Title 3. She said that when it added months to the process and thousands of dollars in legal engineering and environmental consulting fees, flexibility might be created, but at the same time it was a huge disincentive. She said it forced the developer to do the least possible environmentally in order to maintain an economically viable project. She said there were many examples where creatively approaching the development of a site had resulted in all goals being met. She said the Columbia Corridor had thousands of acres protected behind dikes where flood management was mechanically controlled. She pointed out that during the 1966 flood the dike areas were dry because the water was drawn down in preparation.

**Kelly Ross** of the Home Builders Association of metropolitan Portland echoed Ms. Nickel's remarks supporting and recognizing the need to ensure water quality and flooding. He said they did not believe measures to contradict or undermine other goals in the 2040 project should be adopted. He said Title 3 impacted the buildable land supply and a serious impact on transportation access. He said it also did not consider the ripple affect that it would have on future subdivisions. He noted his written testimony regarding the current definition of development. He suggested some changes in the definition. (A copy of the written testimony can be found in the permanent record of this meeting.)

**Tim Warren**, Columbia Corridor Association, NAIOP, 12031 NE Marx, Portland, OR 97220 introduced himself as the president of the Three Oaks Development Company who had been doing responsible development in the area for the last 20 years. He spoke regarding the definition of wetlands and the lack of definition of insignificant wetlands in Title 3. He pointed out a 100 acre industrial park project and explained the insignificant wetlands involved in the project. He explained a project that through mitigation had made 63 acres of significant wetlands out of them. He pointed out that there was a loss of industrial land in doing so. He urged that Title 3 have a designation and process for insignificant wetlands.

**Beverly Booken**, 621 SW Morrison, Suite 200, Portland, OR. spoke on behalf of the Commercial Real Estate Economic Coalition (CREEC) which represented more than 5,000 individuals and businesses and 13 organizations involved in the development, sale and leasing of retail office and industrial properties. She concurred with comments made

by previous speakers that the development community was not opposed to water quality but there was a need to balance with job creation and efficient land use. She said the people she represented provided the jobs in the jobs/housing balance. She named 3 specific issues: 1) she urged Council to refine the definition of wetland to distinguish between significant and insignificant wetlands; 2) she raised points previously mentioned by Councilor Morissette regarding the large number of households that would be affected by Title 3; and 3) they felt applicants who were already in the process of obtaining permits but had not exercised them should be exempted. (A copy of her written testimony is included in the permanent record of this meeting.)

**Gregory Robart**, Oregon Department of Fish and Wildlife, 17330 SE Evelyn St. Clackamas OR 97015 offered testimony in support of Title 3. He said they supported the model ordinance as an important public policy that served to help protect the biological integrity of metropolitan waterways. He touched on highlights of written testimony he submitted. (A copy of this testimony can be found in the permanent record of this meeting.) He suggested that a field verified map be adopted by the city or county. He suggested that the table in the model ordinance was confusing and should be altered for ease of understanding. He was concerned about the language that would adjust the removal of debris. He pointed out that while it was important to clean up streams, large woody debris was important to the streams and should be left alone. He was concerned about too much flexibility and said the definition of wetlands be adhered to.

**Mike Houck** was representing the Audubon Society of Portland and the natural resources working group of the Coalition for a Livable Future, 5151 NW Cornell Rd Portland OR 97210 urged Council to read his written testimony in full and said he would focus on 3 specific issues: 1) He outlined his rationale for not going in the direction just commented on or the direction of the legal counsel; 2) He said that the maps/language issue needed to be resolved; and 3) he felt there was plenty of flexibility allowed for in Title 3. He said his groups would be opposed to changing in mid-course what they understood Title 3 to be intended to do, to recognize the importance of wetlands for water quality purposes throughout the metropolitan region. He said at no time in their discussions was the issue of culling insignificant wetlands from significant wetlands ever mentioned. (A copy of his written testimony can be found in the permanent record of this meeting.)

**Bill Briggs**, owner of Fuel Processors, 4150 N Suttle Rd, Portland OR 97217, which disposed of many things people did not know how to get rid of like oil and grease, etc. He said he was an environmentalist but felt it was now an issue of protection of property rights. He said the result of this would be he could not expand and would have to move his business. He said he would lose approximately \$200,000 in property value and the site would become unusable to him. He said there were ways to work together and those should be explored.

**Doug Neeley**, Oregon City Commissioner, 712 12th St. Oregon City OR 97045 supported Title 3 and referred to page 5 Exhibit A, #3 where he read "lots and parcels which were fully or predominately within the water quality resource area and were demonstrated to be unbuildable by vegetative corridor regulations, cities and counties

shall reduce or remove vegetative corridor regulations to assure the lot or parcel will be buildable while still providing the maximum vegetative corridor practicable. Cities and counties should encourage land owners to voluntarily protect these areas through various means such as conversation easements.”

He said he was concerned about this working and felt 2F covered most of it. He felt the only difference had to do with mitigation. He said #3 did not define buildable.

**Peter Teneau**, 2715 N. Terry St., Portland, OR 97217 said he represented Friends of Smith and Bybee Lakes for this meeting. He said they supported Title 3 without any amendments. He opposed the additional flexibility language called for in amendments before Council. He urged the definition of the term wetland be that used by the Division of State Lands and the Army Corps of Engineers. He made a personal statement that the intent of Title 3 was clear, but it was also clear to those who worked on wetland issues that every square yard of wetland had value. He said Title 3 was a good ordinance and Council should not allow amendments to gut it.

**Beth Woodward**, 6102 SE 46th Ave, Portland OR 97221, member of the Coalition for a Livable Future expressed support for Mike Houck’s testimony and his effort to take the teeth out of Title 3. She said the definition of any wetland should not be tied to a map. She agreed that there were no insignificant wetlands. She asked Council to vote in the public interest rather than developers and individual property owners.

**Doug Bollam**, PO Box 1944, Lake Oswego, OR 97035 passed out copies of his written testimony in support of Title 3. He felt the Council had been very attentive to this matter and the staff had done a good job and complimented some of them. He mentioned a conflict in the model ordinance with the application requirements and the development standards. He asked Mr. Helm to look the language over. (A copy of this testimony can be found with the permanent record of this meeting.)

**Mary Vogel**, Friends of Rock, Bronson and Wilson Creeks, 1844 SW Custer St. Portland OR 97219 had to leave, but her testimony is included as part of the record.

**James Dalton**, Friends of Newell Creek Canyon, PO Box 3, Oregon City, OR 97045 said in the past 15 years he had been involved in a lot of watershed issues. He said one of the reasons to adopt these kinds of ordinances was to eliminate the ambiguity of definitions of terms. He felt Title 3 addressed a lot of these issues. He said a map was a good tool but should not be relied on instead of words.

**Michael Lilly**, 1 SW Columbia St. Suite 1850 Portland OR 97250 an attorney, spoke as Chair of Housing and Land Use Committee for Tualatin Valley Economic Development Corporation. He had previously mailed his testimony to Council. He suggested the significant wetlands definition crafted by the Division of State Lands since January 1997 be adopted. He urged Council to look that over and use it as a standard. (A copy of his testimony is in the permanent record of this meeting.)

**Gayle Killam**, Oregon Environmental Council Water Program Director, 520 SW 6th, Suite 940 Portland, OR 97204 said Title 3 appeared to her and the OEC to be the way Metro would have to step up to the plate. She said the early adoption and quick implementation of Title 3 was important because water resources had been playing catch up through the whole Functional Plan and Regional Framework process. She said Title 3 took the first steps to address the salmon listing. She mentioned the language vs. maps debate and said the maps would never be perfect so the language should prevail. She said in the wetlands debate she felt the definitions already in place with the state should be used.

**Robin Plotkin** 9397 NW Fox Hollow Ct, Portland, OR 97229 representing Friends of Fox Hollow urged Council to adopt a strong Title 3 that would eliminate exceptions for development of wetland areas. She stated support of Mike Houck's testimony today.

**Robert Baumgardner**, State of Oregon Department of Environmental Quality reiterated their support sent in letter form already. He said this was an important first step but many more actions to protect water quality would be needed. He said the expanding list of endangered only demonstrated the failure to meet obligations to protected water quality and resources. He said state agencies were spending a lot to recover lost areas and it would be more cost effective to protect them than recover them.

**Rebecca Kreag**, Bureau of Environmental Services, 1211 SW 5th Ave #8 Portland, OR spoke in support of Title 3 program and felt the flexibility was sufficient to allow different approaches to the problems. She felt the buffer areas were most critical but not the total solution. She said point source controls would be lost in a stream without an adequate buffer. She felt Title 3 was critical and supported it strongly.

**James Olson**, Councilman, city of Happy Valley, 12378 SE Wagner St. Happy Valley, OR 97235 submitted a written statement in agreement with the intent of the Title 3 model ordinance amendment. He had a concern about Metro LCDC overlapping. He said he did not see any problems in implementing Title 3 in Happy Valley.

**Tom Epler**, 43465 SW Hiatt Rd Forest Grove, OR, a Washington County resident living by Gales Creek on a dike. He wondered how his property would be affected since he was outside the UGB. He felt Title 3 was a good thing. He said a big problem was the vegetative corridor because his dike did not have enough room to allow for the buffers and he used it for a road.

**Presiding Officer Kvistad** closed the public hearing.

**Discussion: Councilor McLain** said she was very interested in the conversation on the language vs. the map and that there were some issues that hadn't been aired at the Growth Management Committee, she would take them to the May 28 meeting. She felt the language vs. the map conversation would be helpful in the definition of wetland. She said the issue of how Title 3 affected land outside the UGB was important and would be

looked at. She thanked Council and public who testified for the new issues and added information.

**Councilor Naito** reviewed the schedule of hearings coming up on the item. She said Growth Management Committee had scheduled a special meeting Thursday May 28 at 2:30 PM to deal with all of the outstanding issues.

7.2 **Ordinance No. 98-735**, For the Purpose of Lowering the Minimum for the Group Discount Classification from 25 to 20 persons and Granting Complimentary Admission to the drivers and escorts of Pre-formed Tour Groups at Metro Washington Park Zoo.

**Motion:** **Councilor Naito** moved to adopt Ordinance No. 98-735.

**Seconded:** **Councilor McFarland** seconded the motion.

**Councilor Naito** said the title of the ordinance was self-explanatory, and further comment was unnecessary.

**Presiding Officer Kvistad** opened a public hearing. No one appeared to speak with regard to the legislation. Presiding Officer Kvistad closed the public hearing.

**Vote:** The vote was 7 aye/0 nay/0 abstain. The motion passed unanimously.

## 8. RESOLUTIONS

8.1 **Resolution No. 98-2634A**, For the Purpose of Approving the Year 9 Annual Waste Reduction Work Plan for Metro and Local Governments.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2634.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor McLain** said each year the goal was to reduce the waste even more that the year before. She noted in the staff report that the work plan was the same as last year's and would be pass through money to help local jurisdictions for projects that Metro approved of as far as helping carry out the Waste Reduction Plan. She said the committee had agreed to review the goals and effectiveness of the plan to see how the money was working or if it would need to be reconstructed for next year.

**Vote:** The vote was 7 aye/0 nay/0 abstain. The motion passed unanimously

**Presiding Officer Kvistad** recessed the Metro Council Meeting and convened the Contract Review Board.

## 9. CONTRACT REVIEW BOARD

9.1 **Resolution No. 98-2628**, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.040.044, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for the Sponsorship of the Annual SOLV-IT Clean Up Event.

**Motion:** **Councilor Morissette** moved to adopt Resolution No. 98-2628.

**Seconded:** **Councilor McFarland** seconded the motion.

**Discussion:** **Councilor Morissette** introduced Jack McGowan to speak.

**Jack McGowan**, Executive Director of SOLV, recapped what happened on Earth Day this year. He said it was the 9th annual SOLV-IT. He said 94 sites in 6 counties were targeted and they had in excess of 2300 volunteers. He estimated over 1.5 million pounds of illegally dumped materials and woody debris had been collected along with 2400 tires and other recyclable stuff. 709 tons of debris was collected and wetlands were cleaned up and replanted with native plant species. He invited everyone to participate in Paint the Town Clean to eradicate graffiti before Rose Festival.

**Councilor Morissette** closed by saying it was a great program.

**Vote:** The vote was 7 aye/0 nay/0 abstain. The motion passed unanimously.

**Presiding Officer Kvistad** adjourned the Contract Review Board and reconvened the Metro Council Meeting.

## 9. RESOLUTIONS

9.2 **Resolution No. 98-2635**, For the Purpose of Authorizing the Release of Request for Proposal #98-25-PKS for Design and Engineering Services for Improvements to Howell Territorial Park and Oxbow Regional Park.

**Councilor McCaig** moved to adopt Resolution No. 98-2635.

**Councilor McFarland** seconded the motion.

**Discussion:** **Councilor McCaig** said this resolution authorized the release of RFP to do design and engineering services at Howell and Oxbow Parks. She said the total was \$356,000 eligible only for the design piece, phase 1 for both parks. She urged approval of the RFP for the design piece.

**Vote:** The vote was 7 aye/0 nay/0 abstain. The motion passed unanimously.

## 10. COUNCILOR COMMUNICATION

**Councilor Morissette** said he had handed out some information and asked Council to read it. He highlighted the fish restoration part and said there was still a requirement of 20 years for jobs/housing and school sites. He said he brought it up because he felt it was even more inadequate given some of the requirements. He said he was still looking at notification issues.

**Councilor Washington** spoke of his South North tour and wanted to know if any Councilors were interested in taking the tour before the work session.

**Presiding Officer Kvistad** said he would be bringing to Growth Management after the next 2 weeks an Urban ESA Watershed Plan that was a little beyond Title 3. He felt the governor's comments about salmon above Willamette Falls made it necessary.

## 11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 5:01 p.m.

Prepared by,

Lindsey Ray  
Acting Clerk of the Council

Doc. No.	Doc. Date	Document Title	TO/FROM	RES/ORD
1	5/7/98	Testimony on alternate prison siting Wilsonville/Tualatin	Richard Gentes 24925 SW Garden Acres	N/A
2	5/7/98	Oregonian article "Fish Listing Shakes Up City Leaders"	To: Councilors From: Councilor Don Morissette	98-730
3	5/7/98	Title 3 amendment request	Amanda Fritz 4106 SW Vacuna St. Portland, OR 97219	98-730
4	5/7/98	Title 3 and Model Ordinance letter	To: Kvistad From: Kelly Ross Home Builders Assoc. of Metropolitan Portland 15555 SW Bangy Rd, #301	98-730

5	5/7/98	Title 3 letter	Lake Oswego, OR 97035 To: Council From: Anne Nickel Columbia Corridor Association PO Box 55651 Portland, OR 97238	98-730
6	5/7/98	Title 3 letter	To: Council From: Mike Tharp Commercial Real Estate Economic Coalition NO ADDRESS GIVEN	98-730
7	5/7/98	Title 3 letter and aerial map	To: Council From: J. Timothy Warren Three Oaks Development Co. 12031 NE Marx St. Portland, OR 97294-3999	98-730
8	5/7/98	Water Quality and Flood Management Area Model Ordinance general comments	From: Gregory Robart Oregon Dept. of Fish and Wildlife	98-730
9	5/7/98	Title 3 testimony/letter	To: Council From: Mike Houck Audubon Society of Portland	98-730
10	4/6/98	Title three testimony/letter	From: W. L. Briggs Fuel Processors, Inc. 4150 N Suttle Rd Portland, OR 97217	98-730
11	5/7/98	Title 3 letter	To: Council, Burton From: Mary Vogel Friends of Rock, Bronson, & Willow Creeks 220 SW Salix Terrace Beaverton, OR 97006	98-730
12	5/6/98	May 7 Public hearing on Title 3 amendments letter	To: Council From: Daniel Kearns Preston Gates & Ellis 111 SW 5th Ave, #3200 Portland, OR 97204	98-730
13	5/4/98	Title 3 letter	To: Council From: Michael J. Lilly 1 SW Columbia St., #680 Portland, OR 97258	98-730
14	5/7/98	Title 3 letter	From: James M. Olsen	98-730



15      4/18/9      SOLV-IT Campaign press  
8                release

Happy Valley City  
Councilor  
NO ADDRESS  
From: Jack McGowan      98-2628  
SOLV  
PO Box 1235  
Hillsboro, OR 97123