

NATURAL RESOURCES COMMITTEE MINUTES

August 7, 2002
Council Chambers

Present: Susan McLain, Chair, Bill Atherton, David Bragdon, Rod Park

Absent: Carl Hosticka, Vice-Chair (excused)

Chair Susan McLain called the meeting to order at 1:05 pm.

1. Consideration of the Minutes of the July 31, 2002 Natural Resources Committee Meeting

Councilor Bragdon made a motion to approve the minutes. Without changes or additions, the minutes were unanimously approved.
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2. Resolution No. 02-3218, For the Purpose of Combining Metro's Draft Inventory Maps of Regionally Significant Riparian Corridors and Wildlife Habitat for the Goal 5 ESEE analysis, and Approving Metro's Local Plan Analysis

Chair McLain explained that the Committee would first complete action on Resolution No. 02-3218, then would hear further testimony on Resolution No. 02-3177A. She explained the three stages of work on Goal 5. First, inventory, second, analysis of all of the factors on conflicting use, and the third being a protection program. Resolution No. 02-3177A does not address the program aspects of Goal 5 and testimony on program would not be applicable.

Mark Turpel, Long Range Planning Manager, Planning Department, explained that Resolution No. 02-3218 is a draft resolution combining riparian corridors and wildlife maps already before the Council, and fulfilling a Metro Code requirement which calls for examination of existing Goal 5 plans adopted accomplished by cities and counties in Metro's jurisdiction. The combined map identifies the regionally significant areas common to both individual maps.

Metro Title 3 requires that Metro examine all of the local jurisdictional plans for inconsistencies and inadequacies in regard to fish and wildlife habitat. A staff analysis has been included in the meeting packet. Staff has found 13 different categories of inconsistencies relating to the inventory dates, resources, collection, format of data, compability of data between jurisdictions, methodology of data collection, variability in inventory approaches, ESEE analysis status and methodology of conducting the ESEE analysis. Staff has suggested that since there are substantial inconsistencies between the jurisdictions, areas that have already been determined to be regionally significant in Resolution No. 02-3218 should go forward to the ESEE analysis. This information was presented to Metro Technical Advisory Committee (MTAC) earlier this day, August 7, 2002, and they voted in support of this course of action. This information has been reviewed a number of times at MTAC prior to their latest recommendation of support. Also, the City of Wilsonville has submitted some corrections to their Planning and Development Ordinance, which is attached to and incorporated into the permanent record of this meeting. Mr. Helm added that minor corrections from jurisdictions submitted before the Council makes its final decision can be accepted.

Councilor Park asked if the seventh "Whereas", line two, ". . . of conducting one ESEE analysis for . . ." wasn't premature. Mr. Helm said that this language referred to combining the maps, and did not bind the Committee or Council from conducting a combined ESEE analysis, if that suggestion came forth from the Economic Technical Advisory Committee (ETAC). Councilor Park was not supportive of this language.

Mr. Helm replied that if the Council determines that it wants separate ESEE analyses of both inventories, separately, it can always be done. Combining the maps does not set the Committee or Council on a specific irrevocable route. The language could be changed at the meeting, if the Committee chose to do so. Chair McLain said the purpose of this resolution was to provide to the public, as well as to the advisory groups, full information on the riparian and wildlife without any prioritization. Mr. Turpel suggested adding the word “one” in the place of the word “the” in the last sentence of BE IT RESOLVED 1.

After discussion, Councilor Park suggested amending Resolution No. 02-3218, in the seventh “Whereas” to read:

Whereas, the Metro Council desires to combine the two draft inventory maps for the purpose of conducting ~~one-the~~ ESEE analysis for both riparian corridors and wildlife habitat resources within the regionally significant resource sites identified by the Metro Council in Resolution No. 01-3141; and

Councilor Atherton suggested changing “one” to “an” in both the seventh Whereas, and the first BE IT RESOLVED. Councilor Park was not comfortable with changing “one” to “an.”

Motion:	Councilor Park moved to amend Resolution No. 02-3218.
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Vote:	The Committee unanimously voted approval, passing the amendment to Resolution No. 02-3218.
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Chair McLain opened the public hearing on Resolution No. 02-3218. She also informed those present that staff was available with maps and information to assist individuals with any questions regarding their property.

Margot Barnett, 9912 SW 25th Avenue, Portland, OR, 97219, spoke in support of Resolution 02-3218. She indicated integration of both riparian and wildlife maps to both inventories is critical to an overall integrated functional approach for this planning process. Her written testimony is attached to and incorporated into the permanent record of this meeting.

Mike Houck, Audubon and Coalition For a Livable Future, 5151 NW Cornell Rd., Portland, OR 97210, supported this resolution because “the whole is better than the sum of its parts.” Separate ESEE analysis made no sense. ETAC is only addressing the economic aspects of the ESEE analysis. Metro is addressing the social, environmental and energy aspects. He suggested it be taken to the Goal 5 Technical Advisory Committee or Water Resources Policy Advisory Committee or other standing advisory committees to discuss.

Jim Labbe, 4805 N. Borthwick, Portland, OR 97217, spoke for David King, David Cipriano, Meredith Hamm, Eli Spevak, Melissa Medieros, Jim Waigand, Keith Hadley, Tess Jordan, Jason Buch, Amy Stork, Sharon Staton, Matt Chambers, Brian Comb, Juniper Murray, Bill Schrier, Peter Bray, Shelly Moore, Sandra Diedrich, Celine Fitzmaurice, John and Christine Perala Gardiner, other area residents, in favor of Resolution 02-3218. He urged expeditious adoption of a regionally significant inventory. His written testimony is attached to and incorporated into the permanent record of this meeting.

Florence Riddle, 2554 SW St. Helens Court, Portland, OR 97201, spoke supporting this resolution because it is an important housekeeping matter, and supported Metro’s work.

Kristian Roggendorf, O'Donnell & Clark, 1706 NW Glisan, Suite 6, Portland, OR 97209, represents Sylvia Strauss, owner of property at 14146 SE Holgate Boulevard, Portland, OR, spoke in opposition to the combined mapping in this resolution. His concern was with the property scored as riparian 1 and wildlife 5, while actually unsuited as migratory corridor or habitat for wildlife. Written testimony was submitted and is attached and incorporated into the permanent record of this meeting.

Chair McLain reminded the testifiers that staff was available to note any map discrepancies, as this was an on-going process and would continue in an attempt to create the most accurate maps possible.

Alex Cranson, 5505 Prosperity Park Road, Tualatin, OR 97062, spoke in opposition to Resolution 02-3218. He stated the community had not been informed of Metro's activities, there were numerous map errors, that there has been an attempt on Metro's part to contact the affected property owners, but he hasn't spoken to anyone with 20 miles of his home that knows anything of this effort. He learned of Metro's activities through a lawyer who was going door-to-door informing residents. He said Metro's mapping correction procedures would not be properly implemented. The maps have an error factor of about 15% to 20%.

There was no further testimony. Chair McLain closed the public hearing of Resolution 02-3218. She then opened committee discussion. Councilor Bragdon said the plan had the ability to disaggregate what needs to be disaggregated and makes sense overall. Councilor Atherton said early discussions always agreed that riparian and upland watershed systems be combined. The intent was to look at the complete system. All of the best evidence points to uplands and riparian as combined.

MOTION:	Councilor Bragdon moved adoption of Resolution No. 02-3218.
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VOTE:	The vote was unanimous and Resolution No. 02-3218 was adopted. Chair McLain will carry it to Council.
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Chair McLain indicated that staff had compiled public comments received, as well as responses to those comments for anyone who had previously commented and wanted to know the staff response. She said the Committee would hear testimony from those who had submitted testimony cards wishing to address Resolution No. 02-3177A. This resolution was passed out of Committee on July 31, 2002 and would be before Council on August 8, 2002. This resolution does not have a program, it does not protect anything or piece of property. It does indicate a riparian inventory to study through an ESEE analysis, which is the next step. Some of the properties might be important to industry, or inappropriate to protect. They might have important social uses, or perhaps, none. The third step would be a program.

Phil Forker, 20774 SW Prindle Rd., Tualatin, OR 97062, wished to correct the record. When Mr. Cranson testified, he was actually referring to Mr. Forker who is an insurance agent, not a lawyer. He is opposed to Metro's adoption of Resolution 02-3177A. He addressed the process and methodology Metro has used in pursuit of a managed outcome. In his opinion Metro's notifications were very, very camouflaged. He never received any notification. He does not like the process Metro is using. He requested an open process. With a press of a button, Metro could have notified everyone of what was occurring. He requested additional time to comment, but the Chair indicated there were several more citizens waiting to testify. He stated the system was biased.

Mike Lehne, 7915 SE 162, Portland, OR 97236, stated he had the same opinion as the previous testifier. He objects to the system as not being well represented by citizens. He said working people cannot

manage afternoon meetings in which to participate in public meetings. He said the mapping wrong. His two properties in Multnomah County are incorrectly mapped. He said the individual property owners are not being treated fairly in this process. He added that if he clear cut everything, there would be no overlay zone or wildlife habitat designation. The taking that will occur without compensation represents a significant amount of property. Furthermore, he stated that the staff thinks they know better about being better stewards of the land, which is very arrogant.

Hilary Almers, 1320 SW Hessler Drive, Portland, OR 97201. She and her neighbors are fearful they will be assessed further regulatory requirements, as they are in an overlay zone now. Her property, also included, has heavy tree canopy. She requested information be sent to all homeowners, and recommends not going the regulatory route that the City of Portland attempted, but rather introduce incentives and education.

Julia Brown, 3202 SW Clemell Avenue, Portland, OR 97239, said her large SW property has been identified as riparian by the City of Portland, and is practicably undevelopable because of environmental regulation. She submitted written testimony which is attached to and incorporated into the permanent record of this meeting.

David Wedge, 6310 SW Burlingame, Portland, OR 97239, stated that the cost of this project should be presented to citizens. He submitted written testimony which is attached to and incorporated into the permanent record of this meeting.

Ben Langlotz, Executive Director, United We Stand Foundation, 2850 SW Fairmont, Portland, OR 97201, was speaking on his own behalf. The notification process is lacking. He has not received any notification this year. He last received "Let's Talk," dated October 2001 which referred to Metro's fish and wildlife habitat protection work. The newspaper indicated that residents who received information may have misplaced it or misunderstood it. It is not true. A mailing needs to be sent to each homeowner at each stage. He said Metro's maps are wrong, using an example of a "sewer watershed." He claimed Metro's maps are disconnected from reality, and an appeals process needs to be put in place. He submitted printed matter into the record.

Tim Lyman, 2900 SW Carolina Street, Portland, OR 97239, provided written testimony which is attached to and included in the permanent record of this meeting. As an outdoorsman, he favors protecting wild areas but is highly opposed to the process being used here and to the inevitable land grab.

Gary Kellogg, 4153 SW Washouga Ave., Portland, OR 97219, has been an enthusiastic environmental voter but discovered last year a level of urban regulation approaching absurdity. He fought against the City of Portland's healthy streams program which would have reduced the choices of use on his property. Metro's mapping frightens him and he opposes Resolution No. 02-3177A. There is reason to believe the mapping and science in this instance is flawed. Hill property has been excluded from mapping while storm water runoff rushes downhill and kills trees.

Jim Goulet, 735 F. Avenue, Lake Oswego, OR 97035, speaking on behalf of Louise Cardinal of 3535 SW Buddington, Portland, Oregon. This situation is adversely affecting Ms. Cardinal's health because of the dramatic impact upon the potential of her property. She is terrified about what is happening and has offered her property to Metro for purchase. The offer Metro made was one-half of its market value and was a foreshadowing of Metro's plan as it moves forward. The map is not accurate and an appeals process needs to be planned. There should be adequate compensation for value taken.

Sam Holmes, 12215 SW 33rd Avenue, Portland, OR 97219, has provided written testimony which is attached to and incorporated into the permanent record of this meeting. His property with a stream on it would be unbuildable and of little, if any, value with the proposed regulations.

Charlie Sattgast – 19421 SE Ash St., Portland, OR 97233, testified in opposition to Resolution 02-0377A on behalf of Kathleen Parry, property owner. The property has been rezoned with severe restrictions. He submitted written testimony which is attached to and incorporated into the permanent record of this meeting. Land extraction without compensation is alarming.

Frank Rogan – 3931 SW Allen Boulevard, Portland, OR 97221, is a professional engineer. He said the City of Portland ignored the engineering point of view. Please point out engineering aspects for such a large project. He endorses previous testimony regarding lack of notification to property owners. It isn't possible to maintain a park-like setting in a big city.

Susan White, 212 NW Macleay, Portland, OR 97210, spoke opposing this resolution. She requested viewing all the maps so she could find a home for sale without environmental overlays. She does not want to consider any property with restrictions.

Councilor McLain thanked the testifiers. She summarized Metro's notice activities to-date and said Metro will continue to inform the public. Ninety thousand mailings were sent, 144,000 utility bills provided enclosures, 45,000 specific property owner letters were sent, and 19,800 letters were most recently sent. Open houses were held in 2000, 2001 and 2002, Metro's website is available with information and public notice is placed in the newspapers. Two hundred and forty people attended the July 31, 2002, 6 p.m. open house. There is a map amendment process as well as an appeals process for this legislation. She stated there will be no takings when the program stage arrives. Metro's Title 3 record indicates we have no history of takings.

Mike Houck, Audubon Society and Coalition For a Livable Future, 5151 NW Cornell Road, Portland, OR 97210, addressed Resolution 02-3177 regarding properties receiving a score of 1. He suggested rather than addressing them at the ESEE stage, adding an amendment or clarification to Resolution No. 02-3177A stating that those properties would be viewed as regional resources, rather than requesting the local governments to address them would be the best action to take. A regional urban forestry program consisting of stormwater and watershed management would best address those specific sites at a regional level.

Councilor Atherton suggested putting forth an amendment. Councilor Park questioned the benefit of this amendment. Councilor Bragdon felt an amendment would provide a cumulative sense the legislation was lacking. Councilor Park and Councilor Bragdon could not agree on the principle of the amendment. Chair McLain suggested Councilor Atherton discuss this amendment with the Metro Councilors individually and address it at Council on August 8, 2002.

Councilor Atherton asked what the appeals process was. Chair McLain said legal counsel was not present, but the two issues that needed to be addressed were: When is the appropriate time for an appeals process, and, what is the State's appeal process that has been already been defined. She asked Councilor Atherton to make this request of legal counsel prior to the next Council meeting. Mr. Turpel said staff had been directed to make map corrections when appropriate.

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Chair McLain adjourned the meeting at 3:10 p.m.

Respectfully submitted,

Patricia Mannhalter
Committee Clerk

ATTACHMENTS TO THE PUBLIC RECORD FOR THE NATURAL RESOURCES COMMITTEE
MEETING OF AUGUST 7, 2002

AGENDA ITEM NUMBER	DOCUMENT DATE	DOCUMENT DESCRIPTION	TO/FROM	DOCUMENT NUMBER
2	7/30/2002	Resolution No. 02-3218	TO: Metro Council FROM: Natural Resources Committee	08/07/02.01
2	8/1/2002	Natural Resources Committee Report	TO: Natural Resources Committee FROM: Chair Susan McLain	08/07/02.02
1	7/31/2002	Minutes of the Natural Resources Committee	TO: Natural Resources Committee FROM: Cheryl Grant, Committee Clerk	08/07/02.03
2	8/7/2002	Testimony supporting Resolution 02-3218	TO: Natural Resources Committee FROM: Margot Barnett	08/07/02.04
2	8/7/2002	Testimony supporting regionally significant inventory	TO: Natural Resources Committee FROM: David King, David Cipriano, Meredith Hamm, Eli Spevak, Melissa Medieros, Jim Waigand, Keith Hadley, Tess Jordan, Jason Buch, Amy Stork, Sharon Staton, Matt Chambers, Brian Comb, Juniper Murray, Bill Schrier, Peter Bray, Shelly Moore, Sandra Diedrich, Celine Fitzmaurice, John and Christine Perala Gardiner	08/07/02/05
2	8/7/2002	Testimony opposing property designation	TO: Natural Resources Committee FROM: Kristian Roggendorf, O'Donnell & Clark representing Sylvia Strauss, property owner	08/07/02/06
2		Testimony concerning identification rendering land virtually undevelopable	TO: Natural Resources Committee From: Judson and Julia Brown	08/07/02.07
2	8/7/2002	Testimony expressing limitations placed on private land	TO: Natural Resources Committee FROM: David E. Wedge	08/07/02.08
2	October 2001	Submission of copy of "Let's Talk" issue, dated October 2001, copy of <u>Oregonian</u> article dated 8/7/02, and copy of map entitled "Metro's 'Junk Science'"	TO: TO: Natural Resources Committee FROM: Ben Langlotz	08/07/02.09
2		Testimony opposed to Metro's process and intended land grab	TO: Natural Resources Committee FROM: Tim Lyman	8/07/02/10
2	8/7/2002	Testimony stating his property would be of little if any value if these regulations pass	TO: Natural Resources Committee FROM: Samuel M. Holmes	08/07/02.11
2	8/7/2002	Testimony on behalf of Kathleen Parry, property owner indicated compensation should be made for land value	TO: Natural Resources Committee FROM: Charlie Sattgast	08/07/02.12
2	8/7/2002	Written submission accepted, although Fitchett's left without testifying	TO: Natural Resources Committee FROM: Donna and James Fitchett	08/07/02.13
2	8/7/2002	Submission of Draft Local Plan analysis corrections	TO: Natural Resources Committee FROM: Kerry Kappold, Planner, City of Wilsonville	08/07/02.14
2	8/6/2002	Summary of Public Comments, Metro Natural Resource Committee Recommendations and Metro Staff Responses	TO: Natural Resources Committee FROM: Mark Turpel, Manager, Planning Department	08/07/02.15
2	8/7/2002	Atherton Amendment to Resolution No. 02-3177	TO: Natural Resources Committee FROM: Councilor Bill Atherton	08/07/02.16

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	Various	Responses to emails and postcards received both supporting and opposing Metro's fish and wildlife work and requesting placement on informational mailing list	TO: Interested Citizens FROM: Chair Susan McLain	08/07/02.17
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Testimony cards received at meeting: 20

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