

MINUTES OF THE METRO COUNCIL MEETING

May 31, 2001

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Rex Burkholder, Rod Park, Bill Atherton, Rod Monroe, Carl Hosticka

Councilors Absent:

Presiding Officer Bragdon convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

Presiding Officer Bragdon introduced James M. Bernard, Mayor of the City of Milwaukie.

2. CITIZEN COMMUNICATIONS

None.

3. GREAT BLUE HERON WEEK DELCARATION

Mike Houck, Audubon Society of Portland, explained that in the 15 years since the Great Blue Heron was adopted as its official city bird, the Portland City Council had each year detailed by proclamation their pledge with respect to water quality, fish and wildlife habitat inside the City of Portland. The heron is a symbol for that commitment. He reported on several canoe/kayak tours coming up in the near future and other events of interest to nature lovers.

Councilor McLain said she had noticed a lot of the school children in her area had some of these programs on their lists of things to do for the summer.

Ron Klein, Metro Parks and Greenspaces, commented on the hard work done to establish natural environments in the metropolitan setting to provide places for critters such as the great blue heron. He read the declaration for Great Blue Heron Week.

Motion: **Councilor Atherton** moved adoption of the Great Blue Heron Week declaration. .

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

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion to adopt the declaration passed unanimously.

4. EXECUTIVE OFFICER COMMUNICATIONS

None.

5. AUDITOR COMMUNICATIONS

None.

6. MPAC COMMUNICATIONS – PARKS REPORT

Lisa Naito, Multnomah County Commissioner and Chair of MPAC, distributed the MPAC Parks Subcommittee Final Report to the Council. She reported it had passed out of MPAC on a unanimous vote April 25, 2001. She related the essence of the report to the Council. (See copy of the report attached to the permanent record of this meeting.)

Jim Zehren citizen member of MPAC from Multnomah County, and Chair of MPAC Parks Subcommittee, thanked the Metro staff for their hard work and help on the report. He said the committee hoped for a land use/transportation/parks connection like the land use/transportation connection already made. He commented that the committee felt very strongly that unless there was a way to place parks and related lands and facilities, as the region grew and redeveloped, support for the 2040 concept would languish.

Presiding Officer Bragdon accepted the report. He said Councilor Hosticka had indicated the Natural Resources Committee would be studying it.

Councilor McLain said good land use and design of parks was extremely important. She said the Metro Council had been on record in support of parks for years. She thought this report would allow them to figure out just how to do it. She added that the support of the local jurisdictions would help get the job done.

Councilor Hosticka appreciated the process and felt the report gave the Council a good platform from which to operate.

Councilor Atherton noted that there were several options to work out regarding implementation of the plan.

Councilors Park said implementation would require a lot of commitment from the Council and the local elected officials. He was looking forward to the challenge of getting the plan on the ground and making it work.

Councilor Monroe noted the report's comments on the next phases of the project: identifying a source of money to develop and maintain the open spaces and secondly, a second bond for acquisition. He said he was committed to making those steps happen in the next few years.

7. LEGISLATIVE UPDATE

Dan Cooper, Senior Legal Counsel, reported on the legislative activities in Salem from the previous week.

Jeff Stone, Chief of Staff added that the conservation incentives bill, 3564, which had Council approve, passed the House 48-9 and would be moving on to the Senate.

Councilor Park asked for a quick update on the special districts bill which could have an affect on the formation of cities.

Mr. Cooper responded that HB-2978 set up a dynamic where if a city outside the UGB, but inside jurisdictional boundaries, began an incorporation process, it could continue without being subject to the 3-mile veto.

Councilor Monroe said even though the regional transportation authority bill seemed to be going down, there were aspects of it that he understood could be accomplished without legislation. He asked Mr. Cooper for a report on what would be possible under current law in terms of meeting some of the transportation needs of the region.

Mr. Cooper replied that the Transportation Planning Director had also been asking those questions and they would be working together in anticipation of such a presentation.

8. CONSENT AGENDA

8.1 Consideration of minutes of the May 24, 2001 Regular Council Meeting.

Motion: **Councilor Burkholder** moved to adopt the meeting minutes of the May 24, 2001, Regular Council meeting.

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

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion to adopt the minutes passed unanimously.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 01-907A**, For the Purpose of Amending the Metro Code Chapter 5.02 to Modify the Charges for Household Hazardous Waste Accepted at Metro Facilities and Metro Hazardous Waste Collection Events.

Motion: **Councilor Atherton** moved to adopt Ordinance No. 01-907A.

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

Councilor Atherton reported that the Solid Waste & Recycling Committee had unanimously recommended approval of the ordinance. He gave a brief explanation of the reasoning behind the ordinance.

Councilor Monroe strongly supported ordinance. He said it is a direction they should have taken a long time ago to encourage people to dispose of household hazardous waste properly. He said it was odd that folks who took the trouble to take their hazardous waste to a disposal site were charged when those who chose to take their waste to pick-up events were not charged.

Councilor Park understood the hazardous waste disposal program was fairly expensive. He wondered how many vehicles on average used the hazardous waste facilities.

Mr. Houser replied that the principle usage of the facilities was on Saturdays.

Councilor McLain said her viewpoint followed along with Councilor Park's views, that one of the reasons the facilities were not being used so much was because of the fee. She said it seemed they were looking to increase the usage by doing this. She thought they would have to do some advertising to get the word out that the fees would be done away with.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-907A. Nobody came forward to testify so Presiding Officer Bragdon closed the public hearing.

Councilor Burkholder commented that he and Councilors Hosticka and Bragdon had gone to the Metro Central Hazardous Waste facility for lunch and got to ask a lot of questions of the staff. Staff reported that the fee was only a token anyway as the cost to dispose of an average delivery to the transfer station, even though they recycled approximately 80% of what came in, paint, batteries, motor oil, etc., was about \$75.00

Councilor Park thought this was a service that needed to be provided, but the question was whether it was being equitably distributed across the users of the facilities. He felt they should address that some time in the future.

Councilor Atherton urged approval of Ordinance No. 01-907A.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion

9.2 **Ordinance No. 01-909**, For the Purpose of Adopting a Council District Reapportionment Plan, and declaring an emergency.

Motion: **Councilor Monroe** moved to adopt Ordinance No. 01-909.

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

Councilor Monroe outlined the work of the task force and explained the 5 proposals. He said a decision must be made by June 14, 2001.

Presiding Officer Bragdon clarified that the proposal in front of them today was for Draft Alternative Map D, which came forward from the task force.

Councilor Monroe explained the process which brought Draft Alternative D to the Council.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-909.

James Bernard, Mayor, City of Milwaukie, 12255 SE 41st Ct., Milwaukie, OR 97222, spoke in support of Alternative Draft D.

Brian Newman, Councilor, City of Milwaukie, 10577 SE Riverway Ln., Milwaukie, OR, 97222, also supported Alternative Draft D.

Robert Boyer, former Senator from District 8, 4815 NE 7th, Portland, OR, spoke in support of Alternative Draft D. (See copy of his testimony included with the permanent record of this meeting.)

Ray Phelps, 16 Touchstone, Lake Oswego, OR 97035, supported Alternative Draft D.

Kay Durtschi, 2230 SW Caldew, Portland, OR , noted concerns about having more than one councilor representing her area. She was not happy about the notification timeline and felt the Council had put the Citizen's Committee behind the 8-ball. She had contacted over half of the 16 neighborhood associations personally, and said they were all in agreement but did not understand why the coalition would be split. She told the Council that sending the information out by e-mail had been a mistake because the black and white maps were too hard to read. She said the southwest areas felt they had been receiving mixed messages from the Council and did not feel they had enough time to look over the alternatives. She urged the Council to consider Alternative Draft E to keep their coalition together.

Presiding Officer Bragdon clarified for Ms. Durtschi that the timing was driven by the Metro Charter and the U.S. Census data, and done according to various constitutional principles in both the U.S. and the Oregon constitution. He said she was correct that the Council made the rules in terms of the guidelines, but they were working within an established process. He added that the task force had held 4 public hearings to discuss the maps.

Councilor Monroe responded to the question of neighborhood associations across county lines. He said there were some associations that were predominately in Multnomah County, but did cross over into Washington County. He said the testimony from the Washington County folks did not favor being part of districts that were predominately Multnomah County.

Aleta C. Woodruff, 2143 NE 95th Pl., Portland, OR 97220, said Draft D was not satisfactory to her or her group. She spoke in support of Alternative Drafts B or E. She felt very rushed to make a decision. She said it was not good to rush because the decision would last for 10 years and it should be cautiously.

Presiding Officer Bragdon closed the public hearing.

Councilor Burkholder agreed that the process was rushed, but they were compelled by the Charter and had 90 days to start and complete the full process. The start date comes based on when the census data is released. He said he felt good about the process, but thought the public turnout was small because it was an abstract issue. He recommended an aye vote on Map D. (See hard copy of Councilor Burkholder's speaking points included with the permanent record of this meeting).

Motion to Amend: **Councilor Atherton** moved to amend Map D according to Atherton Map Amendment #1.

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

Councilor Atherton said his amendment would take a rural Lake Grove section out of District 3 and put it into District 2. It would also take an area south of I-205 out of District 2 and place it into District 3 to keep the numbers balanced. (see copy of Atherton Amendment Map included with the permanent record of this meeting).

Councilor Hosticka said he could support the amendment.

Councilor Burkholder asked at what level did amendments to Map D become significant and therefore require a new notice.

Mr. Cooper responded that the charter said an ordinance may be amended but not materially revised at same meeting it is adopted. He advised that if the rights of any persons might be affected by the change, to be cautious it should be continued.

Councilor Monroe spoke in support of the Atherton amendment.

Councilor McLain said felt there was more potential for that area to change than some other places. She felt the amendment did not look at anything but numbers, and it did not feel compact. She wanted to be consistent and did not see the wisdom of the amendment.

Councilor Hosticka thought there was a much higher community of interest between that area and other parts of District 3 than there was in the unincorporated Lake Grove area which had a higher community of interest with Lake Oswego than with the Durham area.

Councilor Atherton responded that the amount of change that could be anticipated in the next 10 years in rural Lake Grove would be greater than in south Stafford. He said rural Lake Grove was in the middle of a community plan that clearly anticipated annexation to the City of Lake Oswego.

Presiding Officer Bragdon said it made sense to him and he would support amendment.

Councilor Atherton urged an aye vote on his amendment.

Vote on

amendment: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion to amend passed.

Motion: **Councilor Hosticka** moved to continue Ordinance No. 01-909 to the June 14, 2001 meeting.

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

Councilor McLain said there was no right answer- there would be some community or neighborhood that would be divided. She said federal and state law required equal numbers. She said they were regional representatives no matter where the lines were, and had to be willing and ready to help those communities of interest no matter what district they were in. She said if a community of interest was divided, then it was more than one councilor's responsibility to be sure that community was represented. She noted that there had already been problems identified with Map D in the Gateway and southwest Portland area. She added that she would be voting for Map D by phone on the 14th. She said if they did not vote on June 14th, it would go back to the Executive Officer to decide.

Councilor Monroe noted a letter from Commissioner Dan Saltzman expressing his concerns about dividing southwest Portland neighborhoods. He said he was not sure whether the citizens of outer northeast Portland felt a greater sense of affinity with inner northeast or outer southeast

Portland. He said he was still questioning whether citizens of southwest Portland felt a greater connection across the river with southeast Portland or with downtown and the Pearl district.

Councilor Park reiterated that the decision had to be made by June 14th or the Executive Officer would decide.

Presiding Officer Bragdon added that the reason the item was being held over was because the alternative before them today had been substantively amended. If that was substantively amended again on the 14th it would require either a suspension of rules or the Executive Officer would do the job for Council.

He continued Ordinance No. 01-909 to June 14th with map D as amended by the Atherton amendment #1. He added that the re-notice would reflect the amendment with a complete description.

10. RESOLUTIONS

10.1 **Resolution No. 01-3066**, For the Purpose of Granting Easements and Right-of-Way for Park Use through Metro Property East of Northeast 47th Avenue, near the Columbia Slough.

Motion: **Councilor Hosticka** moved to adopt Resolution No. 01-3066.

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

Councilor Hosticka urged approval of the resolution, which would grant an easement through Whitaker Ponds area. The purpose is to allow the city to construct a swale to collect stormwater and the other is to replace a culvert with a bridge. He said that both projects would have a positive impact on the property.

Presiding Officer Bragdon supported the resolution and said the project was of regional interest that the Council had voted to put some federal dollars into to open up the Columbia Slough to greater length for kayaking and canoeing. He said there were multiple interests that were well served by the resolution.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion passed unanimously.

10.3 **Resolution No. 01-3067**, For the Purpose of Authorizing the Executive Officer to Execute an Intergovernmental Agreement with Tualatin Hills Parks and Recreation District for the Management of Property in the Fanno Creek Greenway Target Area.

Motion: **Councilor Hosticka** moved to adopt Resolution No. 01-3067.

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

Councilor Hosticka urged approval. He said the major function was to create a trail along Fanno Creek as part of the Regional Trails Program.

Presiding Officer Bragdon said he went on a walk with the Friends of Fanno Creek and added that Saturday morning, June 2nd, there would be a dedication of some greenspace along the creek. He supported the resolution.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, and the motion

10.3 **Resolution No. 01-3068**, For the Purpose of Preparing Recommendations for Updating the Regional Trails and Greenways Map.

Motion: **Councilor Atherton** moved to adopt Resolution No. 01-3068.

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

Councilor Atherton reported that the resolution would adopt criteria recommended by the Regional Trails Committee for review of the nominations that would be solicited for updating the significant trails and greenways map.

Motion

to Amend: **Councilor McLain** moved to modify the sentence at the end of the first level to be met to read “If the first level is met then at least ~~three~~ four of the following criteria must be met.”, and on the second level, to add new criteria “(g) Likely that the trail will receive use, including use by citizens from various areas of the region:”

Councilors Atherton and Hosticka, as the maker and the seconder of the motion, accepted the motion to amend as a friendly amendment.

Councilor McLain said the amendment basically made the pool of criteria one larger to talk about the usage of the area. She felt it would make the criteria of a regional trail stronger.

Presiding Officer Bragdon opened a public hearing on Resolution No. 01-3067.

Leonard Gard, 7688 SW Capitol Hwy., Portland, OR 97219, Southwest Neighborhoods, said they were very proud of the southwest urban trails plan that had been adopted by the Portland City Council in July 2000. He said the classification of the trails did not fit very well with Metro’s criteria being considered. He said they could not meet the criteria that said 75% of the trail be off-road. He suggested the first criteria be dropped so all the trails could be considered together and balanced. He felt the local communities should have more say so in designating the regional trails in their areas.

Don Baack, 6495 SW Burlingame Pl., Portland, OR 97201, Hillsdale, testified that the 75% rule knocked out any connectivity other than connecting to a long trail someplace else. He was irritated that the rules made it difficult for their trails to qualify for the system. He suggested a “Walk There” map like Metro’s “Bike There” map. (See copy of his written testimony included with permanent record of this meeting).

Presiding Officer Bragdon said the question before them was a regional trunk network and what Mr. Baack was advocating for was a local trail. He said the two should not be pitted against one another.

Mr. Baack said they had much more dense local trail network identified as well, but his point was that the regional trails plan was not in keeping with people's ranges in their walking. The whole transportation element seemed to focus on bus lines, not where people want to walk.

Presiding Officer Bragdon agreed that all trails were important, and just because a trail was regionally significant did not mean other trails were bad, just not included in a regionally significant network.

Mr. Baack responded that their plan took into account people who used the trails and where they wanted to walk.

Councilor Burkholder commented that the current proposal reflected the split within the agency, that some were looking at the greenspaces and parks, and others were trying to fit the right-of-ways into the plan. He thought Mr. Baack's suggestion that they should look at how the right-of-way parts fit into the off right-of-way parts was a good one, and that was the challenge.

Councilor Atherton did not believe the 75% rule was put into place to keep out the southwest trails, rather they were trying to find a way to provide parkway systems for everyone.

Mr. Baack said his point was they did not need parkways for pedestrians.

Councilor Hosticka commented that the differences were not so much transportation vs. recreation, but definition. He said when staff talked about trails, they thought of them as a physical feature that was a ribbon of concrete, asphalt or barkdust, and Mr. Baack's definition was a place where people walk. People can walk anywhere, and if enough people walk there it becomes a trail. He felt they should approach creating a map of where people could safely and conveniently move about, but did not know if it was the same effort of creating a map of the physical structures in which they were going to invest resources and acquire land.

Phyllis Towne, 2425 SW 19th, #5, Portland, OR hoped that the 75% offroad criteria would be reconsidered so they could still use their safe places for trails. She said she was a hike leader and had walked the Springwater Trail many times. She felt it was tedious and boring while the local trails were interesting and people enjoyed them.

Arthur Griffith, 260 Pine Valley Rd., Lake Oswego, OR 97034, said the Multnomah Athletic Club Trails Group used trails wherever nature provided them, but would also use roads if there were no connections. He also objected to the 75% limitation.

Presiding Officer Bragdon closed the public hearing.

Councilor McLain said if the 75% on-road criteria was just a definition, she understood that, but she was concerned that you can't have the perfect trail in an urban area. New and old areas had to be blended.

Councilor Park said he was trying to resolve why they could not just use two colors on a map, for offroad and concrete, but show how they connect.

Charles Ciecko, Director, Parks & Greenspaces, thought there was some misunderstanding of what the criteria would be applied to. He said they would not be applied to all the trails that were

part of the trails component of the Regional Transportation Plan (RTP), they were talking only about the trails component of the Greenspaces Master Plan, which focuses on natural areas. He pointed out virtually every recreational professional, as well as the majority of the trail uses, would generally agree with the notion that the recreational experience was enhanced by being separate from the roadways. He said that was the driving force behind the Greenspaces Technical Advisory Committee (GTAC) that those trails intended primarily for recreational purposes should meet the first level criterion before being included on the Greenspaces Master Plan Trail Map. He said some of the trails included were also components of the Regional Transportation Trails map as well, but for their commuting value, not their recreational value. He said the Springwater Corridor was a good example of that.

Councilor Monroe defended the Springwater Trail although he agreed there was a boring section along Johnson Creek Boulevard. He said what they wanted to enhance was a network of transportation options. He liked the idea of a map of trails differentiating between exclusive pedestrian or bike routes and routes that could be shared by walkers, runners and bikes. He hoped not to have fights between different categories of outdoor lovers. He would rather increase and enhance opportunities for all citizens to get outdoors to exercise and recreate.

Councilor McLain reiterated that the criterion was simply identifying what was considered a Greenspace recreational trail.

Mr. Ciecko said that was exactly what it did.

Councilor McLain agreed there was a need for a more useful map. She said she could vote for the resolution.

Councilor Burkholder said connectivity was important. He was concerned about funding because recreational trails did not qualify under TEA-21 funding.

Mr. Ciecko said they were aware of that fact. An example of a regional recreational trail would be the Wildwood Trail in Forest Park. He said it was regionally significant in nature, but not an important commuter route. He said other components of the Greenspaces Master Plan Trail Map that did function both ways and as a result were included on the RTP Trails map.

Councilor Park asked if the map would show only the Greenspace trails.

Mr. Ciecko did not think current map showed all the trails.

Heather Nelson Kent, Parks and Greenspaces, said they had been working with the transportation staff to get the regional trails plan map in the RTP to be able to show how it connected to the transportation system, especially the bike and pedestrian portion.

Councilor Park did not have problem with 75% criteria for a regional trail. He asked why they would want to map an incomplete system.

Mr. Ciecko said, at some point, the agency needed to develop one integrated map to show recreational and transportation/commuter trails at the regional level. He said it had not come up as a priority until now, but now he heard from the Council that it needed to be looked at.

Mel Huie, Parks and Greenspaces, Open Spaces, commented that his department had been supportive of southwest trails and had been working with them for last 2 years. He said there was a Fanno Creek Greenway Trail working group.

Councilor Atherton clarified that this was an updating of the current map because they recognized that throughout the region there were some important connections that had been missed in the original concept. He said one could not expect local jurisdictions to build a regional system.

Mr. Ciecko said the 1992 Greenspaces Master Plan Trails Map had only been amended once to add Peninsula Crossing. He said they realized then that there were no criteria on which to base a decision. They undertook to make this collaborative process to generate a recommendation of criteria to consider.

Presiding Officer Bragdon commented that Metro applauded what was happening in Southwest and wanted the regional system to fit into that and function as a network. He said designating a regional system in no way implied that the southwest system was bad or that people should not use those. He was mystified by the implications that this proposal was against something else that was actually in tandem.

Councilor Park said this designation did not preclude doing a surface map as suggested.

Mr. Huie said Greenspaces staff and Transportation staff were working together closely with local trail planners to plan their local trails.

Councilor Atherton urged an aye vote on the resolution.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain, and the motion passed unanimously of those present. Councilor Hosticka was absent from the vote.

11. COUNCILOR COMMUNICATION

None.

ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 4:43 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 31, 2001

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
Parks	April 25, 2001	MPAC Parks Subcommittee Final Report	053101c-01
Redistricting	N/a	Testimony of Robert Boyer	053101c-02
Ordinance No. 01-909	5-01	Burkholder Talking Points	053101c-03
Redistricting	5/31/01	Atherton Amendment map	053101c-04
Redistricting	5/31/01	Fax TO Mike Burton FROM Dan Saltzman supporting Map D	053101c-05
Resolution No. 01-3068	5/31/01	McLain amendment #1	053101c-06
Resolution No. 01-3068	N/a	Testimony of Don Baack	053101c-07
Southwest trails	6/11/2001	e-mail opposed to 75% off road requirement from Marilyn McFarlane	053101c-08
Southwest trails	6/11/2001	e-mail opposed to 75% off road requirement from Wes Risher	053101c-09
Southwest trails	6/11/2001	e-mail opposed to 75% off road requirement from Siegfried Wakefield	053101c-10
Southwest trails	6/11/2001	e-mail opposed to 75% off road requirement from John and Diane Calhoun	053101c-11
Southwest trails	6/11/2001	e-mail opposed to 75% off road requirement from Carl Battjes	053101c-12
Southwest trails	6/11/2001	e-mail from Don Baack to list RE: opposition to 75% offroad requirement	053101c-13