

MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 30, 2003
Washington County 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 5:02 p.m.

1. INTRODUCTIONS

Councilor McLain thanked the Council for their participation in the tour. She noted the CPOs involved in the tour.

2. CITIZEN COMMUNICATIONS

Lori Waldo, Bethany Neighborhood Coalition, 14603 NW Dawnwood Drive, Portland OR 97229 thanked the Council for coming out to the west side

Lauren Paulson, CPO6, 3980 SW 170th Aloha, OR 97007 invited the Council to his CPO meeting on November 6th. He urged them to come to the meeting. He complimented Councilor McLain for her involvement in Washington County. He invited Washington County to attend his meeting as well. He hoped that we could do a better job with getting transportation planning in place before we rushed to add roads.

Council President Bragdon acknowledged Dick Schouten, Washington County Commissioner. Commissioner Schouten welcomed Council to Washington County. Council President Bragdon also acknowledged Tom Hughes, Mayor of Hillsboro who had attended the tour but was unable to stay for the meeting.

3. CONSENT AGENDA

3.1 Consideration of minutes of the October 23, 2003 Regular Council Meetings.

Motion:

Councilor Park moved to adopt the meeting minutes of the October 23, 2003, Regular Metro Council meeting.

Vote:

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

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 03-1021**, For the purpose of Amending Title 4 of the Urban Growth Management Functional Plan to improve its protection of industrial land and to make corrections.

Council President Bragdon assigned Ordinance No. 03-1021 to Council.

- 4.2 **Ordinance No. 03-1022**, For the purpose of Amending the Employment and Industrial Areas Map to Add Regionally Significant Industrial Areas in compliance with Subsection J of Section 3.07.420 of Title 4 (Industrial and other employments areas) of the Urban Growth Management Functional Plan.

Council President Bragdon assigned Ordinance No. 03-1022 to Council.

Richard Benner, Planning Department, gave a brief overview of each ordinance.

5. RESOLUTIONS

- 5.1 **Resolution No. 03-3376A**, For the Purpose of Endorsing Metro’s Goal 5 Draft 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. 03-3376A.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka said this resolution was a major step in the protection of fish and wildlife. The process had started in 2000. He spoke to the history of the process. He reviewed what Resolution No. 03-3376A did and what would be the future steps. He asked Chris Deffebach to explain the resolution and possible amendments.

Chris Deffebach, Planning Department, said we were in the middle of the ESEE evaluation process. We had completed the regional ESEE analysis and were now looking at site-specific areas for ESEE analysis. She talked about the “A” version of the resolution and pointed out the changes from the original version. She also reviewed technical amendments that had been proposed (a copy of which is included in the meeting record). She noted a staff proposed amendment. She spoke to the packet of amendments, which raised policy issues (a copy of these amendments are included in the meeting record). Councilors asked for clarification on regional significant facilities. Ms. Deffebach explained that this amendment covered such entities as universities and the Port. She noted that they had continued to compile public comments on program options and noted some specifics comments that might be worthy of consideration (a copy of the addition comments are included in the meeting record).

Andy Cotugno, Planning Director, summarized how to proceed (a copy of which is included in the meeting record). He spoke to the technical amendments to be added to the “A” version (a copy of which is included in the meeting record). He then noted the addition of the 11 “policy” amendments.

Paul Garrahan, Assistant Attorney, recommended that the Council move the “A” version. Councilor Hosticka indicated he had moved the “A” version.

Council President Bragdon opened a public hearing.

Greg Malinowski, Malinowski Farms, 13450 NW Springville, Portland OR 97229, urged protection be as strict as possible. He suggested sticking with “shall and must”. He suggested not allowing the rules to be too variable. He gave an example of what property owners had just done

once Council had brought lands into the Urban Growth Boundary (UGB). He recommended that they include regulations as land was brought into the UGB so that land could not be clear-cut before Goal 5 was implemented. He supported regulations to protect whole stream-ways.

Meryl Redisch, Audubon Society of Portland, 5151 NW Cornell, Portland OR 97210, said she had worked in natural resource management and had also run a statewide conservation program. She knew first hand how important riparian habitat was for protection of fish and wildlife. She spoke to riparian corridors and their profound impact on birds. Riparian corridors and wetlands were declining. She urged placing the highest protection on Class 1 and 2 riparian resources.

Jim Labbe, Audubon Society of Portland, 5155 NW Cornell, Portland OR 97210, said he represented the Audubon Society. He summarized his written testimony (a copy of which is included in the meeting record). He urged the strongest protections possible. He did like the idea of adding criteria for equity.

Lee Leighton, Westlake Consultants Inc 15115 SW Sequoia Pkwy Suite 150 Tigard OR 97224 summarized his written comments (a copy of which is found in the meeting record).

Mahabub Ahmed 5563 NW Crady Lane Portland OR 97229 said he was concerned about people building before protection was in place. He spoke to significant riparian corridors being included as an economic value. He urged a strong program protecting riparian corridors.

Mary Manseau 5230 NW 137th Ave Portland OR 97229 said her first statement was supported by CPO 7. Urban Growth Management Functional Plan should incorporate protection of Goal 5 for new UGB expansion areas. She added that the economic success of Washington County was because of the greenspaces areas. She urged protecting our economic viability by protecting our streams, fish and wildlife resources.

Sue Marshall, Tualatin Riverkeepers 16570 SW Roy Rogers Sherwood OR, 97140 summarized her written testimony (a copy of which is included in the meeting record).

Tom Wolf, Trout Unlimited, 22875 NW Chestnut Hillsboro OR 97123, said he had already provided testimony at last week's Council public hearing. He recommended action on specific policy amendments.

Councilor Newman asked Ms. Marshall about her support of amendments. Ms. Marshall clarified her recommendations. Councilor McLain asked Mr. Wolf about eliminating Options 3 and 4. Mr. Wolf said he felt there were too many options. He felt that if you kept Options 1A, B, and C and 2A, B, and C there was plenty of protection. Options 3 and 4 didn't add anything to the process.

Charles Carter, Tualatin Riverkeepers, 13875SW Hart Rd, Beaverton OR said he was born in Lake Grove. He noted the changes over the years. He was concerned about long-term changes and the limits of having a place to experience nature. He felt the environmental aspect might be the most important component in ESEE. People wanted to come to Oregon because of the clean air and environment. If we did away with natural areas we will lose what people wanted to experience. He urged regulation rather than relying on voluntary participation.

Ben Schonberger, Institutional Facilities Coalition, 310 SW 4th #1100 Portland OR 97201 said he was a Planning Consultant. He summarized Gabriele Development Service testimony (written testimony from Thomasina Gabriele is included in the meeting record).

Kathleen Stevens, 15165 NW Davidson Banks, OR 97606 lived in Banks and urged stronger and more far reaching regulation for protection of streams and creeks. She spoke to wildlife habitat on her five acres. She noted that Metro's protection didn't cover her land. Councilor McLain explained the reason why her land was not protected under Metro's proposal.

Linda Craig, 17645 NW Rolling Hills Lane Beaverton OR 97006, said people want to come here because this was a beautiful region. She said, in the accounting business, people were moving here because they liked the region. She talked about the parks defining the Metro region. This regulatory process was Metro's opportunity to take the next step to protection nature. She urged adoption of the strongest possible tools (a copy of her testimony is included in the record)

Jim Kimball 17645 NW Rolling Hills Lane Beaverton OR 97006 summarized his remarks (which are included in the meeting record). He urged the most protection possible, one that sustained the region.

Brain Wegener, Tualatin Riverkeepers 16507 SW Roy Rogers Rd Sherwood OR 97140 said his comments came out of the citizen action committee. The purpose of the program was to improve habitat. He noted areas that needed improvement. He said nature was at risk. Conditions needed improving. There was necessary restoration component to improve habitat. There was also a need for a strong regulatory component.

Margaret Jennings 3106 SW Gale Ave Portland OR 97201 said she considered herself an environmentalist, but that she wanted to make sure that homeowners were treated in a just way. She was concerned that, as a homeowner, the provisions being considered would impact her home value and her retirement. She asked that the economic impact be considered in a just way.

Brent Curtis, Washington County Tualatin Basin Natural Resource Coordinating Committee, 155 N. First, Hillsboro, OR 97123 explained his organization. The Basin group was working together with Metro. The technical group had reviewed the resolution. They supported the resolution. They understood it was not a final decision. They thought the ESEE work was excellent and the program options were a good place to start. He talked about their own program and the fact that the work that they had done thus far borrowed much from the Metro program. They were continuing to work with Metro to get their work done. He commented on the no net loss notion. That notion was still not clear. He talked about the discussion on the geographic distinction. The notion of economic equity needed to be clarified. They supported Metro's resolution. Councilor Park asked about the program inside the Metro boundary. The program Mr. Curtis described was basin-wide. Mr. Curtis said they would have to limit their Goal 5 work to Metro's jurisdiction and an additional mile. They would look at the area outside Metro's study area and would be examining regulations that Metro adopted on Title 3. Councilor Park asked for clarification about the mile beyond the Metro jurisdictional boundary. Mr. Curtis said everything within Metro jurisdictional boundary would be included in the study. Councilor Hosticka asked him to comment on the proposal to eliminate Option 3. Mr. Curtis responded that he, nor the Coordinating Committee, had evaluated each of these options. He couldn't tell the Council the merits of each one. He said these options were a range. Some of these options would fall away. He felt he couldn't comment about Option 3 but that the range was appropriate.

Sue Beilke, Director of Biodiversity Project of Tigard, 11755 SW 114th Place, Tigard OR 97223 read her written testimony into the record (a copy of which is found in the meeting record). She urged protections for all of our natural resources.

Catherine Johnson, 6111 SW Lesser Way Portland OR 97219 said this summer they had been informed that their home contained an environmentally protected stream. They were trusting the City of Portland would make wise choice to protect the stream. She suggested building a bridge across the stream. That seemed better protection for more sensitive development. She urged protection of natural areas.

Bonnie Shoffner 722 NW 24th #104 Portland OR 97210 said she was an individual who was working on improving habitat with six other individuals. She said the volunteer and incentive based programs were not enough to reconnect our watersheds and protect habitat. She was looking to regulation to help everyone be a better citizen of the watershed. She supported geographic protection. She suggested revising Option 2 and detailed this revision. She also spoke to program Option 1, b, c and 2 c. She suggested eliminating Option 4. We needed connected functioning corridors.

Patty McCoy, P.O. Box 55651, Portland OR 97238 Columbia Corridor Association said they had continued to follow and participate on Goal 5. She read her written comments into the record (a copy of which is found in the meeting record).

Bruce Bartlett, 11644 NW Thompson Rd., Portland OR 97229 said he chaired a CPO. Goal 5 individuals had presented information to his CPO. He suggested sensitizing the terms that could be used to create a clear case as to why this was happening. Simplify Title 3, Endangered Species Act and the whole gamut of things that were moving this forward. He talked about the takings measure and that it was re-looming its head. If the sell job were incomplete or too heavy handed, there would be many who will rally on the side of the Citizens in Action. He talked about his work completing a small development. He also noted a creek in the middle of the Cedar Mill Town Center. It could be an excellent urban park. There were a number of wild and wet areas surrounded by areas that would be intensely used. The wild area might be similarly intensively used both for people, their water quality and wildlife components. He supported urban parks as well as protecting natural resources.

Councilor Newman asked Ms. McCoy to share the information on industrial land analysis. Ms. McCoy said staff already had a copy.

Council President Bragdon closed the public hearing.

Councilor McLain talked about the public outreach and notice to the property owners that would be affected. She spoke to takings and economic value. She noted the future meetings with full public participation on the program stages of Fish and Wildlife Protection.

Council President Bragdon suggested Ms. Deffebach review the testimony recommendations from tonight's testimony. Ms. Deffebach summarized those recommendations: 1) drop the reference to site specific variables in further developing the options, 2) establish a policy of no net loss to environmental function which would be shown in changing all of the allows to at least lightly limit on the program options, 3) add a reference to riparian district plan on Figure 1 the program option chart, and 4) include an option that sends all of the industrial land, regionally significant industrial land and non-regionally significant industrial land back to the primary 2040 component. Councilor Burkholder suggested amendment procedures for 4 additional amendments and take these amendments in order. Councilor Hosticka suggested Amendment 15 was a modification of Amendment 6. He thought this amendment could be discussed under that heading. Council President Bragdon said Amendment 6 as written makes a distinction between the two tiers of industrial lands. So it would be a modification to Amendment 6. Council

President Bragdon suggested moving the technical amendments, that had been recommended by Metro Attorney as well as those based on staff recommendation, in a block.

Motion to amend:	Councilor McLain moved to amend Resolution No. 03-3376A with the technical amendments (a copy of these amendments are included in the meeting record).
Seconded:	Councilor Newman seconded the motion.

Councilor McLain indicated that these amendments had been explained previously, these were truly housekeeping. She urged support.

Vote to amend: Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Motion to amend:	Councilor Burkholder moved to amend Resolution No. 03-3376A with Amendment #1 (a copy of the amendment is included in the meeting record).
Seconded:	Councilor Hosticka seconded the motion.

Councilor Burkholder spoke to Amendment #1, which was a slight movement in the direction of simplification but one that was very defensible because the two impact areas were very similar and in most cases were treated similarly in the different options. It made sense to treat them as a single category. He urged support. Councilor Hosticka supported the logic. He asked the staff to indicate which one of the advisory committees was recommending the amendment. Councilor Park suggested clarifying each amendment as they were moved to clarify for the audience. Ms. Deffebach said the Metro Technical Advisory Committee (MTAC) had recommended the first amendment. City of Portland staff had put forward further comments. Metro Policy Advisory Committee (MPAC) has also approved this amendment. Councilor Burkholder spoke to impact areas, which were a 25-foot buffer around any mapped resource area. In the current charts, impact areas around a riparian resource were treated separately from an impact area around other resources. This amendment said that 25-foot buffers around any resource area would be treated similarly.

Vote to amend: Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 03-3376A with Amendment #2 (a copy of the amendment is included in the meeting record).
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka explained this amendment would analyze varying our approaches based upon whether an area was inside the UGB prior December 2002 versus the 2002 UGB expansions areas. The concern that people had, had been addressed partially by the issue of looking at places that have no design type because that was the areas that were brought into the UGB but had not yet been planned. Given the fact that we can do that, we can start from two different positions one was a position where we would analyze the area if we keep the rest of the options, based upon protecting the resource and then determine the effect of that protection on the subsequent design of the area. We could also analyze the area based upon proposed designs and see what those designs did to the protection of the habitat. The recommendation came from the Goal5Technical

Advisory Committee (Goal5TAC) and Water Resource Policy Advisory Committee (WRPAC) joint meeting based upon the logic that there was no compelling reason to use whether or not a place was inside the UGB as a distinction. The proposal was to eliminate that box and he supported this recommendation. Ms. Deffebach said Goal5TAC and WRPAC had discussed what the recommendation really meant. She clarified that staff would still present the results of the analysis to be able to show how lands within the UGB pre-2002 expansion areas and the rest of the service area were affected, so that Council would have the information available at those different levels. Council could then later look at these and consider that information when making their program decision.

Councilor Park asked for clarification on this amendment versus Amendment #6, which addressed the issue of design type hierarchies. Councilor Hosticka responded that in the technical amendments that Council had just approved, the other areas were listed as parks and openspaces or no design types. That was based on the technical amendment that Council had just approved. It was not related to Amendment #6, which dealt with how we categorized the other areas. In fact, to be consistent in what was proposed in Amendment #6, that box needed to be consistent with the technical amendment. Councilor Park expressed concern about our ability for program selection. He was concerned as to how you assign value to some of these areas. If that option was eliminated now he was unsure how it would be constructed later. Ms. Deffebach said you could pick and chose to create the best mix. Mr. Garrahan, Assistant Attorney, said staff would still be collecting the information unless the Council chose to eliminate Option 1. If you continue to look at the different variable of Option 1 and Option 2, the data will be there for Council to analyze. What marking the box out would do was simply change the presentation of that data that came back to Council but it would not eliminate Council's flexibility to analyze the data when it came back to Council and make choices to apply the data to the program. Councilor McLain supported this amendment. She didn't think it took away choices. It didn't put down false choices or choices they don't really have. It was a clarity issue. This was a change in how the data would be fed back to the Council. Without this particular option, they would get clearer data and would have a better opportunity to make real choices. She felt they would have plenty of the choices for the program stage. Council President Bragdon was he was supporting this amendment too. He supported geographic distinctions, an example of this was, the Tualatin Basin Approach. He supported the riparian district plan; the overall concept of functional mapping of habitat values as well as the functional mapping by land use types. It was inherent in having geographic distinctions. What he didn't support was making those distinctions on the basis of what was in the UGB last year and what wasn't. Councilor Hosticka said what this does was to say we could still make distinctions based upon watershed descriptions or design type descriptions but the distinction of when something came into the UGB would not be considered a distinction we would analyze at this point.

Vote to amend:

Councilors Burkholder, McLain, Monroe, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 6 aye/0 nay/1 abstain, the motion passed with Councilor Park abstaining from the vote.

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 03-3376A with Amendment #4 (a copy of the amendment is included in the meeting record).
Seconded:	Councilor McLain seconded the motion.

Councilor Hosticka said this amendment originated in the Goal5TAC/WRPAC joint meeting. This amendment would strengthen Option 1A by increasing the protection levels in the Class 2 riparian zone and the Class C upland area. The purpose of this amendment was to establish the

highest protection level to be analyzed. It was felt by Committee that Option 1A as it existed now was not adequate to describe what was the highest protection level. If we adopted the amendment, we would increase the level of protection that would be analyzed so we had the full range in front of us and we preserved our options when we made choices.

Vote to amend:

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

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 03-3376A with Amendment #5 (a copy of the amendment is included in the meeting record).
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka said this was a companion amendment to Amendment #4. He explained that on Option 1, we increased the amount of protection to be analyzed under the most protect category. This amendment increased the amount of protection to be analyzed under the least protection to change allow to lightly limit. The purpose of the amendment was primarily related to the issue of continuity and the vision statement that talked about having a continuous ecological system. Whereas the term of “allow” under the law meant unconditional use, no limitations at all. It was felt by the Committee that even considering that option would mean that you would rule out the idea of continuity in some places. It was proposed to substitute lightly limit for allow so that considerations of continuity and mitigation would be included in all the protection elements that were considered under Option 1. Ms. Deffebach said the choice was to change the definition of allow to lightly limit to give range to have protection of the resources for this option.

Councilor Park said he would be opposing this amendment on the basis of why he voted in favor of the first one. To do this would be raising the top level on the prior amendment. To be consistent to have the full range of options, he would leave it the way it was currently, leaving in the highest high and the lowest low. He said he would leave this range as full as possible. Councilor Newman echoed Councilor Park’s comments. He would like to keep Option 1C as written to be consistent. He didn’t think it would impact any restoration options they might have. He wanted to be consistent with the previous amendment. Councilor Burkholder supported Councilors Park and Newman’s comments as long as we didn’t eliminate Option 4. Option 4 did provide minimum level of protection along streams. If we recognized that there was a baseline that existed in the current regulatory structure so even if we say allow there were some protections already based on the fact that they were close to streams or other resources. Councilor Hosticka said the discussion of Option 4 was relevant. In a sense for certain areas, this was Option 4; no protection would be accorded to Class 3 riparian wildlife areas or Class C upland areas and the impact areas. He spoke to the issue of continuity. This amendment addressed continuity. Continuity was a part of our base vision.

Vote to amend:

Councilors McLain, Monroe, Hosticka voted in support, Councilors Park, Burkholder, Newman and Council President Bragdon voted against the amendment. The vote was 3 aye/4 nay/0 abstain, the motion failed.

Motion to amend:	Councilor McLain moved to amend Resolution No. 03-3376A with Amendment #6 (a copy of which is included in the meeting record).
Seconded:	Councilor Newman seconded the motion

Councilor McLain said she was in favor of including regionally significant public facilities such as universities and Port of Portland for study so it could be looked at further. She thought the testimony was very compelling. She was aware the terminology would be difficult and a challenge to staff.

Ms. Deffebach said this amendment came from Council based on testimony and Economic Technical Advisory Committee (ETAC). Councilor Burkholder said he had serious concerns about the term and felt the term was far too broad. What level could it be put in, in terms of the 2040 hierarchy? The other question that was raised by this was, did the 2040 hierarchy have any meaning at all? If everything got pushed to the top, why did they have a hierarchy? He felt the original language was appropriate. He didn't know where regional significant public facilities fit in because he didn't know what they were. He believed that we should have a hierarchy and a division. He felt employment centers and corridors were not the same priority to him. He felt this amendment ignored the entire 2040 hierarchy.

Councilor Park said he had similar concerns. Regionally public significant facilities could be defined. He was concerned about exceptions in the Regionally Significant Industrial Areas (RSIA) versus having a very tight regionally significant public facilities and not allowing exceptions. He said he viewed employment centers and corridors differently. He suggested moving employment centers up based upon the employment map. His concern on the corridor factor was that it would have the dilution factor that Councilor Burkholder was concerned about because of the way the corridors led into the centers. The employment centers were a little different animals but he could see removing the corridors.

Councilor Newman said he would support this amendment with reservation. He shared Councilor Burkholder's concerns about the regionally significant public facilities. He felt we should move forward with a category that recognized the facilities' importance. As far as employment centers and corridors, he was torn. He heard what Councilor Burkholder was saying, they were not on par with town centers and main streets. However, it was a question whether it made less sense to put them there or less sense to put them with inner and outer neighborhoods. They were not on par with inner and outer neighborhoods. He would be supporting the amendment with those stated reservations.

Councilor Hosticka clarified Amendment #6. The part under other areas was included in the technical amendment already. Council President Bragdon said he had no reservation about regionally significant public facilities. He was concerned about the condensing of the first, second and third components. This should be a tool to prioritize development in the regional centers and town centers. He was concerned about the flattening of those categories. Councilor Burkholder asked what was a regional significant public facility? He felt we didn't know where this category belonged. Was it as important as a central city, a town center or a regional center? Councilor Monroe said he liked half of it and explained further his concerns. He didn't want to see a weakening of protection in employment centers and corridors. He would like to see us try to study and try to define what were regionally significant public facilities. If this motion failed, he would be moving to add a category of regional significant public facilities for purposes of study. Councilor Park talked about employment centers versus corridors. He felt we run the risk of dropping the employment centers lower than we really wanted to drop them. On the other hand, the corridors should belong in the lower category if we were going to keep this gradation of keeping the pressure moving towards our centers. Councilor McLain said there would be a lot of debate on this issue. It was important to bring clarity to this issue. They would be asking staff to define regionally significant public facility. She noted public testimony in support of the amendment.

Vote to amend:

Councilors McLain, Park, and Newman voted in support of the amendment, Councilor Hosticka, Burkholder, Monroe and Council President Bragdon voted against the motion. The vote was 3 aye/4 nay/0 abstain, the motion failed.

Motion to amend:	Councilor Monroe moved to amend Resolution No. 03-3376A to add a category of Regionally Significant Facilities for purpose of study.
Seconded:	Councilor Hosticka seconded the motion.

Councilor Monroe explained that he wanted to have regionally significant facilities defined and studied so they could determine later where it should appropriately fall. They had heard from a number of regionally significant facilities, the Port and colleges. Councilor McLain said she would be supporting this motion.

Vote to amend:

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

Motion to amend:	Councilor Park moved to amend Resolution No. 03-3376A to move employment centers from tertiary to the secondary category.
Seconded:	Councilor Newman seconded the motion.

Councilor Park explained that, looking at the 2040 map; there was a great deal of employment centers that were along side the industrial areas. Those areas, even though they were outside of centers, still had a lot of similar features to industrial areas such as LSI and Microchip.

Vote to amend:

Councilors McLain, Monroe, Park, Hosticka, and Newman voted aye, Councilor Burkholder and Council President Bragdon voted nay on the motion. The vote was 5 aye/2 nay, the motion passed.

Motion to amend:	Councilor Newman moved to amend Resolution No. 03-3376A with Amendment #7 (a copy of which is included in the meeting record).
Seconded:	Councilor Burkholder seconded the motion.

Councilor Newman explained that when they first saw the draft map that laid out the economic values by sector regionally as it applied to Option 2 of the program options, there had been some concern that there were large areas of high value residential land that showed up on the map, the implication being that if Option 2 was adopted, those areas would have a lower level of protection. He didn't think that was consistent with the policy direction that this Council was going in. Again, the implication would be that someone who lived in a high value residential area would have a lesser level of protection than some one who lived in a low value area. What this amendment did was take away residential lands from the different gradients of protection as it relates to 2040 components. Ms. Deffebach said this amendment would apply land value only to job commercial industrial mixed use lands. So the treatment for residential lands under Option 2 would be left to be determined only by 2040 policy hierarchy which still remained in the tertiary inner and outer neighborhoods unless the housing was in the town centers, the main streets, the central city or the station communities and then they would fall under those categories. This came up at a Council meeting and was discussed at Economic Technical Advisory Committee (ETAC). It was not included as part of ETACs comments to forward to Council. Councilor Park

said he could support this amendment. Council President Bragdon would also be supporting this motion. Equity was important to include in the mix.

Vote to amend:

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

Motion to amend:	Councilor Hosticka moved to amend Resolution No. 03-3376 with Amendment #8 (a copy of which is included in the meeting record).
Seconded:	Councilor Burkholder seconded the motion.

Councilor McLain asked for clarification on the amendment. Now that they had passed all of the Option 1 amendments, could they explain what she was getting from this amendment that she didn't get with any of the "Option 1" amendments. Ms. Deffebach said the Option 2 options were different because the treatment was determined not only by its ecological value but where it landed on the economic priorities scale. There were comments from ETAC, Goal5TAC, and WRPAC that these scale as defined for the two options were too low. There was a lot of interest in this option because it reflected strongly the economic and ecological values coming together. By adding this 2AA, you then created a series of options that reflected the full range as we had the full range for Option 1s, which looked at the ecological variations. Councilor Hosticka said this was one of those unusual places where people representing the economic and the environmental end of the spectrum agreed that this option ought to be presented and analyzed. Councilor Newman said he would vote no on this amendment. He was concerned that we had too many options going to the analysis phase. He believed by keeping Option 1, the habitat based option, we had the high-end level of protection and we increased that with Amendment #1. He thought for simplicity sake, he would be voting no because he felt that the intention that was laid out with high level protection was already included with Option 1 and strengthened with Amendment 1. Councilor Hosticka urged that Council support this amendment because even though it did add an additional option, there were a categorical and a fundamental difference between the Options 2A, 2B, and 2C and now 2AA and now Option 1 in that Option 1 had the highest level of protection but it didn't consider economic value. Since we were going to consider economic value at some point, we needed to have an option like this that showed what giving the highest level of protection would be. He felt it was an important option to consider.

Vote to amend:

Councilors Burkholder, McLain, Monroe, Hosticka, and Council President Bragdon voted in support of the motion, Councilors Park and Newman voted no. The vote was 5 aye/2 nay, the motion passed.

Motion to amend:	Councilor Burkholder moved to amend Resolution No. 03-3376A with Amendment #9 (a copy of which is included in the meeting record).
Seconded:	Councilor Hosticka seconded the motion

Councilor Burkholder asked for clarification on this amendment. Ms. Deffebach said this option was crafted to respond to several different approaches, one was we continued to get the question why not just put a 100 feet and go from there. We have shown the difficulties of that in the late 90s with work that Metro had done. We had gone through an extensive inventory to show the need for geographic variation. That question continued to come up. This option would allow them to say what you lose and don't lose within a 100 feet. It would answer that question in more detail. It was also designed, by being a continuous, to help with continuity by saying this stretch, was not looking at economic priorities or different ecological values, but was providing a

continuous treatment. It answered some continuity questions. It also built on a familiar approach that jurisdictions had taken as they had adopted Title 3. There was some familiarity with this approach. It was riparian oriented and didn't address the upland. It didn't reflect the economic and ecological values. Using feet wasn't off the table, if they took this off. This recommendation came from Goal5TAC and WRPAC who didn't believe it met the vision statement or the Goal 5 rule. ETAC thought it should be eliminated because they saw the action being in the Option 2s.

Councilor Hosticka spoke in favor of eliminating this option. The reason why they had gone through this entire analysis since the original streamside CPR book was released was that people looking at this recognized that the simplicity ignored the diversity in the region. It went back to a one size fits all kind of analysis. It flew in the face of the underpinnings of what we were doing. We had spent the last year analyzing ESEE consequences of protecting or not protecting a diverse habitat. Again, this option would throw all of that analysis out the window, ignore ESEE consequences and just draw lines on a map. He felt this was an option that was not consistent with all of the effort that had been done. It was presented because of its simplicity but it was one of those cases where we had a very diverse ecological system, economic system, and we should honor the diversity.

Council President Bragdon said he would also support Councilor Hosticka's comments. This option would not take into account any of the efforts that we were going through to assess actual habitat functions, assign values and do similarly on the economic front. Councilor Park said he would not be supporting eliminating this option. He explained that in looking at a range of options, there was a question that had come up, the State Goal 5 had been at 75 feet. He was curious as to what we gained by the extra 50 feet beyond Title 3. If we don't gather this particular information, we wouldn't have that to compare to the other options that we were looking at. The question would become, how much do you gain over Option 2A or 2AA versus going strictly to a foot limit. If we didn't study it we wouldn't have that ability to determine what was gained and lost.

Vote to amend:

Councilors McLain, Monroe, Hosticka, Newman and Council President Bragdon voted in support of the motion, Councilor Burkholder and Park voted no. The vote was 5 aye/2 nay, the motion passed.

Motion to amend:	Councilor Monroe moved to amend Resolution No. 03-3376A with Amendment #11 (a copy of which is included in the meeting record).
Seconded:	Councilor Newman seconded the motion.

Councilor Monroe supported this amendment because rather than eliminate Option 4 it was better to redefine it as a baseline option so we can continue to compare the various options with doing nothing. Councilor Hosticka agreed with Councilor Monroe's comments. He felt it was important to include a baseline. The consequences of doing nothing needed to be evaluated. Councilor McLain said she would also be supporting this amendment. She felt that they had been given good legal advice when they told Council that they liked to make sure that we were looking at the full scope. You couldn't have a full scope without a baseline. Councilor Park asked for clarification on the language. Council President Bragdon clarified the language; it struck the word "Option 4" and inserted the word "baseline for evaluation". Councilor Park talked about the no build option in transportation. To be consistent, you would have the baseline option if you were trying to keep the terminology similar. Council President Bragdon said he would be voting against the amendment. He felt an option was an option and should be called such.

Vote to amend:

Councilors McLain, Monroe, Hosticka, and Newman voted in support of the amendment, Councilors Park, Burkholder and Council President Bragdon voted against the motion. The vote was 4 aye/3 nay, the motion passed.

Councilor McLain said she felt Amendment #12 and #14 were the same. She asked for clarification on the language. She felt it was two sides of the same coin. She explained the riparian district plan. The site-specific plan was doing it by site. If doing it by site was not a specific district plan, what did that mean? Ms. Deffebach said there had been no discussion about site-specific considerations being in this phase of the ESEE analysis. The site specific was a possibility for varying regulatory approaches but at the moment they didn't have a specific proposal. She explained the riparian district plan.

Motion to amend:	Councilor McLain moved to amend Resolution No. 03-3376A to strike the box that referred to site specific.
Seconded:	Councilor Hosticka seconded the motion

Councilor McLain said she didn't think site specific was well defined so suggested supporting striking that language. Councilor Park asked where redeveloped was addressed in the option. Ms. Deffebach responded to his question. Councilor Park asked where redevelopment would fall. Ms. Deffebach said it would be considered vacant land. Councilor Newman said he was inclined to vote no but was struggling with it. Councilor McLain urged support.

Vote to amend:

Councilors Burkholder, McLain, Monroe, and Hosticka voted in support of the amendment, Councilor Newman, Park and Council President Bragdon voted against the motion. The vote was 4 aye/3 nay, the motion passed.

Councilor Hosticka commented on the motion to strengthen Option 1C. He would be happy to move that we incorporate the concept of no net loss into the analysis. Councilor Burkholder said he had heard two definitions of no net loss, one was geographical and one was functional. He was unsure of what they were talking about. Ms. Deffebach said the committees had had that discussion as well, they had asked the same question, what does it mean? They would try and figure how to measure the change in function. From a technical approach they would do what they could to measure the change aside from a policy approach to decide whether you wanted to allow change or not. They thought they could give Council information as to what was the effect. This came out of both Goal5TAC and WRPAC. They would try to measure it. Councilor Hosticka said he would support and clarify what Ms. Deffebach was saying. As long as we were analyzing the extent of loss that any one of these options would allow, then as a Council, they could determine later on whether they wanted to choose an option, which had some loss. He felt no net loss of function was where they needed to be focusing their attention. He was happy to go no further so long as they had the information when it came to program time. Council could make a choice to go for an option of no net loss later on. Council President Bragdon summarized that performance measures needed to be part of the program related to function. Councilor Hosticka said they could consider that direction to staff, when they did these analyses that they give Council the information along those dimensions so Council can make choices. Ms. Deffebach said it was in the criteria.

Councilor Park asked where were riparian districts? Ms. Deffebach said they were in the staff report to say that when they were done with this work, Metro previously made a commitment or a statement saying that one way to implement this was through a riparian district plan which could

cross jurisdictional boundaries, follow a stream. Councilor Park asked if we had a size of what those plans would be? Ms. Deffebach said they didn't have much specificity of what a riparian district plan would be. She noted the Columbia Corridor Plan. Councilor McLain said the reason that they had it in the original work was simply to say, we wanted you to be creative and know your basin or watershed. If you had something you think was worthy, bring it to Metro and let Metro review it. They had left it flexible and open-ended.

Motion to amend:	Council President Bragdon moved to amend Resolution No. 03-3376A so that the program chart on Exhibit B expressly include provisions for a riparian district plan approach with further direction to staff that the definition of such an approach be developed over the next couple of months.
Seconded:	Councilor Newman seconded the motion.

Council President Bragdon explained that they had heard testimony that people wanted to have this option on the table even though it was not clearly defined yet. There were several points down the road where they could determine if it had been adequately defined and whether it was a useful concept. Councilor Park supported this amendment with the caveat that was expressed previously about the performance measures. Without the performance measures how did you know whether the riparian district plan was just as effective as the other measures.

Vote to amend:

Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Motion to amend:	Council President Bragdon moved to amend Resolution No. 03-3376A to move other industrial lands from secondary to primary.
Seconded:	Councilor McLain seconded the motion

Council President Bragdon explained that with the concept and application of RSIA's somewhat in flux, they had had testimony that industrial areas did merit that importance in terms of being primary. He thought it was appropriate that they be moved from secondary to primary. Councilor McLain said she could not support this motion and explained the necessity to identify Regional Significant Industrial Lands. Councilor Burkholder supported Councilor McLain's position that we need to use our tools to differentiate.

Vote:

Councilors Park, Newman and Council President Bragdon voted in support of the motion, Councilors Hosticka, McLain, Monroe, and Burkholder voted no. The vote was 3 aye/4 nay, the motion failed.
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Councilor McLain thanked staff for their hard work. This was the second step in a three-step process. Councilor Newman said he would be supporting the amended resolution. He appreciated all of staff's work. He also thanked Councilor Hosticka and Council President Bragdon for their leadership. He spoke to the fact that this council was a group of individuals. Councilor Park echoed Councilor Newman comments. He agreed, votes were shifting all of the time. He was comfortable with moving this ahead today. Council President Bragdon said he would be supporting this resolution as amended. This set out a framework to achieve their goals of protection. He appreciated the intellect and the staff work. He spoke to the clarity of language. He noted the number of people who had volunteered their time; their efforts were reflected in the quality of the work. Councilor McLain acknowledged Rosemary Furfey and Mark Turpel for the work they had done in the past. Councilor Hosticka closed by thanking the staff and the other

members of the council, elected officials and members of public. The fact that so many had put so much time reflected the importance of the issue. He noted that Metro Policy Advisory Committee unanimously supported this resolution.

Vote on the Main
Motion:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, Chief Operating Officer, said tomorrow will mark him being here for six months. He appreciated all of the work that had been accomplished.

7. COUNCILOR COMMUNICATION

Councilors Park and McLain reminded the Council and audience about the Agricultural Symposium, October 31st at the Wilsonville Holiday Inn.

8. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 8:55 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCTOBER 30,
2003**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1 & 4.2	Timeline	10/29/03	To: Metro Council From: Andy Cotugno, Planning Director Re: Critical Dates Timeline for Ordinance No. 03-1021 & 1022	103003c-01
5.1	Amendments	10/30/03	To: Metro Council From: Chris Deffebach, Planning Dept. Re: Technical Amendments to Resolution No. 03-3376A including Revised Addendum to Exhibit A: Comments on ESEE Analysis and Executive Summary	103003c-02
5.1	Amendment	10/30/03	To: Metro Council From: Chris Deffebach, Planning Dept., Re: Amendment to Resolution No. 03-3376A for Council consideration based on staff recommendation	103003c-03
5.1	Amendments	10/30/03	To: Metro Council From: Chris Deffebach, Planning Dept., Re: Amendments to Resolution No. 03-3376A for Council Consideration based on Metro Committee comments as of 10/22/03	103003c-04
5.1	Exhibit B	10/30/03	To: Metro Council From: Chris Deffebach, Planning Dept., Re: Exhibit B: Comments on program options Resolution No. 03-3376A	103003c-05
5.1	Procedure	10/30/03	To: Metro Council From: Andy Cotugno, Planning Director Re: Procedural agenda for Council meeting October 30, 2003 concerning Resolution No. 03-3376	103003c-06
5.1	Letter	10/30/03	To: Metro Council From: Sue Marshall, Executive Director Tualatin Riverkeepers Re: Resolution No. 03-3376A Endorsing Phase 1 ESEE and Fish and Wildlife Protection Program Options	103003c-07
5.1	Letter	10/30/03	To: Metro Council From: Jim Kimball, Re: Goal 5 and Resolution No. 03-3376A	103003c-08
5.1	Written Testimony	10/30/03	To: Metro Council From: Linda S. Craig Re: Goal 5 protection and Resolution No. 03-3376A	103003c-09
5.1	Written Comments	10/30/03	To: Metro Planning Department From: no name Re: Written comments on "What do you think" form	103003c-10

5.1	Written testimony	10/30/03	To: Metro Council From: Mary Manseau Re: Goal 5 and Resolution No. 03-3376A	103003c-11
5.1	Letter	10/30/03	To: Metro Council From: Jim Labbe, Audubon Society of Portland Re: Goal 5 and Resolution No. 03-3376A	103003c-12
5.1	Written Testimony	10/30/03	To: Metro Council From: Sue Beilke, Director of The Biodiversity Project of Tigard Re: Goal 5 and Resolution No. 03-3376A	103003c-13
5.1	Memorandum	10/29/03	To: Metro Council From: Lee Leighton, AICP Re: Metro Goal 5 ESEE Analysis issues and requests	103003c-14
5.1	Faxed letter	10/30/03	To: Metro Council From: Tom Zelenka, Vice President of Schnitzer Investment Corp., Re: Goal 5 and Resolution No. 03-3376A	103003c-15
5.1	Letter	10/30/03	To: Metro Council From: Patti McCoy Executive Director of Columbia Corridor Association Re: Metro Goal 5 Fish and Wildlife Habitat Protection Program ESEE Analysis and Program Options	103003c-16
5.1	Letter	10/30/03	To: Metro Council From: Thomasina Gabriele, Gabriele Development Services Re: Metro's Goal 5 ESEE Analysis Issues and Resolution No. 03-3376A	103003c-17