

**MINUTES OF THE METRO COUNCIL
NATURAL RESOURCES COMMITTEE SPECIAL MEETING**

Wednesday, January 30, 2002
Room 370 A/B

Members Present: Susan McLain (Chair), Carl Hosticka (Vice Chair), Bill Atherton, David Bragdon, Rod Park

Also present: Rex Burkholder

Absent:

Chair McLain called the meeting to order at 1:09 p.m.

1. Consideration of the Natural Resources Committee Minutes of January 16, 2002.

Motion:

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| Councilor Atherton moved to adopt the minutes of the Natural Resources Committee meeting of January 16, 2002. |
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Vote:

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| Chair McLain and Councilors Hosticka, Atherton, and Park voted to adopt the minutes. The vote was 4 aye/ 0 no/ 0 abstain, and the motion passed. Councilor Bragdon was absent from the vote |
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2. Carrying Capacity

Councilor Atherton described for the committee his two proposed Ordinances, Nos. 02-935 and 02-936, regarding cost of growth impacts and carrying capacity, respectively. (See copies of both ordinances included with the permanent record of this meeting.)

Chair McLain explained that these would be first read at the council meeting February 6 and assigned to the Natural Resources Committee per the Presiding Officer because carrying capacity issues dealt with resources. She said there would be committee review and public input after it was officially assigned to the committee.

There was committee discussion regarding definitions of carrying capacity and how it related to these ordinances and it would affect other Metro work.

3. Fish & Wildlife Habitat Protection Program (Goal 5)

Mark Turpel, reviewed the information included in the agenda packet. (See packet in permanent record of this meeting.) He described and explained the additional handouts for this agenda item (See copy of *Additional Materials for the January 30, 2002 Natural Resource Committee meeting Agenda Item 3. Fish and Wildlife Protection Program* included in the permanent record of this meeting.)

Chair McLain distributed an e-mail from Sue Marshall, Tualatin Riverkeepers, to the Council regarding the basin approach. She noted specifics in the e-mail regarding the scope of the programs and regional standards. (See a copy of the e-mail included in the permanent record of

this meeting.) The Chair clarified that the decision the committee was to make today was whether or not to go forward with work on the Basin Approach.

Brent Curtis Tualatin Basin Goal 5 Steering Committee, reported that at their last meeting the committee had agreed with the concepts in the January 24 document.

Councilor Park asked who the participants in the IGA being considered

Mr. Curtis said they had been considering two Intergovernmental Agreements (IGA) and one Memorandum of Understanding (MOU). If Metro council agreed, one IGA would be an agreement between Metro and the Tualatin Basin Natural Resource Coordinating Committee to undertake the basin approach. A second IGA would more rigorously formalize the Natural Resource Coordinating Committee and have the member jurisdictions become a party to it. The MOU would be primarily associated with coordination. Those would be a small bit of Columbia and Yamhill Counties, Multnomah County, the City of Portland, Lake Oswego, West Linn, and Clackamas County.

Councilor Park asked if individual IGAs would be required for each city involved.

Mr. Curtis said they had been talking to their attorney about that, and he said ORS 190 allowed an entity to be created and assigned certain responsibilities.

Councilor Hosticka clarified that part of what they were binding themselves to was to incorporate whatever the basin approach was into their plans.

Mr. Curtis said his group envisioned that they would do the work and make ESEE and program decisions which would come to Metro as recommendations for review. Then Metro would adopt those decisions to include in the Functional Plan. The next step would be for each local government to take Metro's action and adopt and implement it at the local level.

Councilor Hosticka said one of the advantages he had heard of the basin approach was that there would be quicker adoption at the local level. He noted the process outlined had no legal obligation. He asked if there would be one in the agreement.

Mr. Curtis said they intended to have one in the agreement which would bind each jurisdiction to the Coordinating Committee to stipulate to the process just described. He said the Coordinating Committee understood how the process would work and what the obligations would be.

Councilor Park asked, in reference to the first "what" sentence in the basin approach document, who would have primary responsibility. He felt the wording was confusing later on in the document.

Chair McLain noted it was not easy to write that language but felt it offered the local governments a way to partner from the beginning and still gave Metro approval and responsibility for the ESEE steps and the regional ESEE. She said it was to make sure there would be substantial compliance through the ESEE and program steps.

Mr. Turpel emphasized that there were a number of things going on in the Tualatin Basin. He said the Regional ESEE would help all the ESEE steps consistent.

Mr. Curtis said there had never been a dispute that Regional ESEE coordination was key and that Metro should do it. He felt the local ESEE could work together with the Regional ESEE to add to the result.

Councilor Park felt the wording could be more clear about that point.

Chair McLain commented that committee observations from January 16 showed that local jurisdictions had the responsibility to work through Metro's analysis and make sure what they were doing would relate. She said the whole idea was that this was not two processes, but an integrated partnership.

Councilor Park wanted consistent wording and suggested inserting the word "local" before ESEE and program development to make that distinction.

Councilor Burkholder asked how the last paragraph on page 4, step 1, related to Metro having to adopt Goal 5 regulations.

Mr. Turpel said the intent was to see two parallel works and be sure they were coordinated. He said there was quite an bit of opportunity to make sure there was integration and coordination between the two and not simply geographic areas not relating to rest of region.

Chair McLain said the Basin knew they had until July or August to get their work folded into Metro's work. She felt working so closely together would make for fewer disagreements.

Mr. Curtis commented this was a crucial part. He said the map contributed to Goal 5, but was primarily there to contribute to the urban growth boundary decision and the August 1 date was for Basin staff to present a map that would be reviewed with public involvement in October .

Councilor Park asked when he envisioned having a program development that would put regulations in place.

Mr. Curtis thought early Spring 2003, then come to Metro for review and inclusion in the Functional Plan which would start the clock for local governments to implement and . need to keep pushing fwd to complete. Now everyone agree we will make decision in early 03 and bring to council for inclusion in functional plan to start clock for local govts to implement and start their hearing process in 60 days. He clarified their promise to implement in advance of acknowledgement to get protection on the ground. He said they would be ever conscious of the legal requirements and work closely with Metro.

Councilor Park commented interpretation of staff was that unless there was a program already written, it could not be deducted from the buildable inventory. He said it may not make it by the UGB decision in the Spring.

Mr. Curtis said map was designed to assist the Council to be as informed as they could reasonably be in the rigorous Goal 5 process to contribute to the UGB decision. He felt they could be ready by summer of 2003.

Councilor Park clarified that whatever was in place by the end of December would be what they had to use as their numbers for the 20 year land supply issue

Councilor Hosticka asked if the document would still meet everyone's needs if they changed "Goal 5" for "fish and wildlife habitat protection" at the top of page two, first sentence.

Mr. Curtis reiterated that they had only had 30 days to construct the document and felt they were a lot closer to a meeting of minds regarding concepts. He felt "riparian" would be better than "fish and wildlife habitat protection". He said the Clean Water Act and ES were part of the whole scope. He said it was hard to contemplate how quickly they could work to complete all of the requirements of the Clean Water Act or how quickly they could get an affirmative conclusion on the ESA. He said they may have clean water work not done, and probably wouldn't have ESA work done, but it would continue to inform the Goal 5 solution. He said they still wanted to explore wildlife issues both inside and outside Metro's jurisdiction with Metro staff and were not backing way from the notion of doing work or joining Goal 5 Clean Water Act and ESA considerations as well as they did the work. He said they might conclude at different times but they would all be considered together.

Councilor Park asked if it presented any special problems working inside and outside Metro's boundary

Mr. Curtis said Metro's caveat regarding inside the boundary plus alternative analysis areas caused no problems. Outside the boundary, the county had a fully acknowledged plan under Goal 5 that had been through Periodic Review. He said their plans for that were bifurcated for acknowledgement and review. He did not think it would cause problems.

Chair McLain reviewed the wording changes for staff: strike the word "primary" and then have something that says "take responsibility, see step 1 and step 2 in the later parts", and take out "Goal 5" and leave "basin-wide program".

Motion:

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| Councilor Park moved to take the Basin Approach recommendations to Council discussion, without recommendation until the final language based on this committee's discussion is presented. |
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Dick Schouten, Washington County Commissioner, felt that last sentence about local ESEE needed to be more clear.

Councilor Park said clarification was coming with the changes staff was making as requested.

There was additional committee discussion about other wording changes.

Vote:

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| Chair McLain and Councilors Hosticka, Atherton, Bragdon and Park voted to take the issue to the full council without recommendation. The vote was 5 aye/ 0 no/ 0 abstain, and the motion passed. |
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4. Councilor Communications

None.

Adjourn

There being no further business to come before the committee, Chair McLain adjourned the special meeting at 3:04 p.m.

Prepared by

Cheryl Grant
Council Assistant

**Attachments to the Public Record for the
Natural Resources Committee Special Meeting of January 30, 2002:**

| Topic | Doc Date | Document Description | Doc Number |
|-------------------|-----------------|--|-------------------|
| Costs of growth | n/a | Ordinance No. 02-935 | 013002nr-01 |
| Carrying capacity | n/a | Ordinance No. 02-936 | 013002nr-02 |
| Basin approach | 1/30/02 | Additional materials for the January 30, 2002 Natural Resource Committee meeting Agenda Item 3. Fish and Wildlife Protection Program | 013002nr-03 |
| Basin approach | 1/30/02 | e-mail from Sue Marshall, Tualatin Riverkeepers to the Council RE: Tualatin Basin approach | 013002nr-04 |

Testimony Cards:

None