

MINUTES OF THE METRO COUNCIL MEETING

July 26, 2001

Metro Council Chamber

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

Councilors Absent: Bill Atherton (excused), Carl Hosticka (excused)

Presiding Officer Bragdon convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. AUDITOR COMMUNICATIONS

There were none.

5. MPAC COMMUNICATIONS

Presiding Officer Bragdon said MPAC met last night and talked about the Willamette Valley Livability Forum, addressing conservation of farm lands.

6. CONSENT AGENDA

6.1 Consideration of minutes of the July 19, 2001 Regular Council Meeting.

Motion: **Councilor Burkholder** moved to adopt the meeting minutes of the July 19, 2001, Regular Council meeting.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain, and the motion passed.

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 01-914**, For the Purpose of Amending Metro Code Chapter 5.01 to change the Accounting Period for Disposal Limits on Local Transfer Stations from a Calendar Year to a Fiscal Year, and Declaring an Emergency.

Presiding Officer Bragdon assigned Ordinance No. 01-914 to the Solid Waste and Recycling Committee.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 01-913**, For the Purpose of Amending the Metro Code Chapter 5.02 Chapter 5.02 to Modify the Direct Haul Disposal Charge and to Facilitate Payment by Personal Check for Disposal Services at Metro Transfer Stations.

Motion: **Councilor Monroe** moved to adopt Ordinance No. 01-913.

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

Councilor Monroe reviewed Ordinance No. 01-913 noting the reasons for payment by personal check and for the changes in the Code. He urged support.

Presiding Officer Bragdon opened a public hearing on Ordinance No. 01-913. No one came forward. Presiding Officer Bragdon closed the public hearing.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain, and the motion passed.

9. RESOLUTIONS

9.1 **Resolution No. 01-3087A**, 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 Resources Committee for its Review.

Motion: **Councilor McLain** moved to adopt Resolution No. 01-3087A.

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

Councilor McLain said this particular resolution was where the council was giving the staff the go ahead to map the fish and wildlife habitat with a science based approach. She noted MPAC's input. She added that there had been varying disagreement on certain issues and believed there had been extensive interaction by partners, staff, and citizens.

Presiding Officer Bragdon opened a public hearing on Resolution No. 01-3087A.

Mayor Richard Kidd, 3022 Watercrest, Forest Grove, OR submitted a letter from Tom Brian, Chair of the Tualatin Basin Natural Resources Coordinating Committee and highlighted some of the written remarks.

Presiding Officer Bragdon said many of the issues in the letter dealt with issues that would be considered in September and October of this year.

Mayor Kidd said that from his standpoint, they agreed with the conclusion that came out of the MPAC meeting on July 11.

Councilor Burkholder asked who the members of the group were.

Mayor Kidd responded that the mayors of the cities of Washington County made up the group.

Councilor Burkholder asked if there was a process of public participation and developing comments.

Mayor Kidd responded that there was, especially with the Tualatin Basin Natural Resource Coordinating Committee, made up of staff and the technical group.

Councilor Park asked if Wilsonville was included, even though they don't have flow into the Tualatin.

Mayor Kidd said they were included even though they share part of two counties.

Rosemary Furfey, Natural Resource Management Specialist for the National Marine Fisheries Service, 525 NE Oregon St., Portland, OR 97232 read testimony concerning the Goal 5 Program (a copy of which may be found in the meeting record).

Kemper McMaster, State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue Suite 100, Portland, OR 97266 read his remarks concerning Resolution No. 01-3087A (a copy of which may be found in the meeting record).

Presiding Officer Bragdon asked about mapping what was there, and if there was a scientific base for assessing the potential for restoration on different sites.

Mr. McMaster said he thought you could look at the function of a particular site, evaluating what it presented in its original state and what it could present to the continuity of the stream itself. He thought you should be able to look at sites and rank sites accordingly.

Presiding Officer Bragdon suggested that they might want to get some technical advice on this issue.

Patricia Snow, Land and Water Use Coordinator, Habitat Division, Department of Fish and Wildlife, State of Oregon, 2501 SW First, Avenue, Portland, OR 97207, read her letter into the record (a copy of which may be found in the meeting record).

Don Yon, Department of Environmental Quality, Northwest Regional Portland Office, State of Oregon 2020 SW 4th Ave Suite 400, Portland, OR 97201 read a letter from Andrew Schaedel concerning Resolution No. 01-3087A.

Councilor Park spoke to testimony on one category of streams, of not going to intermittent or perennial. He wanted to understand the purpose of going to a one-stream category, and the potential effect that may have on predetermining a significant criteria. If we say that all streams are the same, and that they deserved the same level of protection, and that they should be mapped the same, then he was concerned that we may have predetermined an outcome.

Presiding Officer Bragdon asked Councilor McLain to add some of the history.

Councilor McLain said that discussion on this topic had been conducted in the committees. The consensus was that they wanted to map all surface streams. They had not predisposed what the treatment would be, but rather that they want to map all surface streams. What would be done with those streams would be decided after the ESEE work and the program analysis.

Councilor Park said that he thought he had heard testimony different from that, and he wanted clarification.

Ms. Furfey responded that from the perspective of the National Marine Fisheries Services they were the cornerstones of what was important in regard to protecting fish populations and recoveries, and properly functioning conditions of habitat. They looked at the various components that contribute to properly functioning condition. But they also recognized the importance of all stages of a stream system. She wanted to emphasize that they don't distinguish between those different types of streams, but look at each component from the seep to the perennial stream main stem as being important.

Councilor Park clarified that they were not, then, suggesting one size fits all.

Ms. Furfey said they were trying to emphasize that all of those components were important.

Bill Kirchner, U.S. Environmental Protection Agency, Region 10, Oregon Operations Office, 811 S. W. 6th Avenue, Portland OR 97204 read his testimony into the record (a copy of which may be found in this meeting record).

Mike Houck, Urban Naturalist, Coalition of Livable Future and Chair, Natural Resources Working Group, and Audubon Society of Portland, 5151 NW Cornell Rd, Portland, OR 97210, added a comment about Mr. Kirchner's testimony and noted the value of the five agencies participation in this process. He then highlighted his written testimony and reiterated his support to pass the resolution. He noted some broader issues concerning significance, the resources being mapped, Metro's authority, private property rights, publicly owned resources, and the Endangered Species Act and Clean Water Act. He added that the tough issues would start after the mapping.

David Reid, Johnson Creek Watershed Council, P.O. Box 82584, Portland, OR 97282 reiterated many of the comments already made and included the necessity of public input and the significance of all streams. He suggested looking at the upland resources as well. Finally, they recommended strong emphasis to include restoration.

Tom Wulf, Oregon Council Chair of Trout Unlimited, 22875 NW Chestnut St., Hillsboro, OR 97124 supported all of the statements made in the testimony today. He also suggested restoration be included as part of the criteria. If not, there would be a lot of streams that would be lost.

Jim Kimball, 17645 NW Rolling Hill Lane, Beaverton, OR 97006, MCCI member, submitted a letter for the record concerning this resolution, and added the necessity for Washington County's improving citizen participation in the process.

Presiding Officer Bragdon closed the public hearing.

Councilor McLain made some technical suggestions to the resolution. She noted Mr. Cooper had said this was just a technical change.

Councilor Burkholder asked about the public comments added to the committee report. He wanted to know how that fit into the resolution.

Councilor McLain responded that in the restoration issue the council had some choices. We had made a commitment in the Title 3 functional plan language to include restoration as part of the program. Also in the Goal 5 vision we had restoration listed as an important element of the program, but not necessarily a regulated portion of the program, it could also be incentive based.

Presiding Officer Bragdon addressed Councilor Burkholder's question about the staff report and the examples utilized by staff for mapping. He explained that the staff produced various draft and sample maps of particular portions of the region that they used to illustrate the six functions. They also had text that described the objective that each of those functions was to achieve. Then they assigned ranking matrix to them, and a bibliography with the science behind each of those functions. Those maps and the draft were circulated among the technical groups as well as among local governments. As that was happening over the last two months, there were several hearings, not just with the Natural Resources Committee, but with the Technical Advisory Committee for Goal 5, and the Water Policy Advisory Committee as well. A lot of those then were folded into the resolution. The sequence of events was that the staff report preceded the development of the resolution.

Councilor Burkholder thanked the presiding officer for his clarification and he wanted make sure that public comment was included.

Presiding Officer Bragdon noted that there was outreach beyond public hearings, and the public had extensive involvement and would continue to do so.

Councilor Burkholder appreciated the update. He described his work which included reviewing Metro facilities, making sure that they were well run. He also worked on Expo lighting to conserve energy.

Presiding Officer Bragdon commented on the \$38 million in transportation money that Councilor Burkholder was working on as well.

Councilor Park asked Andy Cotugno, Planning Director, and Paul Ketcham, about the "be it resolved" #2 item where we had adapted, or put in, an additional factor of doing the uplands piece in terms of mapping it and describing the criteria. His question was more directed towards item #3 where Metro had put forth a timeline of having it finished by September of 2001 or soon thereafter. He asked for clarification of the "soon thereafter" portion of item #3. He wanted to know how it would affect a possible UGB decision in the future. He wanted to be assured that the timeline would be met.

Presiding Officer Bragdon clarified that for items #1 and #2 the direction didn't necessarily assume an answer in terms of inclusion of the uplands. We had been getting a lot of advice to do so, but some of that advice had come with the caveat of don't do it if it would slow the program down. He hoped that the reading of the "be it resolved" section wouldn't imply that a delay was inevitable or desirable. The direction here was to ask the staff to develop the criteria for the uplands, not a direction to go map it all.

Councilor Park said that he was concerned because the resolution said "Metro Council directs staff to complete the development of criteria to include uplands, and wildlife, with the riparian quarter criteria described in Exhibit A, and to map those areas region-wide."

Mr. Cotugno responded that he believed the uplands question should be looked at one step at a time, and the step in front of the Council was should Metro map the uplands. Once the uplands were mapped, providing an idea of how much work was involved, then Metro could determine which part was significant. If that step was included, then he suggested that the next step be an ESEE analysis, followed by the program. He felt that for each step an assessment had to be made along the way, relative to the caveat of could Metro incorporate it into the next step without slowing down the process. He felt mapping could be accomplished without unnecessarily slowing down the process. He said that the question had come before the committee and it was felt that to develop the criteria, then go through a review process, and then to go back to map them, was much more time consuming.

Councilor Park said he assumed that the timeline would be extended to September and October and he could accept that.

Mr. Cotugno said yes, then added that even if they chose not to proceed with the ESEE analysis, he felt that mapping the uplands would be value-added information for the riparian corridor work.

Councilor Park spoke again to his concern that the mapping part would slow down the greater part of the riparian corridor. He did not want this to happen because he felt strongly that the riparian portion of the program needed to be accomplished before the UGB decision coming up next year.

Presiding Officer Bragdon commented that as the program had developed over the past years critics of natural resource protection had asked a few questions that had cropped up over and over, mostly related to science and the specifics of the resources Metro was trying to protect. He felt that the resolution under discussion embodied an answer to those questions. He said that the resolution directed that resources had to be identified using scientific criteria that were clearly spelled out. It itemized what the functions of a stream were, and how those functions were to be measured and weighted. He said that if the resolution was approved that Metro would get a clear picture of the natural resources that exist in the region, and it would help Metro measure the outcome of what Metro does. He applauded all those people who put the resolution together.

Councilor Monroe said this was an exciting moment in the history of Metro, and an opportunity for this unique government to show the world how things ought to be done. He spoke to his own experience concerning stream restoration. He said we must continue to be vigilant whenever there is development in a stream corridor. He urged including uplands. He noted the interaction between transportation, streams, and fish and wildlife habitat.

Councilor McLain closed by saying that many cared about this issue. She spoke to the accomplishments of this resolution. She felt that this resolution was parallel and integrated with the work that had already been done. She added her commitment to citizen involvement. She urged support.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain, and the motion passed.

Mr. Cotugno recognized the staff and all of their hard work.

9.2 **Resolution No. 01-3089**, For the Purpose of Endorsing the Findings and Recommendations of the Corridor Initiatives Project.

Motion: **Councilor Monroe** moved to adopt Resolution No. 01-3089.

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

Councilor Monroe said this resolution endorsed the findings and recommendations of the corridor initiatives project and included it in the Regional Transportation Plan. He urged support.

Presiding Officer Bragdon opened a public hearing.

Jim Hendryx, City of Tigard, 13125 SW Hall Blvd, Tigard, Oregon 97223 supported the resolution particularly the Hwy 217 corridor plan. He noted key aspects of the corridor plan specific to his area. He supported the council's support of the project.

Councilor Burkholder said he attended the Washington Square Center Task Force last night. A critical issue which had come up was finances. He noted the council's support.

Presiding Officer Bragdon closed the public hearing.

Councilor Park echoed Councilor Burkholder's comment about land use. He felt this was an important distinction in planning transportation infrastructure. This was what 2040 was all about, this was just another step along that direction.

Presiding Officer Bragdon reinforced Mr. Hendryx's comments particularly about the multi-modal issues and interdependence of the corridor study with center planning.

Councilor Burkholder noted the Powell-Foste corridor. There were now 18 corridors that the region was looking at. He noted #3 of the "be it resolved." This was not something that Metro could do with the Metro resources alone. They need to be looking at partnerships of funding.

Councilor McLain said she agreed that this was a study about all 18 corridors. She did think there was a difference between partnership and leadership. We needed partners and money, but the Council needed to be there to lead the way.

Councilor Monroe said all 18 corridors were important but there needed to be identity of which came first. Good land use and transportation planning are two sides of the same coin. He urged support for the resolution.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain, and the motion passed.

Mr. Cotugno recognized the staff who worked on the corridor study as well as the participation of local jurisdictions.

10. COUNCILOR COMMUNICATION

Councilor McLain encouraged attendance at the Washington County Fair.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:35 p.m.

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Prepared by

Chris Billington

Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 26, 2001

TOPIC	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NUMBER
COUNCIL MINUTES	7/19/01	MEETING MINUTES	072601c-01
RESOLUTION No. 01-3087A	7/9/01	LETTER FROM TOM BRIAN, CHAIR OF TUALATIN BASIN NATURAL RESOURCES COORDINATING COMMITTEE TO THE CARL HOSTICKA, CHAIR OF THE NATURAL RESOURCES COMMITTEE CONCERNING CRITERIA FOR DETERMINING REGIONAL GOAL 5 RESOURCES SIGNIFICANCE	072601c-02
RESOLUTION No. 01-3087A	7/26/01	LETTER FROM KEMPER McMASTER, OREGON FISH & WILDLIFE OFFICE, US FISH AND WILDLIFE SERVICE SUPPORTING GOAL 5 WORK AND RESOLUTION No. 01-3087A	072601c-03
RESOLUTION No. 01-3087A	7/26/01	LETTER FROM PATRICIA SNOW LAND AND WATER USE COORDINATOR HABITAT DIVISION, DEPT OF FISH AND WILDLIFE, STATE OF OREGON CONCERNING GOAL 5 FISH AND WILDLIFE HABITAT RESOLUTION	072601c-04
RESOLUTION No. 01-3087A	7/25/01	LETTER FROM ANDREW SCHNAEDEL, WATER QUALITY MANAGER, NW REGION, DEPT OF ENVIRONMENTAL QUALITY, STATE OF OREGON SUPPORTING METHODOLOGY FOR IDENTIFYING SIGNIFICANT RIPARIAN CORRIDORS	072601c-05
RESOLUTION No. 01-3087A	7/26/01	VIEWS FROM BILL KIRCHNER OF THE US EPA, REGION 10 CONCERNING GOAL 5 AND RESOLUTION No. 01-3087A	072601c-06
RESOLUTION No. 01-3087A	7/26/01	LETTER FROM MIKE HOUCK, COALITION FOR A LIVABLE FUTURE RESPONDING TO GOAL 5 PROGRAM	072601c-07

RESOLUTION No. 01-3087A	7/26/01	LETTER FROM JIM KIMBALL, MCCI MEMBER SUPPORTING REGION-WIDE EFFORT TO PLAN FOR GOAL 5	072601-08
RESOLUTION No. 01-3087A	7/26/01	TESTIMONY FROM ROSEMARY FURFEY, NATURAL RESOURCE MANAGEMENT SPECIALIST FOR THE NATIONAL MARINE FISHERIES SERVICE	072601c-09
RESOLUTION No. 01-3087A	NO DATE	LETTER FROM FANS OF FANNO CREEK SUPPORTING METRO'S DIRECTION ON GOAL 5 PROGRAM	072601c-10
RESOLUTION No. 01-3087A	7/16/01	LETTER FROM THE CHERYL KOSHUTA AND BRIAN CAMPBELL , PORT OF PORTLAND CONCERNING THE PORT'S COMMENTS ON GOAL 5 REGIONAL SIGNIFICANCE CRITERIA FOR RIPARIAN CORRIDORS	072601c-11
RESOLUTION No. 01-3087A	7/23/01	LETTER FROM SUSAN PFLAUM-QUARTRMAN ON CRITERIA AND METHODOLOGY OF MAPPING STREAMS	072601c-12
RESOLUTION No. 01-3087A	7/19/01	EMAIL FROM PAMELA WOOD, CITIZEN SUPPORTING GOAL 5 PROGRAM	072601c-13
RESOLUTION No. 01-3087A	7/26/01	EMAIL FROM MAUREEN RAAD, ENVIRONMENTAL PLANNER PHILLIP WILLIAMS AND ASSOC SUPPORTING GOAL 5 MAPPING CRITERIA AND METHODOLOGY	072601c-14
RESOLUTION No 01-3087A	7/26/01	EMAIL FROM TRICIA SEARS SUPPORTING GOAL 5 MAPPING CRITERIA AND METHODOLOGY	072601c-15
RESOLUTION No. 01-3087A	7/26/01	EMAIL FROM DIANNA SCHMID CONCERNING GOAL 5 MAPPING CRITERIA AND METHODOLOGY	072601c-16
RESOLUTION No. 01-3087A	7/26/01	EMAIL FROM JILL FUGLISTER, COORDINATOR OF COALITION FOR A LIVABLE FUTURE CONCERNING STREAMS	072601c-17

		CLASSIFICATION	
RESOLUTION N. 01-3087A	7/26/01	EMAIL FROM KIRSTEN LEE CONCERNING GOAL 5 CRITERIA AND METHODOLOGY	072601c-18
RESOLUTION No. 01-3087A	7/25/01	EMAIL FROM JEAN AND ERNIE SMITH CONCERNING GOAL 5 PROGRAM METHODOLOGY AND CRITERIA	072601c-19
RESOLUTION No. 01-3087A	7/15/01	LETTER FROM JEFFRY GOTTFRIED, PH.D., NATIVE FISH SOCIETY CONCERNING CLASSIFICATION OF STREAMS AND RESTORATION ISSUES	072601c-20
RESOLUTION No. 01-3087A	7/20/01	LETTER FROM SUZANNE STAPLES SUPPORTING ADOPTION OF CRITERIA AND METHODOLOGY MAPPING	072601c-21