

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

Wednesday, June 5, 2002
Council Chamber

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

Members Absent: David Bragdon (excused)

Also Present: Rex Burkholder, Rod Monroe

Call to Order and Roll Call

Chair McLain called the meeting to order at 1:08 p.m.

1. Consideration of the Minutes of the May 15, 2002 Natural Resources Committee Meeting

Motion:

Councilor Hosticka moved to adopt the minutes of the May 15, 2002 Natural Resources Committee regular meeting.
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Vote:

Councilors Atherton, Hosticka, Park and McLain voted to adopt the minutes as presented. 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. Resolution No. 02-3194, For the Purpose of Granting an Easement to the City of Oregon City for Non-Park Use Through Metro Property on Newell Crest Drive

Charles Ciecko, Director, Parks and Greenspaces, explained this resolution came from a request by the City of Oregon City to install an emergency power source adjacent to a sewer pump station located on Metro property in the Newell Creek Canyon area to alleviate a sewer overflow problem. He pointed out the request from the City of Oregon City to waive any costs associated with granting the easement, including Metro staff time to date (\$350.50) and the estimated value of the easement (\$1,951.00). He noted the Greenspaces Advisory Committee had reviewed the resolution and recommended waiving the fees. Chair McLain asked about Title 3 issues. There were none.

Motion:

Councilor Atherton moved to recommend Council approval of Resolution No. 02-3194.

Councilor Hosticka asked about the City of Oregon City's justification in the resolution being that it would benefit Metro by protecting Metro land from sewage overflow. He wondered if it was a liability that they were dumping it in the first place. Ken Helm, Senior Assistant Counsel, responded that no third party had a right to dump sewage, so it was not a substantial benefit to Metro. Chair McLain commented that Metro would most likely have to pay fees if they made such a request of someone. Councilor Atherton said Metro did receive a benefit from Oregon City due to their policing of the area. He felt pumping stations were a fact of urban life and the overflow needed to be prevented.

In response to a question from Councilor Park, Mr. Ciecko said there was power in the general vicinity, but it was on the regular grid. He said this easement would be for a generator that could be powered up in

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case of a grid failure. Councilor Park asked if Metro would have access to it if there was a need. Mr. Ciecko said not per the terms of this agreement. Chair McLain felt this request from Oregon City was reasonable, but they should remember policy set by Council, that they had not waived all fees or given easements without charge every time. Mr. Ciecko was aware of one other instance where Metro waived fees for an easement located on the edge of a piece of property.

Mike Burton, Executive Officer, asked the committee not to waive the processing fee for the resolution, but he did not see the estimated value of the easement as a problem because he could see the overflow protection as a benefit to the sewer system. He advised the committee to be very clear in the resolution whether they were going to waive part of any of the fees. Councilor Hosticka felt that this easement was for a purpose unrelated to parks. He did not see a compelling reason to waive the fees. Councilor Atherton felt there was some value from Oregon City's stewardship of the property.

Vote:

Councilors Atherton, Hosticka, Park and McLain voted to recommend council approval of Resolution No. 02-3194. The vote was 4 aye/ 0 no/ 0 abstain and the motion passed. Councilor Bragdon was absent from the vote.
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4. Resolution No. 02-3177, For the Purpose of Establishing Criteria to Define and Identify Regionally Significant Wildlife Habitat and Adopting a Draft Map of Regionally Significant Wildlife Habitat Areas

Mr. Burton summarized his recommendations for adoption of wildlife habitat criteria and the significant wildlife habitat map for the committee (for more detail, see copy of his letter dated June 5, 2002 to Susan McLain included in the permanent record of this meeting). Paul Ketcham, Long Range planning, detailed technical information regarding the wildlife habitat inventory maps (see copies of Draft: June 4, 2002 – Wildlife Habitat Criteria Matrix and Draft June 4, 2002 Options for determining regionally significant wildlife habitats, included with the permanent record of this meeting). He reviewed the criteria and options.

Councilor Park asked how they were working to avoid the edge effect. Mr. Ketcham responded that the research showed a range of distances from 200' to 800' was needed to guard against the edge effect, and they were using 200'. He said the effect was both a positive and a negative for wildlife, as some species thrive with edge effect and others are harmed by it. He said in the urban environment where it was already fragmented, the edge effect was generally harmful. He reviewed the quality of interior conditions shown on the maps. In response to a question from Councilor Atherton, Mr. Ketcham said the model did not consider the concept of land development patterns in the assessment of wildlife habitat because even scattered tree canopies can be an important stop over habitat for neotropical migrants. He added it does differentiate in value those forest canopies compared to other forest canopies and other connector habitats by giving them the lowest value on a relative scale.

Chair McLain opened a public hearing on 02-3177

Jim Emerson 13900 NW Old Germantown Rd., Friends of Forest Park and Forest Park Neighborhood Association, spoke in support of the Executive Officer's recommendation. He stressed that large patch size is clearly essential. He commented that as good as this set of potential regulations are, he hoped for future changes at the legislative level to protect fragmented urban fringe where even relatively small cuts can have a fairly large impact on wildlife.

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Ron Carley, 5151 NW Cornell Rd. Portland, OR 97210, Audubon Society of Portland and Coalition for a Livable Future, also supported the Executive Officer's recommendation. He felt strongly that all of the mapped habitats are significant. He said while they were supporting Option 2, their hope was that the areas that were removed from the inventory would be taken up by local urban forest management programs or the regional stormwater program.

Chair McLain closed the public hearing.

5.1 Resolution No. 02-3199, For the Purpose of Authorizing the Executive Officer to Purchase the Derby-Heinze Partnership Property on Mt. Scott in the East Buttes/Boring Lava Domes Target Area.

Bill Kennemer, Clackamas County Commissioner, said they had been working to improve their greenspaces and parks acquisitions and one of the windows of opportunity would be salvaging this 54 acres on the last unprotected lava butte. He said it was a beautiful place with a magnificent view. He pointed out the property and its connectivity with Mt. Scott Creek and Scouter's Mountain Trail on a map he brought.

Eugene Grant, Mayor of Happy Valley, spoke in support of this resolution. He said after a unanimous vote, his city council had also agreed to put up a share of local match money. He felt it would be an excellent open space addition.

Jim Bernard, Mayor of Milwaukie added his support of the resolution.

3. RESOLUTION NO. 02-3176, FOR THE PURPOSE OF ADOPTING A DRAFT MAP OF REGIONALLY SIGNIFICANT FISH HABITAT PURSUANT TO RESOLUTION NO. 01-3141C

Mr. Ketcham pointed out a map on the wall which included both the regionally significant riparian corridor and the wildlife habitat on one map with acreage figures. Mr. Turpel said MTAC had seen the map that morning and had recommended this map be considered as the inventory, then begin the ESEE analysis. Chair McLain reminded the committee they had been working on this map for close to two years. She reviewed some of the history of the map work. She noted a letter from the City of Hillsboro, dated January 4, 2002, in which they say even though they are suggesting we adopt this riparian map as proposed, they want to understand the process for continuing changes as we get better information (see copy of letter to Susan McLain from Winslow Brooks, City of Hillsboro, re: Metro's Goal 5 Riparian Corridor Mapping included with the permanent record of this meeting.) She said she would be responding to that letter as Chair of the Committee. She noted a letter of concern about the potential impact of the designation assigned to a property in the Hillsboro area (see copy of fax letter to Paul Ketcham from Stacy Connery re: Property of Mr. John Maring, included with the permanent record of this meeting.) Councilor Hosticka recalled seeing a table that had been developed showing the number of acres designated as regionally significant, the number already in public ownership, and the number covered under Title 3. He asked if that table had been revised. Mr. Turpel said those could be generated fairly quickly. Councilor Hosticka said he would like to see it.

Chair McLain opened a public hearing on Resolution No. 02-3176.

Ron Carley, 5151 NW Cornell Rd. Portland, OR 97210, Audubon Society of Portland and Coalition for a Livable Future, strongly supported the resolution.

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Chair McLain closed the public hearing.

Motion:

Councilor Hosticka moved to recommend Council approval of Resolution No. 02-3176.

Councilor Park asked when the chart previously mentioned would be available. He was curious about how much more they were examining over what was already under actual protection. Mr. Turpel hoped to have it next week at the latest. Chair McLain said for sure before action at council. Councilor Hosticka said he agreed with Mr. Carley that it was time to get moving on the next stages.

Vote:

Councilors Hosticka, Park, Atherton and McLain voted to recommend council approval of Resolution No. 02-3194. The vote was 4 aye/ 0 no/ 0 abstain and the motion passed. Councilor Bragdon was absent from the vote.

Chair McLain will carry the resolution to the full council.

5. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Chair McLain opened an Executive Session pursuant to OS 192.660(1)(e) at 2:28 p.m. to discuss remaining Open Spaces funds.

Present: Metro staff: Charles Ciecko, Jim Desmond, Mike Burton, Michael Morrissey, Nancy Chase, John Donovan. Ken Helm, Marv Fjordbeck, Cheryl Grant. Members of the media: Laura Oppenheimer

Chair McLain closed the Executive Session at 3:28 p.m. and reconvened the Metro Council Natural Resources Committee regular meeting.

5.1 RESOLUTION NO. 02-3199, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE THE DERBY-HEINZE PARTNERSHIP PROPERTY ON MT. SCOTT IN THE EAST BUTTES/BORING LAVA DOMES TARGET AREA (CONTINUED)

Chair McLain opened a public hearing on Resolution No. 02-3199.

Steven Berliner, 4455 SE Aldercrest Rd., Milwaukie, OR 97222, Friends of Kellogg & Mt. Scott Creeks Watershed, presented maps and reviewed the area for the committee. He spoke in support of the resolution.

Dick Shook, 4815 SE Casa Del Rey Dr., Milwaukie, OR 97222, Friends of Kellogg & Mt. Scott Creeks Watershed, helped with the maps and supported the resolution. He said the view from Willamette National Cemetery was wonderful and it would be too bad to change that view to houses.

Mr. Burton commented that he would need to know from the council what criteria they were replacing in lieu of the previously adopted policies, and also council would need to specify which properties they would have him displace in order to have the dollars to go on with this.

Mike Henley, Director, North Clackamas Parks & Recreation District, responded to Councilor Atherton's question about public access to the lower portions. Mr. Henley said they were in the process of updating

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their parks district master plan and there was a conceptual line in that through the proposed purchase property that would connect to some regional trails through the City of Happy Valley. He said they had not yet specifically looked at access from the southern portion. He said that lower portion was currently a gated community. He added that the Parks District remained committed to participating in the 25% match and operating the property as regional open space. Councilor Monroe said there is currently a trail through the property. Mr. Henley told Chair McLain that to his knowledge, the county had not considered purchasing the property themselves.

Motion:

Councilor Hosticka moved to forward Resolution No. 02-3199 to the full Council.

Councilor Hosticka said he was reluctant to vote today but it had been pending so long, something needed to be resolved one way or other.

Councilor Park wondered which properties would have to be removed from the list if they went ahead with this purchase. He said the way it is currently written, he would not be above to support it today. Councilor Atherton was very much disturbed by the current proposal to create open space at public expense for a gated community. Councilor Monroe reiterated the time crunch on this particular property. He hoped the committee would move it out today, with or without recommendations, so the council could continue to work on those issues to try to resolve them. Chair McLain said it was important to remember the criteria which has been used since 1995 and the additional criteria that was added about a year ago. She said she could not vote for this resolution because they would have to displace 13-14 other properties that met the criteria. She agreed with Councilor Hosticka that if there was a way to put together a different program that would not displace the other properties, she would be interested in looking at it.

Councilor Monroe recalled a firm discussion that those were the criteria for the Executive Officer pursue and buy property without a vote of council. He said there was clear discussion at that meeting that with a vote of the council they could deviate from those criteria. Chair McLain replied that she had not meant they were braking a rule, she meant that she valued the criteria and it would take a great deal for her to vote in favor of going away from those criteria.

Vote:

Councilors Park, Atherton and McLain voted no on Resolution No. 02-3199. The vote was 0 aye/ 3 no/1 abstain and the motion failed. Councilor Hosticka abstained. Councilor Bragdon was absent from the vote.

6. ESEE Issues

None.

ADJOURN

There being no further business to come before the Natural Resources Committee, Chair McLain adjourned the meeting at 4:11 p.m.

Prepared by

Cheryl Grant
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 5, 2002

Agenda Item No.	Topic	Doc Date	Document Description	Doc Number
3	Goal 5 Riparian corridor map	6/4/02	Letter to Susan McLain from Winslow Brooks, City of Hillsboro, re: Metro's Goal 5 Riparian Corridor Mapping	060502nr-01
4	Wildlife habitat	6/4/02	Draft Table: Wildlife Habitat Criteria Matrix	060502nr-02
4	Regionally significant wildlife habitat	6/4/02	Draft Table: Options for determining regionally significant wildlife habitats	060502nr-03
6	ESEE analysis	6/4/02	Memo to Susan McLain from Michael Morrissey re: Interviews with Metro Councilors concerning ESEE analysis	060502nr-04
6	Goal 5 maps	6/4/02	fax letter to Paul Ketcham from Stacy Connery re: Property of Mr. John Maring....	060502nr-05
6	ESEE Issues	6/4/02	Memo to Susan McLain from Mark Turpel re: Natural Resource Committee June 5 meeting – Agenda item 6 – ESEE Issues	060502nr-06
4	Wildlife habitat	6/5/02	Letter to Susan McLain from Mike Burton re: Wildlife Habitat Inventory	060502nr-07
4	Wildlife habitat	6/5/02	Regional Distribution of Riparian and Draft Wildlife Resources	060502nr-08

TESTIMONY CARDS

Jim Emerson, Forest Park NA, 13900 NW Old Germantown Rd., Portland, OR 97231

Ron Carley, Audubon Society of Portland, Coalition for a Livable Future, 5151 NW Cornell Rd.
Portland, OR 97210

Dick Shook, Friends of Kellogg & Mt. Scott Creeks Watershed, 4815 SE Casa Del Ray Dr.,
Milwaukie, OR 97222

Steven Berliner, Friends of Kellogg & Mt. Scott Creeks Watershed., 4455 SE Aldercrest Rd.,
Milwaukie, OR 97222