

MINUTES OF THE METRO COUNCIL MEETING

February 26, 1998

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland, Susan McLain, Patricia McCaig, Ed Washington, Lisa Naito, Don Morissette

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 7:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Art Lewellan, LOTI Designer, 3205 SE 8th #9 Portland, OR presented his latest draft of his electric bus and trolley system to serve the mall. He explained there were strong advantages to having an east side light rail with the LOTI system supporting the west side transit area. He proposed a streetcar link in the southern area of Portland.

Kay Durtchi, MCCI President, thanked the Council for their evening meeting as well as thanking those individuals who attended the MCCI retreat. She mentioned that the new staff person was working out very well.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. MPAC COMMUNICATION

Judie Hammerstad, MPAC Chair and Clackamas County Commissioner said MPAC referred a motion on substantial compliance to the Council which had exemption to eliminate small cities. She said there would be some bylaw changes. She would listen to the testimony at this meeting and would make recommendations on March 25th. She said she was looking forward to the meeting with Council on April 8th.

5. CONSENT AGENDA

5.1 Consideration of meeting minutes of the February 19, 1998 Regular Council Meeting.

Motion: **Councilor McLain** moved to adopt the meeting minutes of February 19, 1998 Regular Council Meeting.

Seconded: **Councilor Washington** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

6. ORDINANCES - SECOND READING

6.1 **Ordinance No. 98-720A**, For the Purpose of Amending Metro Code Chapter 5.02, Reducing Disposal Fees Charged at Regional Solid Waste Facilities, Establishing a Performance and Incentive-Based Regional System Charge Credit, Establishing a Transaction Charge, and Making Other Related Amendments.

Motion: **Councilor Morissette** moved to adopt Ordinance No. 98-720A.

Seconded: **Councilor McFarland** seconded the motion.

Discussion: **Councilor Morissette** reviewed the ordinance and noted that there were some concerns at SWAC about the minimum 10% threshold before the incentive based program started.

Bruce Warner, REM Director, further discussed concerns mentioned at SWAC. He felt that the 10% minimum would penalize good operators who did source separation well and penalized operators with limited areas to work in, and about process. He recommended the council adopt the "a" version of the ordinance without changes. He said he was committed to putting the 10% threshold issue back on the table through the upcoming code rewrite and revision process. He said SWAC members were comfortable with the dual process. He said he was confident a middle ground could be found.

Councilor McLain said that she would support this ordinance. She believed that Mr. Warner had worked closely with the SWAC. She said she was supporting this ordinance because of the 10% threshold. She wanted the agency to see recycling as a major responsibility.

Councilor McFarland said that she supported the ordinance. She said she was in favor of the 10% threshold at this time.

Presiding Officer Kvistad opened a public hearing on Ordinance No. 98-720A.

Sue Keil, Manager of Industrial Solid Waste, City of Portland, 1120 SW 4th Portland, OR 97204 said the issue was captured by Bruce Warner. The committee was caught off guard. She supported the ordinance before council. She said it had been difficult to pass through to the rate payers but their intent was to pass through the reduction to the rate payers with a June implementation date.

Councilor Washington said he supported the ordinance and appreciated Mr. Warner and his staff for their hard work.

Presiding Officer Kvistad closed the public hearing.

Councilor Naito felt this was a balanced proposal. She commended the committee.

Councilor Washington commended the chair of the committee for his outstanding job.

Councilor McFarland said she felt the same.

Presiding Officer Kvistad commended Councilor Morissette, Solid Waste staff, and their SWAC partners. He said it had taken years to get to the point of reducing tipping fees and perhaps sending the reduction back to rate payers. He said it was a tremendous achievement.

Councilor Morissette reviewed the reductions and incentives once more. He said he felt Waste Management should be given great credit for the success of this ordinance.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7. RESOLUTIONS

7.1 **Resolution No. 98-2606**, For the Purpose of Adopting 1998 Priorities for Federal Transportation Legislation.

Motion: **Councilor McLain** moved to adopt Resolution No. 98-2606.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** reviewed the ISTEPA resolution. She noted it had been through the Transportation Planning Committee and JPACT. This covered a 6 year period of time including the year of the appropriation. She noted Exhibit A which listed regional priorities.

Councilor Morissette said his concern was that the first three were alternatives to roads. He said again that with the vast majority of citizens chose automobiles as their mode of transportation, that the priorities were backwards from where the majority chose to operate.

Councilor Naito noted item #4 made a good point that transportation projects might require an intensive capital investment at one time.

Presiding Officer Kvistad said the I-5/217 Kruse Way interchange was a priority for him.

Councilor Morissette said that he would not be against the proposal if that were the number one priority. He felt it was important to focus on local priority, not regional priority.

Councilor McLain pointed out that the project priority list included a balanced package and considered the importance of freight as well as other things.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Morissette voting no.

7.2 **Resolution No. 98-2609**, For the Purpose of Submitting to the Voters a General Obligation Bond **Indebtedness** in the Amount of \$82,030,000 for the Completion of the Oregon Convention Center.

Motion: **Councilor Naito** moved to adopt Resolution No. 98-2609.

Seconded: **Councilor McFarland** seconded the motion.

Discussion: **Councilor Naito** reviewed the resolution which would ask voters for help in completing the Oregon Convention Center. She said MERC staff reported that in 1996 the Convention Center turned down conventions and trade shows which would have generated

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\$275,000,000 in economic benefits for the Metro region. She explained why expanding the center made good business sense.

Presiding Officer Kvistad opened a public hearing.

Mr. Joe D'Alessandro, President and CEO of the Portland Oregon Visitor Association, 26 SW Salmon Portland OR 97204 said POVA urged support of putting this before the voters.

Presiding Officer Kvistad closed the public hearing.

Councilor McFarland said that she supported this resolution. She felt it would benefit the whole state. She urged an aye vote from the Council.

Councilor McCaig said she would be voting no on this resolution. She said the infrastructure systems in the region were falling apart and there was no money to operate on. She said the fire stations were literally falling apart and she was genuinely concerned about asking voters for this money. She felt her job was to decide if this was the right issue to put before the voters at this time and she did not feel it was. She said Metro had unmet capital needs in the next 2 years which needed to be looked at. She said she was unclear about the connection between the convention center being finished and the existence of Metro being threatened. She felt without resolve of this issue, she would be uncomfortable moving on.

Councilor McLain said some of the issues that Councilor McCaig brought up for not supporting the resolution were the same reasons she would be voting in support. She explained that she trusted the voters to do the right thing. She felt the expansion was necessary to the region. She said a vital economy was necessary to repair the fire stations and schools. She felt the convention business was very sound. She commented on the petition to abolish Metro. She said she would keep doing a good job until that day came.

Councilor Washington said the one thing he believed was to never second guess the voters, he recognized the benefits that had been derived in this district from the center. He said he would support the resolution as a choice the voters would make.

Presiding Officer Kvistad said he respected some of the priorities Councilor McCaig had discussed. He felt this was a world class region and this was a tremendous opportunity. He thanked Multnomah County and their elected leadership for working with Metro Council, and also thanked the City Council and the City of Portland, the hotel/motel industry, MERC Commission and staff. He said one could not ask for better public servants. He said he supported the resolution even though he shared some of Councilor McCaig's concerns.

Councilor McCaig said that even though she would be supporting it, she wanted to ask why two years ago the numbers were different than now.

Mr. Jeff Blosser, Director of the Oregon Convention Center responded to Councilor McCaig that this was because they had wanted to relate the 1994 dollars when they got the quote for the 1999 dollars this time.

Councilor McCaig said she felt they had did not driven a hard enough bargain and asked about Clackamas County's position.

Mr. Blosser responded that they had decided to respond without the State in that participation. He said the city of Portland and Multnomah County were contributing to the project. He said they had unanimous support from Clackamas County Council and would be talking to Washington County soon.

Councilor Naito spoke to the timing issue. She said if this proposal passed it would not open until the year 2001. She explained that this development was compatible with many other planning objectives. She felt this was an investment into something that would generate a return in a big way. She pointed out that the center had exceeded all projections for success since it opened by more than double. She urged support.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McCaig voting no.

7.3 **Resolution No. 98-2610**, For the Purpose of Authorizing Release of RFB #98-6-REM for the Construction of a Latex Paint Processing Building at Metro South Station.

Councilor Morissette requested that this resolution be returned the REM Committee for further work.

Regular meeting closed and contract review board convened.

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 98-2611**, For the Purpose of Authorizing an Exemption from the Competitive Bid Process and Authorizing Issuance of RFP #98R-5-REM for the Replacement of Compaction Systems at Metro South Station.

Motion: **Councilor McFarland** moved to adopt Resolution No. 98-2611.

Seconded: **Councilor Morissette** seconded the motion.

Discussion: **Councilor McFarland** said this was the straightforward process of replacing the compactors at Metro South Station. She said the present ones were not very efficient as they were early models and were starting to cost a lot in repairs. She reminded the Council to use the RFP carefully so the best proposal would be found.

Councilor Morissette said the new technology allowed closer monitoring of the weight therefore reducing the numbers of trucks. He also mentioned that the price would be dealt with in the proposal. He urged support.

Presiding Officer Kvistad asked about the turn around time between the proposal and the replacement.

Councilor McFarland asked Mr. Warner to respond.

Mr. Bruce Warner, REM Director, said between 6 to 8 months. He said it was about a 3 month process to get the proposals and evaluate them, then 5-6 months to get them manufactured and in place.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Contract Review Board adjourned, Metro Council meeting reconvened.

9. PUBLIC HEARING

Draft Stream and Flood Plain Protection Plan (Comments on MPAC and WRPAC Draft Recommendations)

Councilor McLain welcomed the public. She explained that Metro was required to protect water quality and reduce the flooding. She reviewed the background, that Metro adopted the Metro Functional Plan. She noted the advisory groups involved in the ordinance, MPAC, WRPAC.

Councilor Naito said there had been a public hearing in the Growth Management Committee and that she had received a call from the Oregon Environmental Council who were unable to send a delegate but wanted it known that they supported the resolution.

Councilor McLain added that there had already been 49 documents received on the Stream and Flood Plain Protection Plan. She said a list of those was available.

Kelly Ross, Home Builders Association, came to express serious concerns that were forthcoming to Council regarding this resolution. He said Councilor McLain summarized most of them. He said the housing industry was frustrated by the regulatory standards that protected stream quality but gave blanket exemption to agricultural industry who polluted the waterways badly.

Frank Opila, Friends of Smith and Bybee Lakes, PO Box 83862 Portland, OR 97283 read his letter into the record (Letter #52 a copy of which may be found in the permanent record of this meeting).

Thomas Claus, 22211 SW Pacific Hwy., Sherwood, OR 97140 yielded his time to Robert Claus.

Dr. Robert Claus, 22211 SW Pacific Hwy., Sherwood, OR 97140 said in previous testimony he had stated the goals in 6 and 7 were not proper. He felt Council was punishing communities that had already done flood control and gone to enormous expense to control water quality. He felt council was not doing anything to mitigate or offset the costs. He also said this was an extreme act that would criminalize normal civil behavior. He said that assuming this would even work, the act was retroactive and the impact would be enormous. This was the most extreme act in the United States vastly exceeding the navigable river and clean water act. He said that under Title 1983, by being extreme the Council was violating civil rights, due process and civil treatment. He expanded on why he felt the council's work was poorly done. He said the maps were wetland study maps done without field work. He noted areas that were not correctly done on the map. He said this would not have happened if the issues had been noticed properly. He said he believed this was a taking. He asked that Council send staff to Sherwood before acting.

Nancy Kraushaar, City of Oregon City and WRPAC, 320 Warner Milne Rd PO Box 351 Oregon City, OR 97045 read her letter of support into the record (Letter # 54, a copy of which may be found in the permanent record of this meeting).

Bob Roth, Watershed Coordinator for the Johnson Creek Watershed Council, 525 Logus, Oregon City OR 97045 read his letter of support into the record (Letter #53, a copy of which may be found in the permanent record of this meeting).

John Jackson, Planning Division Manager for the United Sewerage Agency and a WRPAC member, Hillsboro, OR spoke in support of the plan. He said regardless of what happened with this plan, there would still be waterways on the 303D that needed help. This would be a start. Title 3 provisions were minimum performance standards.

Seth Tane, 13700 NW Newberry Rd, Portland, OR 97231 a citizen representative for RPAG and WRPAC said Title 3 was about the preservation of a fast disappearing resource. He urged support of WRPAC's version as it was a consensus of those with the technical expertise to understand and the field work behind them to have crafted this consensus. He said it contained a process of map review to undo the very kinds of errors that were inevitable in a region wide process. It might be a moot point if we took too long to protect this resource.

Dave Eshbaugh, Coalition for a Livable Future and Audubon Society of Portland, 5151 NW Cornell Rd, Portland, OR 97210 highlighted his written comments to the Council. He said Metro should reject any attempt to reduce, weaken or eliminate the language of the performance standards in Title 3. He also highlighted the Title 3 Headwater issues. He said it was not necessarily helpful to combine Title 3 and some of the more complex headwater issues. He urged adoption of Title 3.

Robert Liberty, 1000 Friends of Oregon and Coalition for a Livable Future, 534 SW 3rd Ave #300, Portland, OR 97204. Said his organization was committed to keeping the urban growth boundary stable in order to encourage reinvestment in existing communities and to prevent sprawl from overrunning farm and forest land and natural areas outside the urban growth boundary. He said protection of natural areas was a prerequisite for stopping low density sprawl. He explained natural areas made smaller backyards easier to bear. Title 3 would help insure public safety took priority over private financial interest. He urged implementation as soon as possible.

Jenny Holmes, Coalition for a Livable Future, and Interfaith Network for Earth Concerns, 2325 NE 44th Portland OR 97213 spoke in support of the provisions of Title 3 that protected wildlife habitat, water quality and flood plains. She urged implementation as soon as possible. She said their concerns stemmed from religious and moral commitments which asked what the decisions surrounding Title 3 would mean for the community.

Alan Hippolita from Coalition for a Livable Future and the Urban League of Portland, 10 N Russell, Portland, OR 97227 presented the historical perspective of north and northeast Portland streams. He urged passage of the WRPAC version of Title 3.

Jessica Glenn, an affordable housing advocate and a member of Coalition for a Livable Future, 1001 SW Baseline, Hillsboro, OR 97123 read her letter supporting Title 3 into the record (Letter # 55, a copy of which may be found in the permanent record of this meeting).

Sanford Rome, 1780 E Willamette St., Sherwood, OR 97140 challenged everyone who spoke against Dr. Robert Claus to take a look at his books and his record, including the Tualatin Valley wetlands and wildlife refuge and the thousands of volunteer hours he had put in on this effort. He went on to give a brief history of his wetland efforts in Sherwood. He requested that the Sherwood storm water plan become part of the record for review. He said the map said they needed to recreate a wetland on his property where there was none before, which rendered his property valueless to him. He asked that the maps be corrected to reflect the real deal.

Amanda Fritz, 4106 SW Vacuna St. Portland, OR 97219. Friends of Orno Creek said it was important to remember we were implementing a previously adopted policy with the buffers and it was important to get it adopted as soon as possible. She showed maps and explained the problems. She requested the draft language be strengthened. She requested an additional buffering for headlands areas. She requested storm water discharge into streams be addressed. She urged adoption of a strong Title 3.

John LeCavalier, John Innskeep Environmental Learning Center, PO Box 5162, Oregon City, OR 97045 spoke of Fanno Creek. He talked about the pollution entering the creek and the fish reproducing in spite of it. He said Fanno Creek was the most urbanized watershed in the Tualatin River sub-basin and was what all other watersheds should never be. He said urban streams can survive urban densities. Title 3 would be important to this. He urged WRPAC's version of Title 3 be adopted.

Sue Marshall, Tualatin Riverkeepers, 16430 SW Beef Bend Rd, Sherwood, OR 97140 read her letter into the record (Letter #56, a copy of which may be found in the permanent record of this meeting).

Peter Teneau, Friends of Smith and Bybee Lakes, 2715 N Terry St., Portland, OR 97217 read his testimony into the record (Letter # 61, a copy of which may be found in the permanent record of this meeting).

Sha Spady, 17855 Alden, Oregon City, OR 97045 said she wanted to deal with the standard 50 - 200 foot buffer zone and its application. She told of a landslide behind her house in Newell Creek Canyon probably caused by runoff from an apartment complex built 12 years ago. She highlighted written testimony (Letter #59, a copy of which may be found in the permanent record of this meeting).

Kendra Smith, 7145 Delaware, Portland, OR 97217, said her degrees were in ecology and ecosystems management, and her work had been in waterway management. She said Title 3 was important and needed to be implemented. She said it was a minimum requirement to protect the environment now before there was nothing that could be done. Protective natural resources was not a political game board for egos and other things to get in the way. She said stream buffers of 100 feet were a bare minimum and were very important to keeping the streams safe. She said the maps were really pretty to look at, but useless in the field. The wording was much more important.

Laura Hill, Chair of Friends of Rock, Bronson, and Willow Creeks, 220 SW Salix Terrace, Beaverton, OR 97006. She said they were concerned about last minute attempts to weaken the standards of Title 3. She said, do not make buffers voluntary. She submitted written testimony. (Letter #48, a copy of which can be found in the permanent record of this meeting).

Jane Leeson, 9795 SW Washington St., Portland, OR 97225 read her testimony into the record (Letter #57, a copy of which may be found in the permanent record of this meeting).

Douglas W. Bollam, PO Box 1944, Lake Oswego, OR 97035 noted his letter to be submitted to the record and said he had been involved in Title 3 since the "dawn of time". He underscored his sincerity for the project and read from his letter regarding the language of Title 3, Letter #58 a copy of which letter can be found in the permanent record of this meeting.

Bill Resnick, Jobs with Justice, 1615 SE 35th Place, Portland, OR 97214 mentioned and explained several reasons to accept Title 3, first the economic necessity of flood plain management and stream and wetland protection in the buffer zones. Second, housing and economic vitality had come together in the land use planning, and it would be a shame to abandon Title 3 at this late date after all the work had been done. Title 3 was vital to regional growth management plan.

Jere Retzer, Crestwood Headwaters Group, 5115 SW Alfred, Portland, OR 97219 strongly supported the protection of streams and natural areas. He supported the 50 to 200 foot buffer in Title 3. He had concerns about the net effectiveness of Title 3. He said he had spent the day planting trees on a creek that did not appear on the map because it did not meet the criteria for protection. He found an oil spill on this stream that day near where some trout had been found. He felt this should also be protected and others like it. Title 3 did not provide for water quality treatment for water being discharged into the streams. He was concerned that storm water was being ignored. Excessive erosion from storm water clogged spawning beds. He felt Title 3 was ineffective for erosion control. He felt fish and wildlife protection needed to be handled now and not two years from now.

Ross Tewksbury, Friends of Beaverton Creek, PO Box 25594, Portland, OR 97298 spoke in support of the strongest Title 3 that could be given. Quality of life was being effected for future residents. He gave some examples of where wetlands and flood plains were being damaged.

Natalie Darcy, 9355 SW Brooks Bend Lane, Portland, OR 97223. Ms. Darcy spoke about the significant changes in the Fanno Creek watershed during her lifetime. She explained the lessons learned from past mistakes regarding flood plains and water quality there and high cost in dollars, wildlife, water quality and land. She urged adoption of Title 3 with protection for the headlands.

Liz Callison, West Multnomah Soil and Water Conservation District, 6039 SW Knightsbridge Drive, Portland, OR 97219 suggested some recommendations to Title 3 to avoid further resource degradation resulting from last year's early implementation of the regional functional plan. Watershed, resource planning and other issues were needed to protect the area. She said at the public Title 3 workshops, regardless of what the newspapers said, the most frequent public response was disappointment that so many streams and wetlands were omitted from Metro's official Title 3 map, that there was no protection for fish and wildlife and no provisions for monitoring or enforcement for Title 3 effectiveness. She said the best legacy for Metro was to give a component for fish and wildlife now and not in 2 years as Metro agreed to. Title 3 placed a disproportionate burden of flood management provisions on downstream owners. There was a need for headland protection in the first step plan also. She said she would submit additional written comments and recommendations after tonight.

Richard Leonard, 4571 SW Hillside Drive, Portland, OR 97221 commented that Title 3 seemed extremely limited as a water quality management program. He suggested it needed additional teeth. There were no measures of water quality in Title 3, it only focused on buffers. He mentioned the effect of the buffer areas on the inventory of developable land needed to accommodate growth. There were many acres in the wetland buffer areas and flood plains. It seemed imperative before this was adopted for Metro to look at how many acres would be taken out of the buildable land inventory.

Corinne Weber, Maplewood Hayhurst Neighborhood Association, 6245 SW 39th Ave Portland, OR 97221 reiterated some previous comments from citizens. She added that citizens in the Hayhurst neighborhood had been struggling to save their stream. She said there were currently 3

DEQ noncompliance notices against the city of Portland regarding buffers. Muddy water was now flowing into Vermont Creek due to this noncompliance. There had been 4 months of sediment before the notices of violations were issued which said to her that Title 3 needed beefing up with monitoring and enforcement. She offered that the delaying tactics of the city needed to be dealt with.

Beverly Bookin, Commercial Real Estate Economic Coalition (CREEC), 621 SW Morrison Suite 200, Portland, OR 97205. The Commercial Real Estate Economic Coalition was a coalition of 16 trade organizations, companies and other organization which were involved in the sales, leasing, development and management of retail, office and industrial properties. They were among a broad coalition of development and business interests which had been working diligently with Metro staff and local jurisdictional representatives in an attempt to look at the core implementing measures, the model ordinance and the maps which would be the guts of implementing Metro Title III. She said, you would think, by the testifiers at this public hearing, that the business community was at worst not interested in this vital issue or at best asleep at the switch. The Coalition was somewhat concerned about the fact that Metro was holding hearings on Title III in principle before the final recommended form of the ordinance and the maps were before the Council so that the Council could look at Title III in its context because, after all, all of us agree for the need for water quality and flood control, but of course, the devil was in the details. The Coalition's concerns, as part of the business and development community, was to ensure that these regulations were scientifically based, fairly applied and with appropriate balancing of environmental and economic concerns. She felt that it was premature to outline the Coalition's various concerns because they were hopeful in the process that Metro had outlined that these issues would be considered in the technical and policy review now underway. She noted that MTAC was not scheduled to make its final recommendations on the model ordinance or maps until next week. These items were still to be reviewed by MPAC and WRPAC and then must go to the Council's Growth Management Committee before they came before the full Council for final review and adoption. She said the kinds of issues the coalition had were those that were succinctly listed by Council McLain in her opening remarks, issues related to engineered versus land intensive solutions, flexible versus prescriptive standards, the relationship of Goals 6 and 7 to Goal 5, and concerns about undermining local jurisdictions authority particularly those jurisdictions which had done a good job to date in regulating water quality and flood management and finally the relationship and supremacy of the text and map. The Coalition deferred now to make these kinds of detailed testimony so that they could come back when the Council had the implementing measures before them so that these could be reviewed in context.

Greg Robart, Oregon Department of Fish and Wildlife, 5103 SE 34th Ave Portland OR 97202 said they had read into the record formal comments previously. He highlighted that it had been mentioned before the listing of fish such as coho and chinook salmon, a key habitat attribute of which was water quality. Regardless of the reason for the decline of these fish, water quality related to habitat was an extremely important part of this decline. The governor had undertaken a plan to address the recovery of these important fish species to our heritage here in the Pacific Northwest called the Oregon Plan and a steelhead supplement to that plan. Embodied in the documents was a request that it would go out to local jurisdictions, to all levels of government, to help recover those declining populations of fish. He had worked in the water quality division as Water Quality Coordinator with the Department of Fish and Wildlife and was currently the habitat conservation biologist for the Columbia region in the Clackamas office. He was very concerned about Metro area water quality and felt this was something that Metro could do something about. The Oregon Department of Fish and Wildlife urged the Council to adopt Title III.

Teri Cummings, 2190 Valley Court, West Linn, OR 97068 spoke as a citizen who had been involved trying to protect a forested corridor that drained down where two streams merged into a ravine. The last three years, West Linn had changed their rules and increased their protection for streams, however, she had learned that since the two streams that merged into the ravine were just listed as a drainage way, they were not treated as a waterway and they had no name. She strongly urged the Council to incorporate into the Title III plan a proactive move to name the streams. She noted the inventory of disappearing streams. She wondered how many of these did not have names. Throughout the area there were examples of streams that people have put barkdust over and tried to plant over because they were unaware that it was a stream partly do to a lack of a name. She thought, for the purposes of civic pride and community involvement in these issues, if the streams were given names then people would be more likely to recognize them as streams and develop a better sense of awareness about how you handled these kinds of streams. These concerns could come down to a local involvement level. This was where most of these decisions ended up being made.

Jennifer Thompson, U.S. Fish and Wildlife Service, 2600 SE 98th Ave Suite 100, Portland, OR 97226 worked on the Metropolitan Greenspaces program, which was a partnership between the U.S. Fish and Wildlife Service and Metro where they offered habitat restoration and environmental education grants. She also represented the Service on WRPAC as a non-voting member. Through her work on the grant programs she was constantly reminded of the urgent need for Title III and other policies which protect natural resources. Although the natural areas the group worked on were publicly protected lands, it was often a challenge for them to design a project that would be beneficial in the long term. This was because publicly protected areas were both directly and indirectly effected by what went on beyond the property limits. Most of the region's urban stream systems were carrying tremendous sediment loads and associated pollutants. They were flashy because of the effects of increasing impervious surfaces and the input of storm water run off. Many of the streams were down cutting and losing their natural connection to the flood plains and becoming less dynamic. Banks were eroding and channels were losing their structural diversity. All of these problems further fueled the cycle of continued degradation. The environmental integrity of our streams systems and the species that depended on them hinged upon sound growth management policies that included natural resource conservation. At a minimum the Service urged Metro to adopt vegetative corridors adjacent to streams and wetlands which had been recommended by WRPAC and which had already been adopted by the Council in November 1996.

Much research had been conducted to determine the widths of buffers required to protect water quality and streams. A literature review of riparian widths related to physical processes conducted by the Washington Department of Fish and Wildlife showed that average widths necessary for various water quality functions range between 78 and 412 feet. Over 100 sources of information were reviewed to come up with those averages. The vegetative corridor widths proposed by WRPAC had already been compromised. The proposed corridors from 15 feet to 50 feet, depending upon the area drained, were well below the average widths reported in the literature as necessary to perform those various functions. Even the vegetative corridors which extend to 200 feet in width, where slopes were greater than 25%, may not be adequate to carry out the functions listed. The US Fish and Wildlife Service urged the Council to not allow the corridors to be reduced further. With over 200 miles of state listed water quality limited streams in the region and the potential federal listing of steelhead and other species under the Endangered Species Act, it was clear that current policies were not adequate to maintain the integrity of the region's streams. The proposed vegetative corridors would allow infiltration of rainfall and filtering of incidental storm water run off. They would provide a source of large woody debris and plant litter which would help to maintain channel diversity and sustain the base of the food chain. They

would dissipate the energy from rainfall, run off and flood waters. The vegetation would provide root structure which would help to stabilize stream banks. They would also provide wildlife habitat in travel corridors which would be essential as a foundation for addressing fish and wildlife conservation in the up coming months. Dense urban growth could be achieved while maintaining healthy functioning natural systems. By prohibiting erosion, creating tighter standards for development in flood plains and protecting natural vegetative corridors, Title III would reduce further degradation. But alone Title III would not be enough, when combined with the protection of a regional system of parks and greenspaces, development and implementation of sound policies to conserve the region's fish and wildlife development of comprehensive watershed plans and addressing storm water management issues which were upcoming tasks outlined in the Regional Framework Plan, Title III was a necessary step towards maintaining and improving upon the health of our natural systems. She noted the written testimony she had submitted which included specific recommendations for strengthening and clarifying Title III.

Jim Jacks, Planning Director of City of Tualatin, PO Box 369, Tualatin, OR 97062 had been a planner for over 20 years and represented small cities of Washington County on MTAC. He was also on the joint committee of MTAC and WRPAC. On his 6700 square foot lot, they had three ponds, bird feeders, and vegetation planted. His purpose in actively participating in the review of the Functional Plan and specifically Title III had been that he wanted the Plan to be as good as it could possibly be. The joint committee, MTAC and the Office of General Counsel had corrected many inconsistencies and unclear provisions in Title III. There were several times that the 200 foot buffer had been mentioned during this public hearing. He thought this may be do to several letters he had sent to MTAC earlier this month. It was not that he opposed vegetative corridors in general as it appeared some thought, he did not have a problem with the 50 foot set back or the 30 foot set back, he wanted people to know that he did not oppose Title III or vegetative buffers but the 200 foot figure.

His concern came from his reading of over a dozen articles, the scientific literature that he reviewed dealt with feed lot run off and forestry situations and did not justify the 200 foot buffer. He expressed concern that the justification for the 200 foot buffer might not meet the reasonable person test and that citizens might suggest that this recommendation did not make sense to them. How can you justify recommending 200 feet when the research had to do with something different? He preferred to see real water quality standards such as water temperature and real chemical standards. He said Metro staff had told him this suggestion was a real big bite, it was just not possible to do this now. Knowing that his suggestion was not an option he continued to work to make Title III as good as it could possibly be.

Zepher Moore, 2732 NE 15th, Portland, OR 97212 said that everyone was down a stream from everyone else. His testimony concerned earth outside stream boundaries. Storm water run off could be reduced by causing water to stay where it fell. He suggested catching it and letting the earth absorb it, naturally and by engineering. Vast areas of barkdust covered some landscaped areas, the soil beneath the barkdust became compacted. Water ran off. Solution - encourage planting of native vegetation on landscaped areas presently covered with barkdust, encourage close spacing of native vegetation so the plants caught rain on their leaves and allowed rain to soak into root loosened earth. Precipitation on parking lots typically flowed to storm drains and directly to waterways. Engineering solution - contour parking lots to drain to a large catch basin where water would be held and slowly percolate out to the earth rather than flowing to storm drains. He suggested that on new development within the Urban Growth Boundary the storm water catches might be engineered into the roadway drainage so you were catching the road storm run off. All roof drains on new developments should go into water catches. The Plan specified native vegetation only on streams and wetlands.

The next time you visit Bulch Creek or Oxbow State Park you would see sprouts of ivy here and there beneath the trees and creeping up some trees. This ivy was not planted in the park but was carried by birds which ate ivy seeds from ivy which was planted outside the park. Jack Broom, Director of the Wetlands Conservancy, called non-native invasive ivy "the bane of all wetlands". Metro had finally removed ivy from the Regional Center and northeast Portland. He wondered if the Council had informed the media that the City of Portland urged that ivy be planted on this site. How many people continued to plant ivy next to their trees and woods because Metro had not urged people to stop planting ivy and invasive plants. These plants were sold freely at plant nurseries with no restrictions or warnings about its danger to wildlife habitat. Solution - Metro actively discourage all non-native invasive vegetation listed on Portland's prohibitive plant list. He also suggested reducing debris entering streams by mandating that studded tires be put on separate rims so that people have the flexibility to taking their studded tires off. Another recommendation included salvaging native vegetation from development sites to replace lawns and barkdust. He also would be submitting funding sources for stream restoration projects.

Howard Handley, 10357 Hovenden Lane, Woodburn, OR 97071 said he was an effected land owner. He had been listening to all of these speeches about improving the environment, the problem being that the money was not coming out of the pockets of all of those people that made the speeches, rather it was coming out of his pocket and hundreds of other land owners that owned land next to these areas of concern. His wife and he owned 11 acres along Pacific Highway by a stream which they had owned for 39 years. The property had been for sale for 4 years and had been marked for their retirement income. If this land was sold, the embankment to the stream was above 25% so this meant that there would be a 200 foot buffer zone. They had donated four acres of land to the cause of Title III yet when this land was sold they would pay back taxes for five years on all eleven acres, not seven. Title III said 200 foot corridors must have natural vegetation, blackberries covered this area. With the blackberries in place, the wildlife, coyotes and skunks would come. He could not see that this would be improving the water quality in their situation. No matter how one looked at it, even though there was denial that Metro was taking the land, it was still money out of the land owners pockets. He asked, were we really living in America when land could be taken away from people without any remuneration?

Vern Mock, 24100 W Baseline, Hillsboro, OR 97123 said he had come to listen but because he had property on a creek he would like to add his comments. He lived on Rock Creek for 30 years and when he first bought he had livestock. He had seen how the livestock had destroyed the creek beds and vegetation along the creek. At the time he did not realize what he had done. Now he was trying to reestablish trees and a boundary on his own. He had started doing this long before Title III was under discussion because he had seen what the animals did to the property and creek. He was a member of the Tualatin Valley Steelheaders. They did a lot of work on the Wilson River, cleaning up, putting areas to hold the fish, building boat ramps, helping the farmers fence the streams so the cows wouldn't destroy the stream areas. They also had a project where they had sixteen tanks which they were putting into grade schools with steelhead eggs. The kids got to hatch the steelhead eggs, bring them to a Noble Woods Park where Rock Creek runs, and put them in the creek. The kids could relate to this and to nature. He felt this was a good program. He felt Title III would help the program because it would keep the water that flowed in the stream much cleaner, much cooler and the steelhead might come back to the creek some day.

He had spoken against building the Preston Meadows project, located just below the park, because residents in the area had four to five feet of water in their basements. The engineers solution was to take two foot of fill out and make a lake. They would also put flow through foundations in the new homes. He expressed concern about this. He felt that if the water got as

high as it had been before, those houses would have water in them. He suggested flow through front and back doors would have been a better solution because the residents had had three feet of water in their front rooms. This had occurred every year. The latest was that the residents had had the Corp. of Engineers teaching them to build five feet high dikes around their homes. He felt Title III was great and has been needed for over twenty years. He said even if it effected him and his children, he would be glad to pay the extra cost. If it helped his neighbors, it helped everyone.

Aleta Woodruff, MCCI, 2143 NE 95th Place Portland, OR 97220 repeated a story that she had heard on public radio from a gentleman who was speaking on the clarity and the non-clarity of the Willamette River. 'When he was going to high school he worked in an auto repair shop. A poor little lady came to the shop and said that there was something drastically wrong with her car. The gentleman, said yes you need a new radiator cap, it costs \$3.50. She said, I am poor and I can't afford that \$3.50 and drove away. In two weeks her car was towed in, she had no radiator, no radiator cap, and no engine. This is what could happen to all of us for the lack of the radiator cap.'

10. COUNCILOR COMMUNICATION

None.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 10:50 p.m.

Prepared by,

Chris Billington Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
1-73	2/26/98	Title III - Water Letters and Documents may be found in a permanent record in the council office under Title III	TO: Metro Council FROM: Various sources	
022698c-01	2/26/98	Illustration of Oregon Convention Center expansion	TO: Metro Council FROM: POVA	Resolution No. 98-2609
022698c-02	2/26/98	LOTI Designs and narrative	TO: Metro Council FROM: Art Lewellan, LOTI Designer	
022698c-03	2/24/98	Committee Report and updated resolution materials concerning Resolution No. 98-	TO: Metro Council FROM: Michael Morrissey,	Resolution No. 98-2606

2606

022698c-04

2/25/98

Memo supporting the
expansion of the
Oregon Convention
Center

Council Analyst
for
Transportation
Planning
Committee
TO: Metro
Council and
Mike Burton
FROM: Roy Jay
Oregon
Convention and
Visitor Services
Network Inc.
PO Box 5488
Portland OR
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Resolution No.
98-2609