

## NATURAL RESOURCES COMMITTEE MINUTES

July 18, 2001

Metro Council Chamber

Members present: Councilor Carl Hosticka, Chair, Councilor Bill Atherton, and Councilor Susan McLain

Also present: Presiding Officer David Bragdon

**Chair Hosticka** called the meeting to order at 1: 32 p.m.

### 1. CONSIDERATION OF THE MINUTES

The minutes of the July 11, 2001 meeting were moved by Councilor McLain, and approved by Chair Hosticka and Councilor Atherton without revision.

### 2. **Resolution No. 01-3087, For the Purpose of Directing Staff to Apply Functional, Science Based Criteria Identifying Possible Fish and Wildlife Habitat on Region-wide Maps and Reporting Back to the Natural Resource Committee for its Review.**

**Chair Hosticka** asked Mr. Cotugno to read his memo and packet regarding the resolution. **Mr. Cotugno** went through the packets and explained each document for the record. They are attached and form part of the record. **Chair Hosticka** repeated for clarification that the packet included a marked up and clean version of Exhibit A, and also Exhibit A, Attachment C. The marked up version shows what changes had been made to the document along the way.

**Mr. Cotugno** continued discussion on what his packet contained, including; three letters of recommendations from advisory committees, Attachment A which summarizes key issues, and Attachment B which covers about 60 subjects with Metro's response to those issues. **Councilor McLain** said that a lot of the comments in Attachment B did not relate to the decision on the resolution under discussion. She asked Mr. Cotugno if Attachment B had some issues that related to the resolution, or if they were all separate issues. **Mr. Cotugno** said that the comments in Attachment B were mixed, and that some were relevant to the resolution under discussion and some were relevant to future actions as well. He said to focus on the actual amendments in the document to see what was relevant to the resolution under discussion.

**Chair Hosticka** said his intention was to get this on the record, have the public hearing, and then go through the policy questions. He asked Mr. Cotugno to just highlight what MPAC/MTAC had recommended. **Mr. Cotugno** said the first and basic conclusion was that the system of criteria seemed appropriate, and that Metro should map it and see how it applied to the region as a whole. Secondly, that we should define the criteria, if different, for mapping regional resources. Lastly, the committees weren't prepared to say which cut-off line constituted the resource. MPAC/MTAC said to proceed to map the uplands and to include a restoration component. **Councilor McLain** said that she agreed with Mr. Cotugno that MPAC did accept the uplands and that they added restoration, but the staff was to scope restoration, and not necessarily initiate a restoration plan.

**Chair Hosticka** wanted to hear the rest of what Mr. Cotugno had to report on, and save the restoration discussion for later. He said that WRPAC had stated in their letter that staff was to look at the possibilities of the practical aspects of mapping restoration sites.

**Councilor Atherton** asked if the two-step process recommended by MTAC was required by the Oregon Revised Statutes. **Ken Helm**, Senior Assistant Council, said that that was an interpretation of the rule that he didn't share. The rule simply stated that regional resources are Goal 5 resources, and it did not indicate

that there was any specific procedure that Metro must take in determining that resource. The Office of General Council used a rule of statutory construction that stated if the rule didn't say it, then it was not necessarily required, and if the rule was intended to state a two-step process, it would have said that. That does not foreclose the committee or the council from imposing a two-step process if they wanted, but if the Council didn't choose that direction it would also be legally viable under the rule. **Councilor McLain** said that what she just heard Mr. Helm say was that Metro does have some responsibility of location, quality, and quantity. This gets to the question of significance and regional resource. She said she understood Mr. Helm was saying that there was not a set guideline in the state law that indicated that Metro had to do it a particular way. It definitely had to: have an inventory, indicate what was significant, indicate what was a regional resource, do an ESEE analysis, and have a program, but there was no direction on that particular element. **Mr. Helm** said that was correct.

**Chair Hosticka** said that discussion on one-step, two-step would take place after the public hearing.

**Kelly Ross**, Home Builders Association of Metropolitan Portland, submitted written testimony which was attached and included as a permanent part of this record.

**Ed Trompke**, West Side Economic Alliance, wanted to make three points. First, there may be more than a one-step, two-step process. Second, local government services were specifically taken out of Metro's jurisdiction unless MPAC consents to it, sort of like a "veto power" that local governments have over giving up their jurisdiction to Metro. Third, the Framework Plan had in it the contemplation that Metro was not going to adopt any regulations over local government services, if the local governments were already adequately protecting those riparian corridor resources. **Councilor Atherton** spoke to the discussion of local government services. Mr. Trompke had used the term "adequately" when he said "if the local jurisdiction is adequately protected," and Councilor Atherton wanted to know what Mr. Trompke suggested if they were not "adequately" protected and how to determine that. **Mr. Trompke** suggested using a two step approach in which 1) the governments that wanted to follow Metro's lead were able to use all of the plans and the proposed ordinances that Metro put together, and 2) otherwise use something similar to the existing OAR which governs local governments on riparian corridors, with minor modifications. The idea was to use that and Metro's authority to sit as a judicative body, to determine that current comp. plans and zoning ordinances were in compliance with the Framework Plan. **Councilor Atherton** said that this issue, referring to a safe-harbor process, had been on the table for a long time. Another process would be case-by-case planning for larger areas, and not necessarily a comp plan, which he felt had a different meaning legally and otherwise. **Mr. Trompke** gave an example using Fanno Creek. He suggested allowing different groups to try different experiments on how to get the desired results, since that was a good way to find out what really would work rather than follow one particular plan.

**Chair Hosticka** said he felt that this discussion was anticipating the next step, but it was laying the groundwork.

**Councilor Bragdon** asked if Mr. Trompke was familiar with the vision statement from MPAC. **Mr. Trompke** said he was familiar with it. He had issue with the use of the word "consent." He felt that consent ought to come at each major decision point, and then at the time prior to adopting the ordinance. **Councilor Bragdon** asked him if he was aware of the recommendation in regard to the topic discussed at the meeting. **Mr. Trompke** said yes.

**Chair Hosticka** thanked him for bringing the issues to the committee's attention.

**Jane Leo**, Portland Metropolitan Association of Realtors, spoke on behalf of their 5000 members. She focused on the public process. She urged Metro to go beyond the phraseology that they will be "inviting broad public review." She said that under state statute and administrative rule, land owner input must be

actively sought. State statute requires at least 50 days notice to municipalities prior to the adoption of the ordinance, and she urged more notice than that to affected property owners. It was said that two years ago Metro did notice approximately 44,000 landowners regarding this process. However, given that that was two years ago, and on average 10%-12% property owners are brand new to the process, and have no idea that there is potential effect or loss in value on their property, they should be noticed again. She felt that just because Metro does not do zoning does not exempt them from doing direct landowner notification.

**Councilor McLain** asked if Ms. Leo recognized that we had done this in the past. **Ms. Leo** said that she did.

**Chair Hosticka** said that that issue would be talked about later in the meeting.

**Brent Curtis**, Washington County/Tualatin Basin, referred to the seven-page letter written by his group, dated July 9<sup>th</sup>. He spoke to the process and their support of the process. They want the committee to direct the process and prepare the maps. He wanted to make a point about policy issues which was discussed in detail in their letter. The letter was attached and included as a permanent part of this record.

**Chair Hosticka** asked if he had had a chance to read the staff compilation of public input. To which he replied that he had skimmed it. Chair Hosticka asked if he had read enough to judge whether the staff had adequately captured his points in the summary. **Mr. Curtis** said that he did not feel that they had adequately captured the points about Goal 5 and ESA.

**Councilor McLain** was confused by some of Mr. Curtis' testimony. She said that he indicated that there was an ESA pot and a Goal 5 pot, and that he wanted those pots to be very distinguishable. In other issues and other testimony he had talked about their overlapping qualities. She asked him to clarify this discrepancy. **Mr. Curtis** replied that the vision statement said we're doing Goal 5 but we also have ESA aspirations; it melds them. The authority to do those things, even the requirements to do those things, are very different, and there are different levels of conformance with regard to those. He said he understood what the staff had written, and that he believed Councilor McLain's working understanding of the vision statement was that Metro was aspiring to do this with that program. He felt that along the way, people would be asking what was necessary to meet Goal 5, then what was necessary to meet ESA, and then what was necessary to meet both. **Councilor McLain** asked him to focus on her core question, which was whether he was talking more about program elements and application elements, and not inventory elements. **Mr. Curtis** responded that he was talking about how the work should be done in the future. **Councilor McLain** said he was talking about program, then. **Mr. Curtis** said to take the significant decisions and begin to think about them in ESA terms and in Goal 5 terms.

**Councilor McLain** then brought the discussion back to public notification. She asked him what the Washington County involvement process for this looked like, so that the committee could possibly model it. **Mr. Curtis** said that when using the criteria to compile the maps Metro should map significant resources. He suggested using the GIS technology Metro had to identify all those property owners and then send them an appropriate letter. Second, he mentioned the planning program, 2040 Re-engagement, and a separate program in notifying the public, and he offered assistance in connecting with interested groups.

**Chair Hosticka** said that cooperation from local partners would be very important.

**Councilor Bragdon** addressed the ESA and Goal 5 comments. He clarified his understanding of the vision statement, and pointed out that Washington County had voted for it. He said that the vision statement for Federal and the State were different, one covers specific species and one is more general. He expressed that he felt that it never implied that Metro was the enforcer of the Endangered Species Act, in that it was a federal issue. He felt that what was said at MPAC and in the vision statement, was that if some of these programs could do double duty that would be a great service to certain jurisdictions in the

region. He pointed out that Mr. Curtis had just said that he wanted to have a Tualatin Basin approach that would also do both. So he expressed that he was confused that Mr. Curtis would suddenly find it odd that Metro would be trying to do double duty when that was the approach he seemed to want to take as well.

**Mr. Curtis** stated that he did not find it odd. He said he felt it was the right thing to do, to consider Goal 5 and ESA together. He stated that he did not want the committee or the councilors to have the impression that he felt it was odd because it was the approach that they want to take as well. He felt that perhaps it would be better to let people know what a single duty approach was, and what a double duty approach was, in order to understand the possible policy outcomes that Metro was considering. **Councilor Bragdon** said there was nothing that Metro could do to preclude local governments from taking their own chances with NMFS, if there was a better way to do it. He gave the example of erosion control. If regional regulations were in place that pleased NMFS, and that gave everybody an umbrella, then that was a good thing. But it did not mean that if somebody else had a better idea on erosion control that they were not free to implement it. **Mr. Curtis** said that people would ultimately ask Metro what was the minimum under Goal 5 that needed to be accomplished. That would perhaps be very different than the minimum necessary to satisfy ESA. He felt that Metro's authority and ability to influence outcomes was probably legally greater under Goal 5 than under ESA. Which didn't mean that Metro should not have aspirations to do both. **Councilor Bragdon** said he thought he understood better now. He then asked about public involvement. He wanted to know if citizens go to the Tualatin Basin meetings to testify, and to participate. **Mr. Curtis** said that there were two groups. One was made up of elected officials, the Tualatin Basin Natural Resource Coordinating Committee, and meetings were open to public participation. That was where the decisions and policies were made. The other group was a working group, made up of staff people, the Tualatin Basin Goal 5 Steering Committee. That group does not have to have public involvement.

**Chair Hosticka** said he thought that the last discussion on ESA helped clarify the issue. He also thought that there might not be a clear meeting of minds on it yet, but that progress had been made.

**Councilor Atherton** asked Mr. Curtis for a concrete example of a single duty Goal 5 criteria or resource. **Mr. Curtis** said that under the Goal 5 administrative rule there was a safe harbor. In riparian corridors you could skip the safe harbor rule process and go right to the program. Basically, streams or rivers were identified by volumes of water. Certain volume streams required certain different setbacks. That was a single duty Goal 5 program solution. This was very different than the significant resources that would be mapped under the resolution under discussion. **Councilor Atherton** said he was glad that he had made that point because he thought just the opposite of what was explained. He saw that as a double duty type of resource. The intermittent streams affect the fish and deal with the ESA. **Mr. Curtis** said that single duty in his mind was what Goal 5 required. Whereas double duty was what Goal 5 and ESA required.

**Chair Hosticka** said that it was clear, at least to him. LCDC and DLCD also recognize that their Goal 5 safe harbor may not be sufficient to meet the ESA requirements that NMFS might impose. **Mr. Curtis** agreed, and cited a DLCD presentation given by Mr. Jeffery A. Webber, the salmon recovery specialist for the Oregon Department of Land Conservation and Development, on the Interface between Planning and Salmon, Where did the 4 D Rule and Goal 5 Meet? The paper talks about the two points, and how meeting one did not necessarily meet the other. **Chair Hosticka** asked for a copy, which was included as a permanent part of this record. **Councilor Atherton** shared that as a biologist, when the example of single duty was given, the first thing that occurred to him was snags in uplands areas for birds of prey. His point was that people see things differently. **Mr. Curtis** agreed.

**Chair Hosticka** asked for the next speaker.

**Mike Houk**, Coalition for a Livable Future/Audubon Society, fundamentally appeared to support adoption of the resolution and the amended matrix. He wanted to comment on the overall program and

some of the policy questions. He felt that the methodology that Metro was using did allow for mapping location, quality, and quantity. In terms of needing to identify specific sites for the riparian resources, they viewed it as a regional safe harbor, and therefore felt that it did not necessitate a lot-by-lot analysis. The sites could be consolidated by watershed. Their response to whether the local governments were adequately protecting the resources was an emphatic "no." Regarding the policy questions, in their opinion, in looking at the criteria that staff had used, it was difficult to see how Metro would separate the Goal 5 program from the ESA program. Metro had their support regarding uplands. Regarding significance, considering the current fragmented nature of the landscape, and the fact that Metro was mapping the few remaining natural resources, and given that we had done a poor job of designing our region to that point, anything from 1-36 they consider significant. Regarding public involvement, he said he felt that Metro had done a good job so far and they could do more. Regarding the Tualatin two-step, he felt that all the resources would be significant. How it was dealt with was what would be significant. They support the WRPAC and Goal 5 tak recommendation.

**Councilor Atherton** thanked Mr. Houk. He asked him if he believed that the current criteria adequately addressed the issue of hydrologic connection between areas that appeared disparate from the stream way, that are sponge areas; a region that was formed geologically with volcanoes which historically produce underground streams of great significance. Councilor Atherton also asked him if he felt that the current criteria adequately set forth the mapping of those types of areas. **Mr. Houk** said that mapping the uplands should address his concerns. **Chair Hosticka** said that we would keep that question in mind. **Councilor Atherton** said he felt that it was a critical question in that the underground flow into the spawning streams was critical to the survival of the salmonids. He felt that was the basic problem - addressing individual people's concerns as well as their property rights, while protecting against the aggregated impact this would have on nature. **Mr. Houk** said that there were two issues he had raised. One was we need to move through the process to the question of imperviousness throughout the watershed. He listed watershed-wide management, and storm water management, as part of this issue. The other issue was private property rights. He said the process was designed to protect the public right to clean air, clean water, and wildlife. Those are public resources, and we get so focused on private property rights that we forget about private property obligations to the rest of society and for public good. **Chair Hosticka** said that he believed that the Attorney General used the term "public property" to describe some of those things.

**Mr. Wolfe**, Trout Unlimited, was called to speak and he said that he endorsed everything that Mr. Houk had said. He added that he supported private property owners' rights, but that private property owners' have responsibilities to the public too. He also pointed out that the public includes people who do not own property, such as renters, and so on. He urged that all citizens' rights be considered in this plan.

**Chair Hosticka** noted that in a memorandum on Measure 7, the Attorney General did use the term "public property" as if everybody in the state had an ownership interest the wildlife, water, and air. Which would suggest that if Metro notified property owners then we needed to notify everybody. He then asked for further testimony, and subsequently closed the public hearing. He asked the committee how they wanted to proceed with the resolution.

**Councilor Atherton** suggested discussing the policy issues first.

**Chair Hosticka** asked for everyone to look at Attachment A to Andy Cotugno's memo dated July 17<sup>th</sup> which was attached and included as a permanent part of this record. The first issue on that was the ESA Goal 5, which had already had extensive discussion. He wondered if there was a programmatic implication to this, or if it was primarily a political discussion. He felt that the reason that Metro was undertaking the process was not to simply satisfy the federal government or the state, but to implement a regional vision that had been adopted by MPAC, made up of citizens and governments of the region. And in the process of implementing that regional vision, we want to satisfy the legal requirements of state

Goal 5 as well as, to the extent possible, the requirements of the Endangered Species Act. So, to the people who want to say which of this was Goal 5 and which of this was Endangered Species Act, he felt they were making primarily political arguments. **Councilor McLain** said that she agreed that this was a political issue. She did not want to limit it to just Goal 5 or just ESA, but wanted to maintain the continuity of the Greenspace Master Plan and our larger Future Vision, and she felt that the resolution today would support that. **Councilor Atherton** responded that his first reaction towards an expanded vision was to ask if this resolution included green corridors.

**Chair Hosticka** felt this was an ongoing discussion. He didn't think that discussion on green corridors would impact the decision on the resolution. He felt that mapping the region using the criteria and the matrix would not be affected by the decision of the Goal 5/ESA. He said that the one-step, two-step issue would be addressed in the fall. He asked for Statewide Planning Goal 5, Amended Administrative Rules, Metro Regional Resources section (b) to be read for the record. He said that he understood it to mean that we have to have significant resources, and we have to call them regional resources. Whether the set of resources that were significant are different than the set that was regional, were all questions that would be addressed after the committee saw the maps. **Mr. Helm** read for the record the following: "Regional resource is a site containing a significant Goal 5 resource, including but not limited to a riparian corridor, wetland, or open space area, which is identified as a regional resource on a map adopted by Metro ordinance." A copy of this document was attached and included as a permanent part of this record. **Chair Hosticka** paraphrased that it was a site that contained a significant resource that was identified by the Metro Council as a regional resource on a map. He wanted to keep that definition in front of the committee at all times to regulate whether they were meeting it or not. **Councilor McLain** felt that it was important that many have gone on record at different times, and that Metro would make sure that it was understand what was significant. She considered that the committee and the Council had done a good job, with help from the public, demonstrating what that resource was about. The details of that would be more clear when the inventory was complete.

**Chair Hosticka** suggested following up on comments of people regarding the best criteria to use to make the determination of what was a regional resource, and if it was different than the list of sites that contain significant resources. People have urged Metro to take a two-step process, and he would like a little more guidance on how to accomplish that. **Councilor McLain** said she agreed except with the caveat that Metro had had a lot of conversation over the last 5 years about the "right science" and a lot of comments over the elements that have to be involved in this science. If they were going to do that it should be main stream, or at least from the foundation where we have agreement. MTAC and WRPAC and other committees had spent many years working on that element. She said she agreed to bring them in, but be sure that they were connected to something that had been agreed to, or it was not as helpful.

**Chair Hosticka** asked for other comments on one-step, two-step and then said that the committee would discuss it in September. The next item was uplands, and he wanted to know if they should be included. The resolution called for the staff to begin the process of mapping uplands by developing criteria and doing some pilot mapping that was similar to the process used for the riparian areas. He noted that there was remarkable unanimity on this point. He stated that the committee would adhere to the September 2002 timetable to get the work done. **Councilor McLain** had two points to make. One, pertaining to partnering, was that the committee valued field studies and ground studies. She mentioned that Metro had its own IGA, with the Clean Water Services and Washington County. She commented that hard work was going on, she felt that there was a parallel process, an interconnection, and analysis going on by both bodies. She mentioned the issue of smaller jurisdictions, where that work may not be happening as quickly. She wanted to be sure that staff scoped out those places that need extra support from Metro. The second element was that there were different levels of mapping and that there were different levels of upland work that had to be done for different parts of the 4-step process. That was also something that the staff might want to talk about - when we need it for programs, or to decide about safe harbor, or the flexible local plan.

**Chair Hosticka** said there had been considerable work done at Metro on uplands on the part of the Greenspaces program, and that the committee would try to take advantage of that work as much as possible. As the resolution stated, in the current form, we were asking staff to develop criteria and do a pilot map. There would be continued discussion on local flexibility, and the idea of safe harbor, performance criteria, or some combination of those two that would allow local governments to afford the same level of protection to the resources even if they had different ways of doing it. The language and concepts would have to be perfected as Metro went through the process. He supported encouraging better and/or appropriate local ways to do it. He felt that one size could never fit the diversity of natural resources and human settlements. **Councilor McLain** said that in Title 3 we had demonstrated that same commitment. She wanted to point out that we cared that the minimum standards were being met, and that we wanted to project, as much as we could, that flexible variety that could be coming from each program.

**Chair Hosticka** spoke to public involvement. The issue had been raised about sending notices to private property owners. He felt that this was one part of the program that had not been addressed as thoroughly as the others were. He welcomed thoughts on how to address it. **Councilor Atherton** said that what was in the resolution was adequate. He felt that it was as far as we could go at that point. He said it was clear that we were open to new ideas as to how to get this out to the public. **Councilor McLain** said she would agree that nothing more needed to be added to the resolution. She said that due to limited resources, notifications should go out at the appropriate time, and should contain substantial information for the property owner to review. It also must be done early enough that they would have an opportunity to see what the basic program ideas were. She suggested that we ask staff to start molding a program that included three elements. One, send out two notifications; a wide notification for the general public, and a private property owner notification that specifically impacted their own property. Two, find out if the state would help Metro pay for some of these notifications, see if there was a partnering for notification dollars. Three, continue to be creative with notifications and communications, specifically to find something more interesting than public hearings. She said that people have told her that Metro does a good job, she just wants to see more, especially on this program.

**Chair Hosticka** noted that there had been wide public concern regarding the resolution. He said that he wanted to have this continue to happen. He wondered if there was a way to get those people to help us with a plan. **Councilor McLain** said that she thought that was a wonderful invitation to give to those present as well as those who have invited committee members to meetings in the last month or two. She thought a list of groups working on this resolution would be beneficial to all. She also said that the groups working together would save everyone money so as not to duplicate usage of resources. She emphasized that the groups were in partnership and that there had been success in the past from this. **Chair Hosticka** asked Councilor McLain to be a subcommittee of one to work with staff to design this. She agreed. Regarding the next item of appeals, or map corrections, he said that we should have a standard process to determine if maps were accurate, and how to fix them when necessary. He wanted to know where Metro stood on that issue. **Mr. Cotugno** suggested that there should be three parts to the process. First, determine what the existing status was. Second was field verification, and validity checking. Third was, even with one and two, what do we actually adopt, and what role would it take in implementing the program thereafter? The ESEE analysis would produce conclusions from that data. **Chair Hosticka** asked him to clarify that we were open for comments and data until after the ESEE analysis. **Mr. Cotugno** said we were. He said that we needed to start the ESEE analysis, and as soon as the regionally significant resource is delineated. **Chair Hosticka** asked if before that people would have the opportunity to look at the maps and make comments. **Mr. Cotugno** said yes, but the ESEE analysis would be based on whatever was corrected at that time. People would still be able to submit further corrections up to the conclusion of the program. He said the second issue regarding accuracy was field surveys. The third issue for accuracy had to do with, once it was adopted, planning's illustrative map lines versus development's survey preciseness of map lines.

**Mr. Helm** wanted to point out to the committee that the Goal 5 rule didn't require on the ground verification. He said the ground truthing concept was a great idea, but the rule didn't require it, only encouraged it. The rule for riparian corridors required looking at a list of readily available data sources that included aerial photography. For the Title 3 maps, we adopted the map, and a set of core section maps, that the local governments could use in developing their own map. The choice was that either you could adopt language in the code describing the resource that was to be protected, or you could submit a map to Metro that corrected little inconsistencies that the local government might find through closer examination. He recommended this as a good method. **Chair Hosticka** asked if there were provisions for individuals to look at the maps and suggest changes. **Mr. Cotugno** said that the spring review done in February through May was available to the general public. **Councilor Atherton** referred to number 4 and 6 in the document as adequately covering the issue. **Chair Hosticka** asked if everybody agreed with those two items on the document. **Councilor McLain** said she agreed with that, and added that past experience dictated that words would govern the map. This was set up because water changes as far as channeling, flood plain issues may change with new experience, and so to protect by narration would be more valid.

**Chair Hosticka** said we would continue to use the process as we had, and if there was a need to expand it we would take consideration at that time. The last points he wanted to discuss were technical in relation to the criteria. He asked Mr. Cotugno to just point out changes in the criteria, in order to address concerns of the flood plain issues. **Mr. Cotugno** asked people to look at the markup version of the document on the amendments for the flood plan issue.

**Chair Hosticka** said that the first question related to whether it was 1996 or FEMA 100-year flood area. **Mr. Ketchum** said that the changes on the matrix were that the 100-year flood plain and the 1996 flood event area together define what constitutes a flood area. The 100-year flood plain had been moved to a primary value in all cases. Where the term in the existing definition of flood area includes the '96 flood area we had added the 100-year flood plain as defined on the FEMA maps. We had also differentiated between developed flood plains and undeveloped flood plains. **Chair Hosticka** asked if we were ready to do the resolution. **Mr. Cotugno** addressed channel dynamics. He said there was clarification on the lower part of a stream where the flood plain exists. If there was no flood plain then we had recommended a default of 50 ft. to allow for channel migration. The question had been raised on whether or not 50 ft. was adequate, or how much territory was needed when there isn't a flood plain. **Chair Hosticka** asked about steep gradients. He asked if there was any channel migration for them. **Mr. Ketchum** said that had been moved to a primary value and does not apply to streams that are high gradient. **Councilor Atherton** noticed that there was 100 feet as a buffer from forest or woody vegetation land cover in primary functional value, but he had seen 150 feet listed earlier in the document. **Mr. Ketchum** said that the reason for the difference was derived from the scientific literature review.

**Chair Hosticka** asked for a motion.

**Motion** Councilor McLain moved Resolution No. -01-3087.

**Mr. Morrissey** said for the record that there were some other small strikeouts, not only for the flood plain. **Mr. Ketchum** pointed out that the term "surface stream" is substituted for the terms "ephemeral," "intermittent," and "perennial" streams.

**Councilor McLain** asked for the vote.

**Vote:** The vote was 3 aye/ 0 nay/ 0 abstain, and the motion passed.



**3. Councilor Communication**

There was none.

There being no further business, the meeting was adjourned at 3:25 p.m.

Respectfully submitted,

Kim Bardes  
 Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
 July 18, 2001

Document Number	Date	Document Description	RES/ORD
071801-01	7/17/01	Exhibit A - Metro Goal 5 Fish & Wildlife Habitat Functional Values & Landscape Features for Identifying Significant Riparian Corridors Draft/Mark up Version	Resolution 01-3087A
071801-02	7/17/01	Exhibit A - Metro Goal 5 Fish & Wildlife Habitat Functional Values & Landscape Features for Identifying Significant Riparian Corridors Draft/Attachment C	Resolution 01-3087A
071801-03	7/17/01	Metro Memorandum from Andy Cotugno to Chair Hosticka regarding Regional Goal 5 Significance Criteria	Resolution 01-3087A
071801-04	7/16/01	Goal 5 TAC Report to the Metro Natural Resources Committee concerning Metro Goal 5 Fish & Wildlife Habitat Significance Criteria	
071801-05	7/16/01	Water Resource Policy Advisory Committee (WRPAC) Recommendations Concerning Metro Goal 5 Fish & Wildlife Habitat Significance Criteria	
071801-06	7/18/01	Letter from Cindy Catto, Assoc. General Contractors; Robin White, Commercial Real Estate Economic Coalition; Betty Atteberry, Westside Economic Coalition; Jane Leo, Portland metropolitan Assoc. of Realtors; Kelly Ross, Home Builders Assoc. of Metropolitan Portland to Chair Hosticka regarding the Goal 5 Program	
071801-07	7/9/01	Letter from Tom Brian, Tualatin Basin Natural Resources Coordinating Committee to Chair Hosticka regarding Criteria for Determining Regional Goal 5 Resources Significance	
071801-08	7/12/01	Letter from Cathy Kirchner to Chair Hosticka regarding actions taken by MPAC after the meeting of July 11, 2001	
071801-09	6/14/96	Quote from the Statewide Planning Goal 5 Amended Administrative Rules OAR 660, Division 23 – Metro Regional Resources section 660-23-080 (b) defining “regional resource.”	
071801-10	5/17/01	ESA 4(d) Rule and Statewide Land Use Goal 5: Where do They Meet?	