

MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 23, 2003
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the October 16, 2003 Regular Council Meetings.

3.2 **Resolution No. 03-3377**, For the Purpose of Authorizing the Issuance of Request For Proposal 04-1085-HR, Metro Agent of Record and Consultant for Employee Health and Welfare Plan.

Motion:

Councilor Park moved to adopt the meeting minutes of the October 16, 2003, Regular Metro Council meeting and Resolution No. 03-3377.
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Vote:

Councilors Burkholder, McLain, Park, Hosticka, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 03-1023**, For the Purpose of Amending Provisions of Metro Code Chapter 6.01 Relating to the Metropolitan Exposition-Recreation Commission.

Council President Bragdon assigned Ordinance No. 03-1023 to Council. He spoke to the ordinance. There will be public hearings on November 6th and November 20th. Councilor Burkholder suggested reconvening the Oregon Convention Center Advisory Group to discuss this ordinance.

5. RESOLUTIONS

5.1 **Resolution No. 03-3373**, For the Purpose of Endorsing the Recommendations of the Powell/Foster Corridor Transportation Plan.

Motion:	Councilor Monroe moved to adopt Resolution No. 03-3373.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe said the Metro Council had already had a presentation on this plan. He said this had been a lengthy process to discuss which corridors should be studied. He has suggested Powell/Foster Corridor be studied. Staff concurred. With the expansion of the Urban Growth Boundary into the Damascus/Pleasant Valley area, this corridor study became even more important. He spoke to congestion issues in the area as well as the lack of pedestrian and bicycle access. He talked about what was included in the corridor transportation plan. He urged support.

Councilor Park asked that Andy Cotugno, Planning Director, to speak to the Regional Transportation Plan. Mr. Cotugno spoke to the Sunrise Corridor and acknowledgement of the Regional Transportation Plan.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing.

Councilor McLain thanked the staff for all of their hard work and said she would be supporting this resolution. Councilor Monroe echoed Councilor McLain’s comments and talked about public input for this project.

Vote:

Councilors Park, Hosticka, McLain, Monroe, Burkholder, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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5.2 **Resolution No. 03-3376**, For the Purpose of Endorsing Metro’s Draft Goal 5 Phase 1 Economic Social Environmental and Energy (ESEE) Analysis and Directing Staff to Conduct More Specific ESEE Analysis of Multiple Fish and Wildlife Habitat Protection and Restoration Program Options.

Motion:	Councilor Hosticka moved to adopt Resolution No. 03-3376.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka said this marks the end of the second step in a three-step process. He talked about the history of the program. The resolution completes the technical analysis. He spoke to future steps. He noted that types of input this resolution had received. Council President Bragdon said they would have a public hearing today and again next week in Washington County at 5:00 p.m.

Chris Deffebach, Planning Department, gave a power point presentation on this issue (a copy of which is included in the meeting record). Councilor Hosticka asked about notification that has been issued to the public. Ms. Deffebach addressed this issue.

Council President Bragdon opened a public hearing.

JoAnn Bowman, Vice President, Coalition for a Livable Future, 3145 NE 15th, Portland, OR 97212 spoke to what was the mission of the Coalition. She raised concerns about equity and how the Metro Fish and Wildlife Habitat Protection Plan would be developed. It should not matter where you live in the region whether or not citizens have access to quality wildlife habitat areas and whether or not you should have access to fish. She also raised the issue of environmental

justice. There were many areas within our region where policy decisions that have been made in the past have had a significant impact on the natural resources and human resources in the areas that were available for individuals. She thought there should be some criteria that was based on what had been the environmental justice impact on these local communities as the Council was deliberating about the appropriate protection plan and regulations. Councilor Burkholder asked how she would take that environmental justice concern and applying it to the program.

Mary Kyle McCurdy, 1000 Friends of Oregon, 534 SW 3rd Ave, Portland, OR 97201 recommended that Metro remove from further consideration the ways to vary the regulatory approaches by limiting the application of what ever option Council chose to areas outside the 2002 Urban Growth Boundary (UGB) or to certain types of sites such as parcels greater than a certain size or vacant lands only. Metro undertook this regional wildlife and fish habitat protection effort in part because of their recognition that streams and habitats crossed political boundaries and weave the region together. Varying the application by whether the land was outside the 2002 UGB or was vacant, there was not relationship to those resources or their functioning. Metro's inventory already accounts for whether the habitat or watershed was degraded or of higher quality and the program options allow you to weigh the environmental economic social and energy consequences of prohibiting, limiting or allowing a use on those lands. There was no need to vary that based on criteria that have nothing to do with the resource at issue. To do so would result in a program that does not protect and restore fish and wildlife habitat. In the interest of further simplifying this process 1000 Friends would recommend that Metro remove that at this point.

Sam Chase, Community Development Network, 2627 NE Martin Luther King Blvd., Portland, OR 97212 thanked the Council for taking leadership on this issue. As Metro evaluated the impacts of protection, he suggested this should not impact affordable housing. He said that when he was a developer he found he could make fish and wildlife protection work while developing affordable housing. He talked about renovation of the area so there was integration of the natural landscape in the yards. There was a market to make affordable housing work and integrate with the natural environment.

Jim Labbe, Audubon Society of Portland, 5151 NW Cornell Rd., Portland, OR 97210, noted that there would be many here today who chose not to testify but supported his remarks (about 15 people stood). He focused his comments on draft program options. He suggested applying the conditions outside the 2002 Urban Growth Boundary expansion areas. They supported the committee's recommendations on a stronger Option 2. He urged the Council to consider Option 4 only in terms of analysis.

Gail Snyder, Friends of Forest Park, PO Box 10934, Portland, OR 97296, supported Mr. Labbe's remarks and read her remarks into the record (a copy of which is found in the meeting record).

Tom Wolf, Trout Unlimited, 22875 NW Chestnut, Hillsboro, OR 97124 said he believed we needed a stronger Option 2. He also suggested in Option 1, the term allow be removed and include lightly limit in its place. On Option 4, he suggested eliminating Option 4 and using it for analysis purposes only.

Dick Shook, 4815 SE Casa del Rey Dr., Milwaukie, OR 97222 summarized his written testimony (a copy of which is included in the meeting record).

Steve Mullinax, 4648 SW 39th Dr., Portland, OR 97221 supported strong wildlife and fish protection. He and his neighbors had donated many hours to habitat restoration protection. They

valued being in support of a network of watershed protection. He urged mix regulatory and non-regulatory approach to recognize the value of the watershed (a copy of his testimony is included in the meeting record).

Lynn Herring, 1090 Chandler Rd., Lake Oswego, OR 97034 said she was in support of the overall goal of protection. She supported the Audubon Society testimony (a copy of which is included in the meeting record). She reminded the Council of the responsibilities of being a property owner and the need to protect the natural environment.

Allison Zimman, 4301 NE Mason, Portland, OR 97218 read her testimony into the record (a copy of which is found in the meeting record).

Catherine Johnson, 6111 SW Lesser Way, Portland, OR 97219 did not testify.

Bob Sallinger, Audubon Society of Portland, 5151 NW Cornell Rd., Portland, OR 97221 read his testimony into the record. (a copy of which is included in the meeting record).

Donna Mattrazzo, Sauvie Island Conservancy, 14300 NW Sauvie Island Rd. Portland, OR 97231 read her testimony into the record (a copy of which is included in the meeting record). She spoke to legacy.

Ron Carley, 1227 SE Tolman, Portland, OR 97202 did not testify.

Jennifer Thompson, US Fish and Wildlife Service, 2600 SE 98th Suite 100 Portland, OR 98266 read her testimony into the record and noted that they had already submitted detailed written testimony. They supported the Metro Technical Advisory Committee (MTAC) recommendations. They also supported strong non-regulatory elements. Councilor Burkholder asked how our activities affected the impact on the Endangers Species Act (ESA) and what met the federal government's requirements. Ms. Thompson said her recommendations were probably closely aligned with the government's but there needed to be additional input from other entities. Councilor Hosticka said we don't have a definitive statement about what will meet ESA. Ms. Thompson said she didn't feel that she was in a position to respond to his question.

Lee Leighton, Westlake Consultants, 1515 SW Sequoia Pkwy Suite 150 Tigard, OR 97224 acknowledged the efforts of the Metro staff in helping answer questions. He summarized his written remarks (a copy of which is found in the meeting record).

Michael Sestril, Lewis and Clark College, 0615 SW Palatine Rd., Portland, OR 97219 echoed Mr. Leighton's comments. He spoke to developing their master plans for Lewis and Clark College and the effects on the areas of their campus. He spoke to impact and regulatory issues and the ability to develop future plans for the campus. Councilor Park asked about economic impact and whether they considered themselves regionally significant. Mr. Leighton spoke to involvement of higher education institutions in the region. It was important to consider higher education institutions in the mix. They were supportive of the process but they also wanted to provide technical critiques that may have an important impact on the results. Mr. Sestril talked about educational institutions and the social value provided by these institutions. Council President Bragdon said the issue was to fit educational institutions into the framework. Mr. Leighton said there were certain adjustment that ought to be applied or overlaid that would be reflected in the qualitative analysis and the mapping (a copy of his testimony was included in the meeting record).

Donna Edgar, East Columbia Neighborhood Association, 510 NE S. Shore Rd., Portland OR 97211 said she had not received notice and expressed concern that her area had been left out. She wanted on the mailing list. Councilor Burkholder said he had met with a delegation of the association a year and a half ago.

Jane Toma, East Columbia Neighborhood Association, 820 NE S. Shore Rd, Portland OR 97211 said she was the land use chair of the association. She represented her neighbors. They felt they would suffer economically from the planned protection. She said she was a good steward of her property but according to the healthy stream proposal she would lose part of her property. She suggested economic reimbursement proportionate to the property impact.

Jeff Uebel, Johnson Creek Watershed Council, 8300 SE McLoughlin Blvd., Portland, OR 97202 summarized his testimony (a copy of which is included in the meeting record). He also submitted a new plan of action brochure and Johnson Creek Watershed Action Plan (a copy of which is included in the meeting record).

Ellen Eaton, East County Neighborhood Association, 618 NE Faloma Rd., Portland OR 97211 said there were many in her neighborhood that did not get notified of the public hearing. She wanted to make sure the Council was aware of this. Goal 5 was of great concern because of the number of wetlands and the wildlife corridors in their neighborhood. They were close to the airport, to the I-5 widening project and to the Portland International Racetrack. She said there were many conflicting uses in this area.

Dave Yakymi, East Columbia Neighborhood Association, 850 NE Faloma Rd., Portland OR 97211 did not testify.

Paula Casner, East Columbia Neighborhood Association, 618 NE Faloma Rd., Portland OR 97211 did not testify.

Andrew Bowman, Defenders of Wildlife 2570 NE 32nd Ave, Portland, OR 97212, said they were very interested in the plan that would be put in place. He commended Metro on the inventory and the ESEE analysis. He felt these efforts could become a national model. He said the programs needed to be easy to understand and that the incentive programs needed to be adequately funded. Defenders of Wildlife would be happy to work with Metro staff. Councilor Burkholder asked about protection. Mr. Bowman responded to his question.

Earl Moore, 18415 SE Wilmot, Milwaukie OR 97267 said he was born by Boardman Creek. He spoke to a fish friendly culvert that was a disaster on Boardman Creek. He detailed some of the problems with the culvert and the culverts downstream. He said he had photos to prove his comments. The politicians had declared this area a high priority wetland but then they overruled their own decision. Councilor Park asked for clarification on his testimony. Mr. Moore said he was in support of protecting the historic stream run, the creek and was in favor of the fish runs. By cleaning up the dams, he didn't think he would have a problem with flooding. Councilor McLain thanked Mr. Moore. Councilor Newman clarified his remarks and said he would look at the property.

Diane White, 1225 E Historic Columbia River Hwy, Troutdale OR 97060 talked about her property that could be potentially regulated. She lived on the Sandy River. She asked if they would be buying her land. Much of her land had already been taken from her by the State. She spoke to issues of takings. She recommended that those who were passionate about this protection should compensate the effected property owners.

Glenn White, 1225 E Historic Columbia River Hwy, Troutdale OR 97060 talked about the effects on people who had not developed their property yet. He spoke to being a landowner and the limitation on his land. He suggested ways to protect fish and wildlife. He felt it was unfair for the groups that were advocating protection, to dictate protection on his property. He suggested street drains to improve water quality. He suggested limiting pesticides to improve the water quality. He also suggested education as a tool. Councilor McLain thanked Mr. & Mrs. White for testifying. She said they were still researching tools to protect, but no decisions were being made right now.

Jeffrey Gottfried, Native Fish Society, Educational Recreation Adventures 7040 SW 84th Ave., Portland, OR 97223 spoke to Metro's overall goal for fish and wildlife protection. They supported Metro's goal. Option 1 was the only one that had a chance of accomplishing this goal. Option 1 protected upland areas. This water must be dealt with before it got to the creeks.

Lise Glancy, Port of Portland, 121 NW Everett, Portland OR 97208 acknowledged Metro staff for their excellent work. She had submitted written testimony and summarized that testimony (a copy of which is included in the record). They felt Option 2A would be the best from a regulatory perspective. She recommended some additional tools. She spoke to industrial areas, which they felt were inconsistent with ESEE.

Martha Johnston, 2604 NE 13th Ave Portland OR 97232 East Columbia Neighborhood Association said once they had found out about the public hearing they had received great response from Metro's staff. They had not been notified but had testified in July 2002 at Metro. She spoke to value adjustments (a copy of her testimony was included in the meeting record).

Anthony Fazio, Fazio Properties, 8433 NE 13th Portland OR 97211 did not testify.

Council President Bragdon closed the public hearing and announced that this resolution would be held over until October 30, 2003 for final consideration.

Councilor Newman asked about deadline for substantive amendments to the resolution. Council President Bragdon suggested having them ready by Tuesday afternoon during work session. Councilor McLain suggested that we clarified that we were not the healthy steams group with a one-sheet summary. She also suggested putting Exhibit A and B on the website.

6. CHIEF OPERATING OFFICER COMMUNICATION

There were none.

7. COUNCILOR COMMUNICATION

Councilor McLain invited everyone to the Agricultural Symposium on October 31st at 8:30 a.m. at the Holiday Inn in Wilsonville. Council will be meeting in Hillsboro at the Washington County Chamber at 5:00 p.m. on October 30th to continue the Goal 5 public hearing.

8. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:10 p.m.

Prepared by

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10/23/03
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Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 23,
2003**

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	10/16/03	Metro Council Minutes of the October 16, 2003 Council Meeting	102303c-01
5.1	Email	10/21/03	To Metro Council From: Doug Klutz Re: Powell Foster Corridor Recommendations	102303c-02
5.2	Brochure	No date	To: Metro Council From: Jeff Uebel, Johnson Creek Watershed Council Re: A New Plan of Action Restoring and Protecting Johnson Creek Brochure	102303c-03
5.2	Action Plan	No date	To: Metro Council From: Jeff Uebel, Johnson Creek Watershed Council Re: Johnson Creek Watershed Action Plan An Adaptive Approach	102303c-04
5.2	Written Testimony	102303	To: Metro Council From: Karen Ashford Re: Property Owner near Marylhurst supporting strong protection for fish and wildlife – Goal 5 testimony	102303c-05
5.2	Letters and pictures	10/23/03	To: Metro Council From: Earl Moore Re: Supporting letters and pictures concerning Boardman Creek – Goal 5 testimony	102303c-06
5.2	Letter	10/23/03	To: Metro Council From: Kemper McMaster, US Dept of the Interior Fish and Wildlife Service Re: Goal 5	102303c-07
5.2	Letter	1/23/03	To: Metro Council From: Lisa Glancy, Port of Portland Re: Draft ESEE Analysis for Goal 5	102303c-08
5.2	Letter	10/23/03	To: Metro Council From: Gil Kelley, City of Portland Bureau of Planning Re: Goal 5	102303c-09
5.2	Letter	10/23/03	To: Metro Council From: Steve Mullinax Re: Goal 5 protection on Fanno Creek	102303c-10
5.2	Letter	10/23/03	To: Metro Council From: Richard Shook Re: Goal 5	102303c-11
5.2	Letter	10/23/03	To: Metro Council From: Diane White Re: Goal 5	102303c-12
5.2	Letter	10/23/03	To: Metro Council From: Glen White Re: Goal 5	102303c-13
5.2	Letter/Article	10/23/03	To: Metro Council From: Michael Sestril Re: Goal 5 and 2040 Plan for Lewis and Clark College	102303c-14
5.2	Written Testimony	10/22/03	To: Metro Council From: Donna Matrazzo Re: Goal 5 protection of Sauvie Island	102303c-15
5.2	Written	1023/03	To: Metro Council From: Jeff Uebel,	102303c-16

	Testimony		Johnson Creek Watershed Council Re: Goal 5 protection	
5.2	Written Testimony	10/23/03	To: Metro Council From: Lynn Herring Re: Goal 5	102303c-17
5.2	Written Testimony	10/23/03	To: Metro Council From: Gail Snyder, Friends of Forest Park Re: Goal 5	102303-18
5.2	Written Testimony	10/23/03	To: Metro Council From: Alissa Zimman, Audubon Society of Portland Re: Goal 5	102303c-19
5.2	Power Point Presentation	10/23/03	To: Metro Council From: Chris Deffebach, Planning Department Re: Metro Fish and Wildlife Habitat Protection Power Point Presentation	102303c-20