AGENDA

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Agenda

MEETING:

METRO COUNCIL WORK SESSION MEETING

DATE:

September 20, 2005

DAY:

Tuesday

TIME:

2:00 PM

PLACE:

Metro Council Chamber

CALL TO ORDER AND ROLL CALL

2:00 PM

1. DISCUSSION OF AGENDA FOR COUNCIL

REGULAR MEETING, SEPTEMBER 22, 2005/

ADMINISTRATIVE/CHIEF OPERATING OFFICER

AND CITIZEN COMMUNICATIONS

2:15Pm

2. SPRINGWATER DISCUSSION Valone

2:45 PM

INDUSTRIAL LANDS REMAND 3.

Neill/Benner

3:15 PM

4. **BREAK**

3:20 PM

REVIEW OF PUBLIC COMMENTS FOR ORDINANCE Deffebach 5.

NO. 05-1077B, NATURE IN NEIGHBORHOODS

3:50 PM

COUNCIL BRIEFINGS/COMMUNICATION 6.

ADJOURN

SPRINGWATER DISCUSSION

Metro Council Work Session Tuesday, September 20, 2005 Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 9/20/05

Time: 2:15 p.m. Length: 30 minutes

Presentation Title: Springwater Community Plan Update

Department: Planning

Presenters:

Chris Deffebach & Andy Cotugno

ISSUE & BACKGROUND

The City of Gresham has completed a concept plan, pursuant to Title 11 of the Urban Growth Management Functional Plan (UGMFP), for the area southeast of the current city boundary, which was brought into the Urban Growth Boundary in December 2002 (Metro Ordinance No 969B). The plan, known as the Springwater Community Plan, was heard on August 8 by the Planning Commission, who forwarded the plan to the City Council and recommended approval as proposed. The plan will be first heard by the City Council on September 20, 2005. A second hearing is scheduled for October 4, 2005, and an Enactment Hearing is scheduled for November 1, 2005.

The issue before the Metro Council is whether or not Springwater Community Plan meets the requirements of the UGMFP for new urban areas in Title 11 and the conditions Metro placed on the area when it was brought into the UGB. This is the Councils second review of the plan. The Council received a presentation and discussed the plan in a work session on June 21. During that discussion, some Councilors expressed concern with the land use scheme that includes much less Regionally Significant Industrial Land (RSIA) than originally designated during the 2002 UGB expansion. Councilors were especially concerned about the size of the Office / Business Park District and the possible competition with the region's strategy of locating office uses within centers. The Council also expressed the need for looking at the bigger picture including the adjacent Damascus area.

Since the June 21 work session, councilors representing Metro, Gresham, Damascus and Happy Valley met to discuss the issues raised by the Metro Council and their implications on the Damascus / Boring Concept Plan effort. In addition, Metro staff has worked with Gresham staff to consider options for addressing the Council's concerns. In this regard, the following table summarizes the issues raised by Metro Council and staff and responses by city of Gresham staff.

Issues Raised (MC & staff)	Gresham response
 Office District competing with centers [MC] Letter submitted from MJ to Gresham PC for 8/8 hrg. Park testified at PC hearing 	a. PC directs staff to work w/Metro b. Staff changes district name to Research/Technology Industrial District (RTI) c. Staff modifies code to limit 7 NAICS categories (including FIRE and retail uses) to Metro Industrial Area consistency

2. Extensive amount of VLDR [MC]	Change map graphic to accurately reflect VLDR extent by taking our Persimmon GC Actual net acreage is 34.
3. Coordinate with Damascus/Boring CP re: job land [MC]	DBCP draft plan shows the adjacent @260 acres as industrial

In summary, the Gresham staff has made substantial changes in the proposed Springwater code in recognition of the Metro Council's concerns (see Attachment 1). Seven categories of office use now have limitations that are consistent with the standards in Metro's Industrial Area design type, as articulated in section 3.07.430 of Title 4 of the Functional Plan. These limitations state that buildings for the identified uses shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

These changes would result in the Springwater Community Plan containing 383 net buildable acres of RSIA or Industrial Area compatible land uses. Metro's 2002 UGB expansion findings to DLCD for the Springwater area, including a 63-acre (gross) Clackamas County portion, indicated that 412 net acres would be industrial land. If the Multnomah County portion of the Springwater area is deducted from the 412 net acres, there are approximately 378 net acres of industrial land in Multnomah County.

Staff has drafted a letter from Mike Jordan to the Gresham City Council for inclusion into the hearing record that summarizes these issues on the Springwater Community Plan comprehensive plan proposal. Staff will summarize the issues articulated in the draft letter during the work session.

OPTIONS AVAILABLE

After hearing an update of the planning effort, the Council may:

- 1. Discuss modifications to proposed Springwater Community Plan code language by Gresham and decide whether they are consistent or not with the intention of 2002 UGB expansion.
- 2. If the Council decides that the modifications are not consistent with the UGB expansion, indicate to staff what changes would need to be made to make the proposed plan consistent with the expansion.
- 3. Indicate to staff additional issues or concerns to include in the letter from Mike Jordan to the Gresham City Council.

IMPLICATIONS AND SUGGESTIONS

The Springwater Community Plan is the first concept planning effort to propose a reduction in RSIA-designated land. The Council's decision or direction might be perceived as a precedent for future designation of RSIA land. DLCD may require Metro

to make up the loss of industrial land in other UGB expansions, potentially including the current industrial area expansion.

QUESTION(S) PRESENTED FOR CONSIDERATION

- 1. Does the Council agree that the suggested modifications to the Springwater Community Plan (SCP) meet the intent of the 2002 UGB decision?
- 2. What changes, if any, are needed to make the SCP consistent with the 2002 UGB expansion?

LEGISLATION WOULD BE REQUIRED F DRAFT IS ATTACHEDYesNo	OR COUNCIL ACTIONYes _x_No
SCHEDULE FOR WORK SESSION	
Department Director/Head Approval Chief Operating Officer Approval	

SOURCE: Springwater Community Plan District Land Use Development Code (9/20/05)

Table 4.1520(B): Uses and NAICS Categories		
Uses and NAICS Categories:	RTI-SW	IND-SW
(A) Construction: Category 23	NP	P
(B) Manufacturing: Category 31 though 33	NP	L ¹
(C) Wholesale Trade: Category 42	NP	L ²
(D) Retail Trade: Category 44 and 45	L ³	L ^{4.}
(E)Transportation and Warehousing: Category 48 and 49	L ²	L ²
(F)Information: Category 51	L ⁵	L ⁵
(G) Finance and Insurance: Category 52	L ³	L ⁴
(H) Real Estate and Rental and Leasing: Category 53	L ³	L ⁴
(I) Professional, Scientific, and Technical Services: Category 54	L ³	L ⁴
(J) Management of Companies and Enterprises: Category 55	P	P
(K) Administrative and Support; Waste management: Category 56	L ⁶	L ⁶
(L) Educational Services: Category 61	L ⁷	L ⁷
(M) Health Care and Social Assistance: Category 62	L ³	L ⁸
(N) Arts, Entertainment, and Recreation, Category 71	NP	NP
(O) Accommodation and Food Services: Category 72	L ^{4,9,10}	L ^{4,9}
(P) Other Services	P	L ¹¹
(Q) Public Administration: Category 92	P	P
(R) Community Services	L ¹²	L ¹²
(S) Other Permitted Uses	NP	L ¹³

Table 4.01520(B) Notes:

¹ All uses permitted except: 3116: Animal Slaughtering and Processing; 316110 Leather and Hide Tanning; 3211:Sawmills and Wood Preservation; 322: Paper Manufacturing; 324:Petroleum and Coal Products Manufacturing; 325: Chemical Manufacturing except 3254 Pharmaceutical and Medicine Manufacturing is permitted; 327310 Cement Manufacturing; 327410 Lime Manufacturing; and 331 Primary Metals Manufacturing.

² Permitted as an ancillary use to a permitted use, no more than 20% of the building floor area may be devoted to these uses

³ Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and profession services that depend of selling goods or services to the general public shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

⁴ Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and professional services that depend on selling goods or services to the general public shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

⁵ Except 51213, Motion Picture and Video Exhibition

- ⁶Limited to subcategories 5611, Office Administrative Services; 5612, Facilities Support Services; 5613, Employment Services; and 5614, Business Support Services. In addition, 5615, Travel Arrangements and Reservation Services and 5619, Other Support Services are permitted if the do not occupy more than 3,000 square feet in a single outlet, or multiple outlets that occupy more than 20,000 square feet of in a single building or in multiple buildings that are part of the same development project.
- ⁷ Limited to 6114, Business Schools, and 6115, Technical and Trade Schools; Public elementary and secondary schools (611110) are permitted in the RTI-SW sub-district pending City approval of a report that specifically addresses 1) the lack of available non-employment designated land in the vicinity and 2) specifically addresses need and location of multi-modal connections (such as trails and local streets) between the proposed school site and adjacent Springwater residential neighborhoods.
- ⁸ Medical and Dental offices shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.
- ⁹ The only uses permitted are: Food Services and Drinking Places (722)
- ¹⁰ Additional permitted uses are Hotels (except Casino Hotels) and Motels (721110)
- ¹¹ Limited to subcategories 8112 (electrical/precision equipment repair) and 8113 (commercial/industrial machine repair)
- ¹² The only uses permitted are: Electric Power Distribution (221122), Natural Gas Distribution (221210), and Water, Sewage and Other Systems (2213).
- ¹³ For those legally existing parcels currently designated in the Multnomah County West of Sandy River Rural Area Plan as Orient Commercial-Industrial (OCI), those uses allowed under Section 36.3525 of the adopted West of Sandy River Plan are adopted as permitted uses in the Springwater Industrial District (IND-SW). For purposes of this Section, only those parcels and allowed uses in effect as part of Section 36.3525, West of Sandy Plan, effective as of the date of the Springwater Plan Adoption would be permitted uses. All other applicable standards of the Springwater Plan would apply. Permitted uses are not required to meet approval criteria of West of Sandy Plan Section 36.3527.

Table 4.1520(C) Permitted Uses in Neighborhood Commercial

Note: Permitted uses in the NC-SW district are identical to those in the NC district, Table 4.0220.

INDUSTRIAL LANDS REMAND

Metro Council Work Session Tuesday, September 20, 2005 Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 9/20/05 Time: Length: min

Presentation Title: Industrial Land Remand

Department: Planning

Presenter(s): Neill

ISSUE & BACKGROUND

The Land Conservation and Development Commission (LCDC) issued their Partial Approval and Remand Order in July, 2005 on Metro's urban growth boundary (UGB) decision on industrial land. The Remand order approved most of Metro's actions to complete Periodic Review and requested additional information on a number of items. These items are:

- 1. Ensure that an adequate amount of land is deducted for infrastructure including streets;
- 2. Amend the 2002-20022 Urban Growth Report: An Employment Land Needs Analysis, if the Council wishes to change the assumed commercial refill rate from 50% to 52%;
- 3. Demonstrate that the demand for large lots has been satisfied as identified in the Employment Urban Growth Report;
- 4. Clarify whether 70 percent of the land need for warehouse and distribution is satisfied on vacant land inside of the UGB or land recently added to the UGB;
- 5. Recalculate the total need for industrial land based on the items above and demonstrate how the land need will be met; and
- 6. Demonstrate how the locational factors in Goal 14 and policies of the Regional Framework Plan have been met in reaching the decision to bring a portion of the Cornelius area into the UGB.

The information is due to LCDC by December 1, 2005.

At the work session on September 20, Chief Operating Officer Michael Jordan will present his recommended response to the LCDC items. Councilors will have the opportunity to discuss the recommendations. After discussion with Council, the recommendations will be presented to MTAC and MPAC, property owners will receive a notice of the upcoming Council consideration and property owners will have the opportunity to attend a workshop to get questions answered.

OPTIONS AVAILABLE

Councilors can consider support for the recommendations and/or identify possible questions or amendments for consideration during the adoption process.

IMPLICATIONS AND SUGGESTIONS

If DLCD finds the responses to the remand acceptable, their acknowledgement will conclude the periodic review begun in 2002 and the UGB expansion to accommodate population and employment. Acknowledgement will trigger the next steps in the process

– requiring jurisdictions to complete comprehensive planning under Title 11 of the Urban Growth Management Functional Plan for the new urban area.

QUESTION(S) PRESENTED FOR CONSIDERATION

The fundamental question before the Council is which of the lands under consideration would best satisfy the remaining need for land for industrial use. Councilors may have questions about the recommendations, about the methodologies that were used and about other options that staff considered.

LEGISLATION WOULD BE REQU DRAFT IS ATTACHEDYes _X	IRED FOR COUNCIL ACTION <u>X</u> Yes <u>N</u>
SCHEDULE FOR WORK SESSION	
Department Director/Head Approval	

REVIEW OF PUBLIC COMMENTS FOR ORDINANCE NO. 05-1077B, NATURE IN NEIGHBORHOODS

Metro Council Work Session Tuesday, September 20, 2005 Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 9/20/05 Time: Length: min

Presentation Title: Nature in Neighborhoods Title 13 Final Issues/Preparation for Public

Hearing on Ordinance 05-1077B

Department: Planning

Presenter(s): Deffebach

ISSUE & BACKGROUND

On September 22, 2005 the Metro Council will hold a public hearing and consider amendments to Ordinance No. 05-1077B (which includes the proposed new title of the Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods and associated amendments to the Regional Framework Plan, other Functional Plan titles, and a Model Ordinance). If the Council adopts amendments to the ordinance on September 22, they are scheduled to take final action on September 29, 2005. The Council's first reading of this ordinance, and public hearing, was on May 12, 2005, at which time they made several amendments to the proposed ordinance. In May, MPAC recommended that the Council approve the Ordinance with the request that further review and amendments be made to the Title 13 Model Ordinance to ensure a workable, more implementable document.

On July 14th, 2005, the Council voted unanimously to accept the changes proposed by the MTAC/WRPAC Model Ordinance Review Subcommittee and recommended by MTAC and MPAC. Following Council direction, the subcommittee focused on technical issues.

In June, July and early August, MPAC Chair Jack Hoffman and Metro staff, along with a Metro Councilor when possible, met with all of the city councils and county commissions outside of the Tualatin Basin. The purpose of this outreach was to further inform the elected leaders of the region about the upcoming Nature in Neighborhoods legislation and the accompanying Ballot Measure 56 property owner notification to be mailed in August, and to provide maps and other information.

In early August, Metro sent out the Ballot Measure 56 notice to approximately 39,000 property owners with land in the Class I and II riparian habitat inventory (including the Tualatin Basin). The notice described the ordinance and included a survey of how citizens could volunteer to get involved with the Nature in Neighborhoods initiative. Over the last six weeks, Metro has received over 200 phone calls, and over 90 responses to the survey. Most property owners have called to learn more about how the ordinance would affect their properties.

Metro staff brought the ordinance to MTAC to provide an update and the opportunity to raise any additional issues regarding Ordinance 05-1077B at their September 7th meeting. MPAC will be provided with the same opportunity to review the ordinance on September 14th.

The purpose of the September 20th meeting is to review the proposed amendments, make any additional changes needed, and become familiar with the changes as drafted. A draft of the technical amendments and an amendment proposed by Councilor Liberty to limit reductions in local habitat protection are attached.

OPTIONS AVAILABLE

Councilors can ask staff for clarification on the amendments, adopt, modify, or not adopt the amendments.

IMPLICATIONS AND SUGGESTIONS

The Council will hold a public hearing on Ordinance 05-1077B on September 22, and will be asked to vote on the ordinance. This session will help the Council become familiar with the remaining issues under consideration to facilitate a thorough discussion and preparation for the upcoming vote. If Council adopts the ordinance on September 22, Metro will seek acknowledgement from LCDC. Cities and counties will have two years to come into compliance after the state acknowledges Metro's plan.

QUESTION(S) PRESENTED FOR CONSIDERATION

Should changes be made to any of the proposed amendments?

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION X Yes No DRAFT IS ATTACHED Yes X No

SCHEDULE FOR WORK SESSION

Department Director/Head Approv	ral
Chief Operating Officer Approval	

9/14/05 Ordinance No. 05-1077B: Potential Amendments.

Sponsor	Issue	Potential amendment	Comments
Hosticka 1	Map revisions	Require cities and counties to allow HCA map revisions upon property owner request, specify that a fee may be charged (amends Exhibit C (Title 13 Functional Plan and Exhibit E Title 13 Model Ordinance)	Not included in 9/20 Work Session packet
Liberty 1	Maintain current local protection	Requires cities and counties to maintain existing habitat protection in regionally significant habitat, and states that cities and counties must follow Goal 5 if they wish to increase protection after compliance	Clarification of language included in 05-1077A. Description and draft language are included. (pgs. 2-4)
	Technical amendments	Adopt revised Ex. B (to reflect RFP revisions) Revise language to make it clear that maps are representations of underlying data on file with DRC (so that detailed site-level maps are just as valid as one regional map)	Pg. 5 Pg. 5
		Change all "Measure 37" references to "Oregon Laws 2005, Chapter 1." Clarify language in provision related to greater protections of natural area parks	Pg. 5 Pg. 5
		6-part amendment related to definitions of "flood areas," "floodplains," "developed flood areas," and "paved areas," and to subsequent use of those terms	Pgs. 5-6
8		Revise language related to when Metro will handle and indemnify local governments for M37 claims	Pgs. 6-7
	Correct erroneous subsection cross-references	Pg. 7	
	Add tree preservation and maintenance as a habitat-friendly development practice to be encouraged	Pg. 7	
	Update charts in Title 13 and model ordinance explaining how to identify habitat areas when verifying boundaries (Table 3.07-13d of Ex. C, and Table 6 of Ex. E)	Pgs. 7-10	
		Adopt revised Vegetative Cover Map in order to show location of high gradient streams (necessary for future map verifications)	Pg. 10
		Adopt revised Regionally Significant Educational or Medical Facilities Map, to show specific property boundaries that are part of such facilities	Pg. 10
		Edit amendments to 3.07.810 to delete an obsolete reference	Pg. 10
	Revise the model ordinance exemption for maintenance, alteration, repair and expansion of existing buildings to make it more clear and close a loophole that could have allowed numerous successive expansions	Pg. 10-11	
		Clarify model ordinance language related to site density reductions when HCA is protected	Pg. 11
		Adopt findings as Ex. F, along with updated copies Attachments 1 and 5 to Ex. F	Pg. 11
		Adopt revised Inventory Report and Inventory Addendum	Pg. 11
		Adopt revised Habitat Inventory acreage table	Pg. 11

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Proposed Amendments to Ordinance No. 05-1077B Page 1 of 11

PROPOSED AMENDMENT TO ORDINANCE NO. 05-1077B

Proposed by Councilor Liberty

Clarifying when programs adopted by cities and counties would need to comply with the Goal 5 rule separately from demonstrating compliance with Metro's functional plan.

PART 1. Section 3(A) of Ordinance No. 05-1077B shall be amended as follows:

Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties wholly or partly within the Metro boundary shall apply the requirements of this title with respect to areas identified as riparian habitat on the Inventory Map and areas identified as upland wildlife habitat on the Inventory Map, according to the compliance deadlines established in Section 1 of Title 8 of this functional plan (Metro Code Section 3.07.810), rather than applying the requirements of division 23 of chapter 660 of the Oregon Administrative Rules ("OAR"), promulgated by LCDC, except that:

- 1. A city or county shall apply the requirements of division 23 of OAR chapter 660 in order to adopt comprehensive plan amendments or land use regulations that will limit development in areas not identified as riparian habitat on the Inventory Map, unless such provisions (a) are part of a program intended to comply with subsection 3(B)(3) of this title and apply only to areas identified as upland wildlife, and do not apply to areas not identified as habitat, on the Inventory Map; or (b) apply to areas identified as Class A or B upland wildlife habitat on the Inventory Map that are brought within the UGB after the effective date of Ordinance No. 05-1077B. Such a city or county shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197;
- 2. A city or county that, prior to the effective date of this title, adopted any comprehensive plan amendments or land use regulations that (a) apply to areas identified as upland wildlife habitat on the Inventory Map but not identified as riparian habitat on the Inventory Map, (b) limit development in order to protect fish or wildlife habitat, and (c) were adopted in compliance with division 23 of OAR chapter 660, shall not repeal such amendments or regulations, nor shall it amend such provisions in a manner that would increase the amount of development allowed in areas identified as upland wildlife habitat; and
- 3. After a city or county has demonstrated that it is in substantial compliance with the requirements of this title, if the city or county wishes to adopt comprehensive plan amendments or land use regulations applicable to areas identified as riparian habitat on the Inventory Map that have the effect of imposing greater limits on development than those imposed by provisions that are in substantial compliance with the requirements of this title, such a city or county shall comply with the provisions of division 23 of OAR chapter 660, and shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197.

PART 2. The Goal 5 Rule provides, in relevant part, that "Upon acknowledgment of Metro's regional resource functional plan, local governments within Metro's jurisdiction shall apply the requirements of the functional plan for regional resources rather than the requirements of this division." OAR 660-023-0080(3). Upon adoption of Ordinance No. 05-1077B, the Metro Attorney shall assess whether the language in Part 1 of this amendment is consistent with OAR 660-023-0080(3) and shall advise the Council regarding whether to petition the Land Conservation and Development to amend that provision of the Goal 5 Rule to make it consistent with the language in Part 1 of this amendment. If the Metro Attorney advises the Council to make such petition, then the Chief Operating Officer and the Metro Attorney shall prepare and bring before the Council for its consideration a resolution authorizing the Chief Operating Officer to make such petition.

DESCRIPTION OF LIBERTY AMENDMENT NO. 1

PART 1. Metro's Title 13 applies instead of state Goal 5 Rule, except that:

1. Requiring Local Governments To Apply the Goal 5 Rule Process If They Wish To Limit Development Outside of Riparian Areas—Except When Such Limits Are Part of an Alternative Compliance Approach or Are For New Urban Areas

Goal 5 Rule still applies if city/county is adopting any "limits" on development outside of Riparian Class I and II areas UNLESS:

- a. City/county goes with the "alternative compliance" option and the limits apply only to riparian and upland wildlife habitat and not to anything else (limits outside of Metro's inventory must go through Goal 5 Rule because we did not identify those areas as significant resources); or
- b. The area is part of a future UGB expansion—Metro's program applies to Upland Class A and B habitat in future UGB expansion areas;
- 2. Maintaining Existing Local Goal 5 Protection Efforts for Upland Habitat

If city/county has an existing Goal 5 program that limits development in upland wildlife habitat, city/county can't repeal/weaken the program (total prohibition on rollbacks—city/county may not weaken it even by following Goal 5 Rule—presumes that Metro's Local Plan Analysis sufficiently inventoried such programs to rely on them in deciding not to limit development in uplands); and

3. Requiring Local Governments To Follow Goal 5 Rule Process If They Wish to Increase Protection Efforts After They Have Been Deemed in Compliance With Metro's Requirements

Once a city/county is in substantial compliance, if it wants to independently increase its limits on development it must follow the Goal 5 Rule. (In other words, if you want to do more than

required, you must follow the Goal 5 Rule. This does not apply on initial compliance, however, because Metro will simply be determining whether the program is sufficient.)

PART 2. Directs OMA to determine whether we need to petition LCDC for Goal 5 Rule change to make the rule consistent with this language and, if so, to develop a resolution for the Council to approve such a petition.

TECHNICAL AMENDMENTS Ordinance No. 05-1077B

- **Amendment 1.** Exhibit B ("Regional Framework Plan Amendments") shall be deleted in its entirety and replaced with *Revised* Exhibit B, included with these amendments as Attachment 1.
- Amendment 2. The first paragraph of Section 2 of Exhibit C ("Urban Growth Management Functional Plan, Title 13: Nature in Neighborhoods"), "Inventory and Habitat Conservation Areas," shall be amended as follows:

The purpose of this section is to describe the geographic information system (GIS) data and maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. This data and maps are referenced in various ways in this title, but may or may not be relevant within a city or county depending upon which implementation alternative the city or county chooses pursuant to subsection 3(B) of this title. The maps referred to in this title are representations of data contained within Metro's GIS system, operated by the Metro Data Resource Center, and references to such maps shall be interpreted as references to the maps themselves and to the underlying GIS data that the maps represent.

- **Amendment 3.** In the ordinance and in its exhibits, all references to "Measure 37" shall be deleted and replaced with references to, "Oregon Laws 2005, Chapter 1."
- **Amendment 4.** Subsection 4(A)(5) of Exhibit C shall be amended as follows:

Habitat Conservation Areas within publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development shall be protected and managed so that the quality of fish and wildlife habitat that they provide is maintained and enhanced and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas.

Amendment 5a. Subsection 4(D)(4)(a)(i)(B) of Exhibit C shall be amended as follows:

Locate all flood areas within 100 feet of the property (areas that were mapped as flood areas but were filled to a level above the base flood level prior to the local program effective date, consistent with all applicable local, state, and federal laws and regulations shall no longer be considered habitat based on their status as flood areas); and

Amendment 5b. The following definition of "Flood Areas" shall be inserted as part of Amendment 9 to Exhibit D ("Amendments to Titles 3, 8, 10 and 11 of the Urban Growth Management Functional Plan"), amending Metro Code Section 3.07.1010, "Definitions":

"Flood Areas" means those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood.

- Amendment 5c. In Table 3.07-13e of Exhibit C, "Performance and Implementation Objectives and Indicators," all uses of the terms "floodplain" or "floodplains" shall be deleted and replaced with the terms "flood area" or "flood areas" (the terms "floodplain" and "floodplains" are used five times in that table).
- **Amendment 5d.** The definition of "Developed floodplain" in Section 11 of Exhibit E ("Title 13 Model Ordinance") shall be amended as follows:

Developed flood area – A flood area upon which a building or other structure has been located or that is a paved area.

Amendment 5f. The definitions of "Floodplain" and "Flood areas" in Section 11 of Exhibit E shall be amended as follows:

Floodplain - The land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

Flood areas - Those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).

Amendment 5g. The following definition "Paved area" shall be inserted into Section 11 of Exhibit E:

Paved area – Any uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses; provided, however, that graveled areas are not paved areas.

Amendment 6. Subsection 5(B)(3) of Exhibit C shall be amended as follows:

Concur with Metro's disposition of the claim or enter into an intergovernmental agreement with Metro in order to grant Metro sufficient authority to implement, on the city or county's behalf, Metro's decision regarding the disposition of the claim, which disposition may include, but not be limited to, a cash payment or other compensation, a decision to modify, remove, or not apply the regulation, dismissal of the claim, and the imposition of appropriate conditions.

Amendment 7a. Footnote 4 to Table 3.07-13a of Exhibit C, "Method for Identifying Habitat Conservation Areas ("HCA")," shall be amended as follows:

⁴ Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 4(A)(5) of this title.

Amendment 7b. Footnote 4 to Table 3.07-13b of Exhibit C, "Method for Identifying Habitat Conservation Areas ("HCA") in Future Metro Urban Growth Boundary Expansion Areas," shall be amended as follows:

- **Amendment 8a.** Table 3.07-13c of Exhibit C, "Habitat-friendly development practices," shall be amended by adding the following practice as new Item 4 in Part (c), "Miscellaneous Other Habitat-Friendly Design and Construction Practices":
- 4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.
- Amendment 8b. Table 5 of Exhibit E, "Habitat-friendly development practices," shall be amended by adding the following practice as new Item 4 in Part (c), "Miscellaneous Other Habitat-Friendly Design and Construction Practices":
- 4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

Amendment 9a. Table 3.07-13d of Exhibit C, "Locating Boundaries of Class I and II Riparian Areas," shall be amended as follows:

	Development/Vegetation Status ¹			
Distance from Water Feature	Developed areas not providing vegetative cover ²	Low structure vegetation or open soils ³	Woody vegetation (shrub and scattered forest canopy) ⁴	Forest Canopy (closed to open forest canopy) ⁵
Surface Streams				
0-50'	Class II 6	Class I 7	Class I	Class I
50'-100'		Class II 6	Class I	Class I
100'-150'		Class II if slope>25% 6	Class II if slope>25% 6	Class II ⁶
150'-200'		Class II if slope>25% 6	Class II if slope>25% 6	Class II if slope>25% 6
Wetlands (Wetla	nd feature itself	is a Class I Riparia	n Area)	
0-100'		Class II 6	Class I	Class I
100'-150'				Class II 6
Flood Areas				
Within 300' of		Class I	Class I	Class I
river or surface				
stream				
More than 300'		Class II 6	Class II 6	Class I
from river or				100
surface stream				

⁴ Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 4(A)(5) of this title.

0-100' from	Class II 6, 8	Class II 6
edge of flood		
area		

Development/vegetative cover status is identified on the Metro Vegetative Cover Map (on file in the Metro Council office). The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged.

² "Developed areas not providing vegetative cover" are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping unit for any type of vegetative cover.

³ "Low structure vegetation or open soils" means areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

⁴ "Woody vegetation" means areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

⁵ "Forest canopy" means areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is "Low structure vegetation or open soils," and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro's Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to this ordinance.

⁸ Only if within 300 feet of a river or surface stream.

Amendment 9b. Table 6 of Exhibit E, "Method for Locating Boundaries of Class I and II Riparian Areas," shall be amended as follows:

Table 6: Method for Locating Boundaries of Class I and II Riparian Areas.

	Development/Vegetation Status ¹				
Distance from Water Feature	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)	
Surface Stream	ms				
0-50'	Class II	Class I ²	Class I	Class I	
50'-100'		Class II ³	Class I	Class I	
100'-150'		Class II ³ if slope>25%	Class II ³ if slope>25%	Class II ³	
150'-200'		Class II ³ if slope>25%	Class II ³ if slope>25%	Class II ³ if slope>25%	
0-100' 100'-150'	tland feature itself	Class II ³	Class I	Class I	
Flood Areas				Class II	
Within 300' of river or surface stream		Class I	Class I	Class I	
More than 300' from river or surface stream		Class II ³	Class II ³	Class I	
0-100' from edge of flood area			Class II ^{3, 4}	Class II ³	

¹ The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as "forest canopy" the forested area had to be part of a larger patch of forest of at least one acre in size.

² Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is "Low structure vegetation or open soils," and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro's Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to Metro Ordinance No. 05-1077C.

³ Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife.

Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

4 Only if within 300 feet of a river or surface stream.

- **Amendment 10.** Attachment 5 to Exhibit C, the Metro Vegetative Cover Map, shall be deleted and replaced with Attachment 2 to these technical amendments in order to show the location of high gradient streams.
- Amendment 11. Attachment 7 to Exhibit C, the Regionally Significant Educational or Medical Facilities Map, shall be deleted and replaced with Attachment 3 to these technical amendments in order to show the specific properties identified as part of the regionally significant facilities.
- **Amendment 12.** Amendment 8 of Exhibit D, amending Metro Code Section 3.07.810, shall be further modified to delete the first sentence of Code subsection 3.07.810(E), so that that portion of Amendment 8 will read as follows:

If a functional plan requirement was adopted or amended by the Metro Council after December 12, 1997, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirement shall, after one year following acknowledgment of the requirement, make land use decisions consistent with that requirement. Notwithstanding the previous sentence, however, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirements of Title 13 of this chapter, Metro Code sections 3.07.1310 to 3.07.1360, shall make land use decisions consistent with those requirements after two years following their acknowledgment. The Chief Operating Officer shall notify cities and counties of the date upon which functional plan requirements become applicable to land use decisions at least 120 days before that date. The notice shall specify which functional plan requirements become applicable to land use decisions in each city and county. For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).

Amendment 13a. Subsection 3(E)(1) of Exhibit E shall be amended as follows:

- 1. Maintenance, alteration, expansion, repair and replacement of existing structures provided that the building footprint is not increased.
- **Amendment 13b.** The following text shall be inserted as new subsection 3(E)(2) of Exhibit E and all subsequent subsections shall be renumbered accordingly:
- 2. Alteration, expansion, and replacement of existing structures, provided that:
 - a. The alteration, expansion, or replacement of a structure will not intrude more than 500 sq.
 ft. into the HCA in addition to the area defined as the building footprint as of January 1, 2006; and

b. The new intrusion into the HCA is no closer to the protected water feature than the preexisting structure or improvement.

Amendment 14. Subsection 6(B)(4) of Exhibit E shall be amended as follows:

- 4. *Site Capacity Incentives.* The following site capacity standards provide flexibility in the design of land divisions in order to allow ways to better protect HCAs.
 - a. Density bonus if HCA is protected. In multi-family residential zones, a 25 percent density bonus may be allowed for any development of four (4) or more dwelling units if 75 percent or more of the HCA on a site is permanently preserved, such as by making a public dedication or executing a restrictive covenant. The bonus density shall be in addition to the base density allowed in the applicable zoning district.
 - b. All area within a HCA, or any portion of it, may be subtracted from the calculations of net size for purposes of determining the minimum number of units that must be built on the property, provided that such area is protected, such as by making a public dedication or executing a restrictive covenant. This provision may only be applied to properties that were inside the Metro UGB on January 1, 2002.
- **Amendment 15.** Attachment 4 to these technical amendments shall be included as Exhibit F ("Findings of Fact and Conclusions of Law").
- Amendment 16. Attachment 1 ("Metro's Riparian Corridor and Wildlife Habitat Inventories" report and the "Addendum and Update to Metro's Riparian Corridor and Wildlife Habitat Inventories" report) to Exhibit F shall be deleted and replaced with Attachment 5 to these technical amendments.
- **Amendment 17.** Attachment 5 ("September 2005 Habitat Inventory Update" data) to Exhibit F shall be deleted and replaced with Attachment 6 to these technical amendments.

Remand From LCDC of the Industrial Lands Decision

Decision/Communications Schedule DRAFT 8/24/05

Date	Committee	Item(s)	Action	Staff Work Needed
September 6	Council WKS	Introduction- discussion of content remand and schedule	Intro., provide staff direction	Summary of remand work items, schedule - LN
September 6		Draft column 9/20- Hillsboro Argus & Oregonian newspaper adv. 9/19- DLCD notice, CPO notice documents for internal review	Prepare notice and informational article	Draft items, public affairs to circulate for internal review -SO
September 7	CREEC	Review remand		
September 14	MPAC	Discuss schedule with coordinating committee		
September 20		Oregonian Ad to be published		
September 20	Council WKS	Discussion of remand work program elements- draft proposal	Ongoing direction	Draft staff report and proposed mapavailable at the meeting/LN
September 20		Chief Operating Officer releases recommendation	Public release	Press release-KK, SO, GW
September 21	MTAC	Introduction- discuss remand contents, COO recommendation	Introduction	Same as council packet-LN
September 21	MCCI	Review work program, COO recommendation	Comments on Public involvement	SO will attend and present
September 21	Westside Eco Alliance	Review COO recommendation	none	LN will present
September 23		Notice to DLCD and all CPOs near areas under consideration (all class II areas)- 45 days in advance of 1 st public hearing,	Mail notice	Fill out blue form, prepare notice to CPOs
September 26		Final Draft property owner and workshop notice for 10/6	Prepare notice	Final Draft notice, internal review- SO (Incorporate MPAC comments before final)
September 26		E-News to CPOs and interested persons list	Send E-news in tandem with DLCD notice	Write send E-news; check mailing list for accuracy
September 28	MPAC	Introduction of COO recommendation, review MTAC comments,	Briefing	LN
October 4	Council WKS	Review of comments on the draft proposal, review of workshop	Briefing	LN
October 5	MTAC	Action on COO recommendation	Briefing, discussion	LN
October 6		Notice mailed to property owners, meets 20 day notice and provides notice of the workshop	Mail to property owners	Secure property owner mailing list; Get mailing house bids, coordinate Printer/Mail piece-SO, Creative Services
October 17		Hillsboro Argus Ad for workshop & hearing	Submitted to paper for Oct.18 publication	SO, Creative Services

Remand From LCDC of the Industrial Lands Decision

Decision/Communications Schedule DRAFT 8/24/05

October 18	Council WKS			
October 20	Workshop	Workshop in Hillsboro area	Prepare info materials/maps; Set-up; staff	LN,SO,TO,CD, add other
October 26	MPAC	Action on COO recommendation	Action	LN
October 27	Council REG	1 st reading of ordinance	Read only	Ordinance draft/title- DB
November 10	Council REG	Public hearing, ACTION - held in Hillsboro	Hearing and possible Council action	Maps and materials, Ordinance and staff report-LN
November 17	Council REG	Hold for possible further Council discussion/action IF NECESSARY	HOLD OVER- Action- adopt ordinance	
December 1 DEADLINE		Submit all work to DLCD to satisfy the remand WKTASK # 0011673, adopt ordinance and findings	Send materials to DLCD by Nov. 28	Staff report, findings, documentation, LN

'William Eadie - Re: important re today's Council informal

From:

Curt Zonick

To:

Jim Desmond; William Eadie

Date:

9/20/2005 2:25 PM

Subject:

Re: important re today's Council informal

CC:

Alison Kean Campbell; Dan Cooper; Jim Morgan

Wil and Jim,

I tracked down a map of the Title 3 flood management areas. It's tricky here as these are generally equated with the 100-yr floodplain or 1996 flood boundaries. This area has a kind of whacky 100-yr floodplain and Title 3 boundary in our system because the 100-yr floodplain was not well delineated in the project area (this is what the City used to hold up our NAWCA project, that ironically would have altered the low value "degraded wetlands" into high value "restored wetlands", but that's all water under the bridge - or not).

The City recently delineated the 100-yr floodplain in the project area and while it may not have been formally approved by FEMA yet (had not last time I talked with the City about it) it clearly shows the project to lie in what would be the 100yr-floodplain, i.e. the Title 3 Flood Management Area. Now the Metro code for these basically just requires an equal cut-fill ration creating no net loss of wetlands by creating equal to what is filled. The City estimates that they will fill an area not expected to exceed 5.4 acres and perhaps only 4.4 acres, and the current plan is to mitigate by "creating" 7.65 acres of wetlands. Some of these wetlands dreated via mitigation will be high quality (e.g., rstoration of Metro north and the creek running along Boeckman Rd. A lot of the acreage though will be linked to shallow ponds that likely will not be very effective and will probably be covered with canarygrass and other weeds until the ditch is closed and hydrology restored to the area.

Our bottom line has been that the acreage comparison doesn't really work out as equal if you consider the types of acres filled and the type of acres created. The wetland fill component will have major environmental impacts (e.g., cut across a floodplain, wildlife migration, etc.) whereas the created wetlands will not appreciably alter the system beyond the work on the creek through our Steele Fnd Tract, which we've supported. This is why we've advocated for a longer bridge, which would fix everything basically, or if this is not feasible, the best possible wildlife crossing features (which have imporved through our negotiations) and broader mitigation to exceed the 1:1 requirement but more accurately offset the likely project impacts to wetlands.

Hope this helps.

CAZ

>>> William Eadie 9/20/2005 1:49:03 PM >>> very good. Wil

William Eadie Open Spaces Acquisition Division Metro Regional Parks and Greenspaces 503-797-1925 eadiew@metro.dst.or.us

>>> Jim Desmond 9/20/2005 1:48:15 PM >>>

Dan does want the Title 3 info, though not end of world if he doesn't get it today. I realize this all on short notice...

JD

Jim Desmond

*Director
Metro Parks and Greenspaces
600 NE Grand Avenue
Portland, OR 97232
(503) 797-1914
desmondi@metro.dst.or.us

>>> William Eadie 9/20/2005 1:46:49 PM >>>

Right, that was what I was figuring. Curt is trying to clarify any potential title 3 issues before the informal, so Dan may have that info in hand by the meeting. Unless you think we should forget about the title 3 stuff?

Wil

William Eadie
Open Spaces Acquisition Division
Metro Regional Parks and Greenspaces
503-797-1925
eadiew@metro.dst.or.us

>>> Jim Desmond 9/20/2005 1:42:52 PM >>>

Dan Cooper is going to take lead on this today and mostly talk about process.

JD

Jim Desmond
Director
Metro Parks and Greenspaces
600 NE Grand Avenue
Portland, OR 97232
(503) 797-1914
desmondi@metro.dst.or.us

>>> Curt Zonick 9/20/2005 1:20:30 PM >>>

Glad you can make this Wil, I will not be able to as I have to get my son from school. I will look for you this afternoon before leaving to review changes associated with the latest project designs I just received (they have added some wildlife crossing features based upon our recommendations), but you know this project as well as I do at this point I think.

CAZ

>>> William Eadie 9/20/2005 10:45:55 AM >>> JD, I can be there. Hopefully Curt as well. Wil

William Eadie
Open Spaces Acquisition Division
Metro Regional Parks and Greenspaces
503-797-1925
eadiew@metro.dst.or.us

>>> Michael Jordan 9/20/2005 10:43:54 AM >>>

Hi Des: I asked Cooper to give the Council a heads up today. Thanks, MJ

>>> Jim Desmond 9/20/2005 10:10:58 AM >>>

Michael wanted to give Council an early heads up on the Boeckman Rd easement request situation today at informal. I see now that his time for communications is at end of meeting, about 3:50 p.m. I may or may not be able to get back from an appointment by then. A little doubtful.

William, can you or Curt please be there? Michael and Dan know enough about it now to give them a quick overview as well. Sorry... JD

Jim Desmond Director Metro Parks and Greenspaces 600 NE Grand Avenue Portland, OR 97232 (503) 797-1914 desmondj@metro.dst.or.us

William Eadie - RE: Draft Easement Application: Boeckman / Tooze Rd. ConnectorProject

From:

"Morse, Kristin" <morse@ci.wilsonville.or.us>

To:

"William Eadie" <eadiew@metro.dst.or.us>

Date:

8/22/2005 9:48 AM

Subject:

RE: Draft Easement Application: Boeckman / Tooze Rd. ConnectorProject

CC:

"Stone, Mike" <stone@ci.wilsonville.or.us>

William,

Thank you for your input. To better respond to the concerns expressed by Metro staff, City staff is currently revising the application before making a formal submission. The draft you have reviewed was prepared and submitted prior to our meeting in July and also prior to the site visit. Not all the exhibits were prepared at that time. They will, however, be included in the formal submittal. We will be in contact should we have further questions or need additional clarification.

Regards,

Kristin Morse

From: William Eadie [mailto:eadiew@metro.dst.or.us]

Sent: Monday, August 22, 2005 9:15 AM

To: Morse, Kristin

Cc: Chris Carlson; Jim Desmond; Carl Hosticka; Jim Morgan; Curt Zonick **Subject:** Draft Easement Application: Boeckman / Tooze Rd. ConnectorProject

Kristen,

We have had a chance to review your draft easement application for the Boeckman / Tooze Rd. Connector Project, and our natural resources folks have taken another look as well. One question: there were no exhibits attached to the draft application, so we are assuming that the exhibits you have previously submitted are still germane to the application? If there are new exhibits that might amend the substance of the application, please let us know.

That being said, Metro staff have the same concerns with the application as expressed in our last meeting with your team on July 13th:

- 1. Small bridge section results in a fill of approximately 90% of the wetlands crossed by the project;
- 2. Inadequate wildlife crossing features throughout the bermed portion of the designed road (especially for medium sized and large mammals);
- 3. Inadequate mitigation for the scope of the project and potential impacts to Metro's flood plain restoration program in the

While we have discussed these matters at length over a long period of time with various city staff and your consultants, the design of the project has not been revised to address them, and we have not yet heard anything that we find particularly persuasive in the city's responses, including on our recent site visit. Based upon these concerns, the Metro staff recommendation to Metro Council will likely be to deny the application as currently drafted, though the Council of course may decide to grant the easement anyway.

If you would like to discuss possible modifications to the draft application that would better address Metro's policy related to easements, right of ways, and leases for non-park uses as well as meet your needs for the project, please let us know.

Best Regards,

William Eadie

William Eadie
Open Spaces Acquisition Division
Metro Regional Parks and Greenspaces
503-797-1925
eadiew@metro.dst.or.us

1 Allymos Process

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Issues Associated with the Villebois Development and Metro's Coffee Lake and Graham Oaks Natural Areas.

The Boeckman/Tooze Road Connector Project — Coffee Lake Bottoms Natural Area

- The Villebois Development is a principal driving force behind the Boeckman/Tooze Road Connector Project (BTRCP), which will cross the Coffee Lake Bottoms Floodplain.
- Metro owns property north (130 acres) and south (30 acres) of the BTRCP in the Coffee Lake Bottoms Floodplain.
- In 2002, Metro partnered with Ducks Unlimited and the U.S. Fish and Wildlife Service under the North American Wetlands Conservation Act (NAWCA) to Acquire 30 acres of wetlands immediately north of the BTRCP and support wetland restoration on 50-60 acres of Metro wetlands north of the proposed BTRCP. The restoration component of this project was denied a permit by the City of Wilsonville due to a provision in the City's Comprehensive Plan requiring the delineation of the 100-yr floodplain though the project area, a process that could not be completed within the project's timeframe. Metro ended up losing ~ \$50,000 of the funds from the grant and the NAWCA restoration project was terminated. During negotiations for this project the City stated on several occasions the benefit of preserving Metro wetlands in an un-restored state to support future mitigation for the BTRCP.
- The BTRCP will pass through approximately 3,100' of wetlands during its
 path through the Coffee Lake Bottoms Floodplain and the current (90%)
 designs for the BTRCP include a raised bridge of 400' centered over the
 Seely Ditch/Coffee Lake Creek.
- Metro was a contributing member of a committee reviewing the early design of the BTRCP and has commented on the Environmental Assessment and revised EA for the project. Metro has consistently advocated for an elevated viaduct crossing the floodplain. An early design option for the BTRCP was a full viaduct, however, this design was rejected and the elevated portion of the road reduced to 400' as a cost-saving measure.
- Metro has directed federal transportation funds (Metropolitan Transportation Improvement Program; MTIP) in support of the BTRCP.
- As the BTRCP crosses the approximately 3,100' of wetlands in the Coffee Lake Bottoms, ~2,700' of this crossing will be built as a bermed road that fills wetlands. Stated another way, as currently designed, the BTRCP will fill-in ~ 87% of the wetlands it crosses.
- The bermed crossing as designed provides little or no crossing opportunity for moderately-sized (e.g., fox, beaver) to large (e.g., deer) animals.

- Increases to the bridged/elevated portions of the BTRCP will:
 - Reduce wetland impacts
 - Improve/create wildlife crossing options
 - Improve future restoration potential (e.g., stream meander capability)
 - Increase floodwater passage and improve hydrologic continuity within the floodplain
- The Coffee Lake Bottoms Floodplain is the site of a significant
 conservation program involving partners such as The Wetlands
 Conservancy, Ducks Unlimited, and the U.S. Fish and Wildlife Service
 directed at protecting and restoring the entire Coffee Lake Bottoms. As
 such, Metro Parks and Greenspaces believes that the BTRCP, and other
 projects that might impact the floodplain, be evaluated from a perspective
 of restored wetlands, not current conditions.
- The recommendations from Metro Parks scientists are to:
 - 1. Expand the bridged component of the BTRCP to a minimum of 800' (75% filled-wetlands crossing; projected increase in cost: 2.6 million), with a preferred 1,200' (60% filled-wetlands crossing, projected increase in cost: 5.2 million) or more bridged crossing.
 - 2. Commit to earlier proposed wetland mitigation involving restoration of wetlands on the floodplain tract donated to Metro by The Wetland Conservancy. This restoration was described in a mitigation plan presented to Metro by the City of Wilsonville January 2005 and provides more effective mitigation for the anticipated impacts associated with the BTRCP.

The Out-of-Basin Transfer of Stormwater from Dammasch/ Villebois into Legacy Creek — Graham Oaks Natural Area.

- The Villebois Development lies directly adjacent to the northern boundary of Metro's Graham Oaks Natural Area (also known as "The Wilsonville Tract"). The Natural Area is ~ 230 acres.
- One of the streams draining the Graham Oaks Natural Area, called Legacy Creek, has been receiving out-of-basin stormwater from the Dammasch Hospital for years. This extra stormwater has severely degraded Legacy Creek.
- Villebois did not receive an easement to continue the out-of-basin transfer of stormwater into Metro's Legacy Creek when it acquired the land from the State of Oregon and has not acquired an easement or other legal right to transfer out-of-basin stormwater into Legacy Creek.
- Metro, Villebois, and the City of Wilsonville all have stated publicly that the out-of-basin stormwater transfer into Legacy Creek is inappropriate and this water should be restored into its natural drainage of Arrowhead Creek and Coffee Lake Creek.

- Metro has partnered with the City of Wilsonville and Villebois to secure funding from the U.S. Army Corps of Engineers' Aquatic Ecosystem Restoration Program (Water Resources Development Act; Section 206), which established approximately \$80,000 to begin a feasibility study to evaluate restoring proper drainage of water from the Villebois site, removing flow from Legacy Creek and returning this out-of-basin flow to Arrowhead and Coffee Lake Creek. Full feasibility and planning for this study requires more time (projected at 1-2 years) and funding (projected at \$300,000 400,000) according to projection made by the USACE in the projects Preliminary Restoration Plan, entitled "Arrowhead Creek Section 206 Aquatic Ecosystem Restoration" signed by Metro and the Corps in early 2004. This project could eventually develop over two million dollars in federal planning and restoration funds for the project. Construction of the restoration was originally planned for 2006 or 2007.
- Stormwater flows from the completed Villebois Development are not known. A report detailing these flows is expected in this summer.
- The recommendations from Metro Parks scientists are to:
 - 1. Restore in-basin flows only into Legacy Creek by restoring stormwater flows from Villebois Development back into the Arrowhead Creek and Coffee Lake Creek sub-basins.
 - 2. Eliminate out-of-basin stormwater flows into Legacy Creek by June 1, 2007 (Metro expects to begin the reforestation component of the Graham Oaks Natural Area Master Plan in early 2008).

Remaining Hurdles Regarding the Boeckman/Tooze Road Connector Project

- Additional funds for expanded bridge crossing must be obtained
 - o Include cost of \$ inflated for time (+/-3%);
 - Include redesign cost (+/-15% of overall construction cost);
- Two agreements between Villebois and City of Wilsonville must be amended to extend completion date beyond 12/06; Availability of committed federal funds must be extended to allow for a one-year delay of construction.

AGENDA

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736 TEL 503 797 1542 | FAX 503 797 1793



Agenda

MEETING:

METRO COUNCIL REGULAR MEETING

DATE:

September 22, 2005

DAY: TIME: Thursday 2:00 PM

PLACE:

Metro Council Chamber

CALL TO ORDER AND ROLL CALL

- 1. INTRODUCTIONS
- 2. CITIZEN COMMUNICATIONS
- 3. CONSENT AGENDA
- 3.1 Consideration of Minutes for the September 13, 2005 Metro Council Regular Meeting.
- 4. ORDINANCES SECOND READING
- 4.1 **Ordinance No. 05-1077B,** Amending the Regional Framework Plan and the Urban Growth Management Functional Plan Relating to Nature in Neighborhoods.
- 4.2 **Ordinance No. 05-1090**, For the Purpose of Amending the FY 2005-06 Budget Burkholder and Appropriations Schedule for Reorganization of the Council Staff, adding one Administrative Assistant FTE, providing for building needs, and Declaring an Emergency.
- 4.3 **Ordinance No. 05-1096,** For the Purpose of Adopting a Supplemental McLain Budget For FY 2005-06 Providing For Pension Obligation Bonds and Other Related Costs, Amending Appropriations, Authorizing an Interfund Loan, and Declaring an Emergency.
- 4.4 **Ordinance No. 04-1063A**, For the Purpose of Denying a Solid Waste Facility Hosticka Franchise Application of Columbia Environmental, LLC to Operate a Local Transfer Station.
- 4.5 **Ordinance No. 05-1092,** Granting the Solid Waste Facility Franchise Park Application of Columbia Environmental, LLC to operate a local transfer station.

- 4.6 **Ordinance No. 05-1093,** For the purpose of Amending Metro Code Chapter 5.01 to extend a Moratorium Until December 31, 2007, on Applications for and Authorizations of New Solid Waste Transfer Stations within the Metro Region.
- 4.7 **Ordinance No. 05-1094**, For the Purpose of Amending the Regional Solid McLain Waste Management Plan to Extend a Moratorium until December 31, 2007 on Applications for and Authorizations of New Solid Waste Transfer Stations within the Metro Region.
- 4.8 **Ordinance No. 05-1087A**, For the Purpose of Adopting a Process For Treatment of Claims Against Metro Under Ballot Measure 37 by adding Chapter 2.21 to Title 11 of the Metro Code (Administration and Procedure).
- 5. RESOLUTIONS
- 5.1 **Resolution No. 05-3618**, For the Purpose of Authorizing the Chief Operating McLain Officer to Award Additional Regional System Fee Credits in FY 2005-06.
- 5.2 **Resolution No. 05-3621**, For the Purpose of Amending the Terms of the Transaction Set Forth in Resolution No. 05-3555A to Acquire Property In Milwaukie Town Center for a Transit-Oriented Development/Centers Project.
- 6. CONTRACT REVIEW BOARD
- 6.1 **Resolution No. 05-3610,** For the Purpose of Issuing a Request for Proposals
 To Develop a Work Scope for an Expanded Public Outreach for the 2005-08
 Regional Transportation Plan Update.
- 7. CHIEF OPERATING OFFICER COMMUNICATION
- 8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for Sept. 22, 2005 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 Community Access Network www.yourtvtv.org (503) 629-8534 2 p.m. Thursday, Sept. 22 (live)	Washington County Channel 30 TVC-TV www.tvctv.org (503) 629-8534 11 p.m. Saturday, Sept. 24 11 p.m. Sunday, Sept. 25 6 a.m. Tuesday, Sept. 27 4 p.m. Wednesday, Sept. 28
Oregon City, Gladstone Channel 28 Willamette Falls Television www.wftvaccess.com (503) 650-0275 Call or visit website for program times.	West Linn Channel 30 Willamette Falls Television www.wftvaccess.com (503) 650-0275 Call or visit website for program times.
Portland Channel 30 (CityNet 30) Portland Community Media www.pcmtv.org (503) 288-1515 8:30 p.m. Sunday, Sept. 25 2 p.m. Monday, Sept. 26	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.metro-region.org and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

092005c-06

ATTACHMENT 4 TO TECHNICAL AMENDMENTS CONSIDERED SEPTEMBER 22, 2005

DRAFT 9/20/05 **EXHIBIT F—ORDINANCE NO. 05-1077B**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

By approving this ordinance, Metro adopts a new title (Title 13, "Nature in Neighborhoods") to the Urban Growth Management Functional Plan ("UGMFP"), amends the Regional Framework Plan, amends other provisions of the UGMFP, and adopts a model ordinance for use by cities and counties, at their option, to comply with the new provisions of the UGMFP. Metro adopts this ordinance to implement certain provisions of Statewide Planning Goals 5 and 6 within the Metro region. As described in these Findings of Fact and Conclusions of Law ("Findings"), Metro's adoption of this ordinance complies with Oregon land use planning statutes, statewide land use planning goals, administrative rules adopted by the Land Conservation and Development Commission to implement the statewide land use planning goals, and the Regional Framework Plan.

These Findings are intended to explain how this ordinance complies with applicable laws and goals in general. These Findings supplement the extensive decision record for this multi-year planning effort, and are supported by the facts in the decision record. That record includes all documents in the public record for Metro Resolution Nos. 00-2965, 01-3087A, 01-3141C, 02-3176, 02-3177A, 02-3195, 02-3218A, 03-3332, 03-3376B, 04-3440A, 04-3488, 04-3489A, 04-3506A, 05-3557, 05-3574A, and 05-3577A, all of which were adopted by the Council in the course of developing this ordinance. Some of the most critical documents supporting Metro's adoption of this ordinance are included as attachments to these Findings. Metro has relied on the attached documents and information in the record in developing this ordinance.

FINDINGS OF COMPLIANCE WITH STATEWIDE PLANNING GOALS

As noted above, Metro adopts this ordinance to implement certain provisions of Statewide Planning Goals 5 and 6 within the Metro region. These Findings will therefore start with Metro's compliance with those goals, and then address compliance with the other goals in numerical order.

Goal 5. Open Spaces, Scenic and Historic Areas and Natural Resources

Division 23 of Chapter 660 of the Oregon Administrative Rules (the "Goal 5 Rule") establishes procedures and criteria for complying with Goal 5. The Goal 5 Rule provides that "Metro may adopt one or more regional functional plans to address all applicable requirements of Goal 5... for one or more resource categories and to provide time limits for local governments to implement the plan." OAR 660-023-0080(3). In order to adopt a Goal 5 program, local governments must follow a three-part process. The first part is to conduct an inventory of Goal 5 resources within the jurisdiction. OAR 660-023-0030. The second part is to conduct an analysis of the economic, social, environmental, and energy (ESEE) consequences of protecting or not protecting such inventoried resources (the "ESEE Analysis"), and to decide whether to allow, limit, or prohibit uses that conflict with the preservation of the inventoried resources (the "ALP Decision"). OAR 660-023-0040. The third part is to develop a program to achieve Goal 5 consistent with the government's ALP Decision. OAR 660-023-0050.

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A. Metro's Inventory Process

The Goal 5 Rule describes a four-step process for conducting an inventory of Goal 5 resources. Metro's resources inventory is described in detail in Attachment 1 to these Findings which includes two documents, the *Metro's Riparian Corridor and Wildlife Habitat Inventories, August 2005* (the "Inventory Report") and the *Addendum and Update to Metro's Riparian Corridor and Wildlife Habitat Inventories, September 2005*, (the "Inventory Addendum"). The Inventory Report and the Inventory Addendum also refer to, and rely on, *Metro's Technical Report for Fish and Wildlife Habitat, April 2005* (the "Technical Report," included as Attachment 2 to these Findings). The Inventory Report, Inventory Addendum, and Technical Report, including their final recommendations, findings, and conclusions, are hereby incorporated by reference as part of these Findings. As described in detail in the Inventory Report and Inventory Addendum, Metro followed the inventory process required by the Goal 5 Rule to inventory two types of Goal 5 resources within the Metro region: riparian corridors (OAR 660-023-0090) and wildlife habitat (OAR 660-023-0110). Metro exercised its discretion under OAR 660-023-0080(3) not to inventory other Goal 5 resources.

Specifically, following the Goal 5 Rule's four-step inventory process (OAR 660-023-0030), and as fully described in the Inventory Report and Inventory Addendum, Metro collected information about riparian corridors and wildlife habitat, determined that the information it had collected was adequate, determined the significance of resource sites, and, by adoption of this ordinance, hereby adopts a list of regionally significant resource sites. Those sites are depicted on the Regionally Significant Fish and Wildlife Habitat Inventory Map (the "Inventory Map"), attached as Exhibit A to this ordinance. As fully described in the Inventory Report, Inventory Addendum, and Technical Report, the Council finds that Metro's inventory of riparian corridors and wildlife habitat complies with Goal 5.

B. Metro's ESEE Analysis and "Allow-Limit-Prohibit" Decision Process

The second step of the process required by the Goal 5 Rule is to analyze the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a use that conflicts with identified Goal 5 resources. OAR 660-023-0040(1). The rule provides a four-step process for conducting the ESEE Analysis: (1) identify conflicting uses, (2) determine impact areas; (3) analyze the ESEE consequences; and (4) determine whether to allow, limit, or prohibit conflicting uses for significant resource sites.

Metro conducted its ESEE Analysis in two phases. Metro's ESEE Analysis is described in detail in Attachments 3 and 4 to these Findings, *Metro's Phase I ESEE Analysis, April 2005*, and *Metro's Phase II ESEE Analysis, April 2005* (collectively, "Metro's ESEE Reports"). Except as otherwise provided in the text of this Exhibit F to this ordinance, Metro's ESEE Reports, including their final recommendations, findings, and conclusions, are hereby incorporated by reference as part of these Findings. As described in detail in Metro's ESEE Reports, Metro followed the ESEE analysis process required by the Goal 5 Rule for all inventoried regionally significant fish and wildlife habitat.

The first step of the required ESEE analysis is to identify conflicting uses. Chapter 3 of *Metro's Phase I ESEE Analysis* describes how Metro identified conflicting uses and how Metro's approach complies with the Goal 5 Rule. Metro used its seven generalized regional zones to group similar conflicting uses. *ESEE Phase I Analysis*, page 24.

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The second step of the required ESEE analysis is to determine the "impact area" surrounding the significant resources. Chapter 2 of *Metro's Phase I ESEE Analysis* describes how Metro identified impact areas and how Metro's approach complies with the Goal 5 Rule.

The third step of the required ESEE analysis is to analyze the ESEE consequences that could result from a decision to allow, limit, or prohibit conflicting uses within significant resources. Chapters 4 through 7 of *Metro's Phase I ESEE Analysis* describe, respectively, the general economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting such conflicting uses within regionally significant fish and wildlife habitat, and Chapter 8 of the Phase I Report describes the likely tradeoffs that will result from a decision to allow, limit, or prohibit conflicting uses for significant resources. In order to aid in its analysis, Metro differentiated its inventory of regionally significant fish and wildlife habitat by habitat type and quality, creating six habitat categories (Riparian Class I, II and III, and Upland Wildlife Class A, B and C). In Table 8-1 of the Phase I Report, Metro summarized the ESEE consequences of allowing, limiting, or prohibiting conflicting uses on each of the different habitat categories, as well as on impact areas. In addition, Appendix D to the Phase I Report provides a matrix that further summarizes the ESEE consequences of allowing, limiting, or prohibiting conflicting uses by habitat category and by generalized regional zoning designations. This analysis allowed Metro to assess the ESEE consequences that would apply to similarly situated resource sites; that is, significant resources of the same habitat type and class are similarly situated, and Metro then analyzed such properties that are subject to the same generalized regional zoning designations.

The Phase II Report completed Metro's ESEE Analysis. Although not required by the Goal 5 Rule, the Metro Council directed staff to prepare multiple program approaches and to assess the ESEE consequences of each approach, based on criteria developed during Phase I of the ESEE analysis, in order to make as informed an ALP Decision as possible. As part of the Phase II Report, Metro also considered applicable requirements of the statewide goals and acknowledged plan requirements. In particular, Metro assessed the effect that existing non-regulatory programs have on regionally significant fish and wildlife habitat (Phase II Report, pages 9-13) and the effect that existing regulatory requirements, including locally adopted Goal 5 programs, have on significant habitat (Phase II Report, pages 25-33; and *Local Plan Analysis: A review of Goal 5 protection in the Metro region (August 2002)*, adopted by the Council with its approval of Resolution No. 02-3218A, August 8, 2002).

Based upon Metro's two-phase ESEE analysis and advice from citizens, Metro advisory committees, local governments, and other interested parties, Metro has made its ALP Decision, which is reflected below and in this ordinance. As described in the ESEE Reports, there are many factors weighing for and against allowing, limiting, or prohibiting conflicting uses within significant resources. Metro has weighed and considered those factors to make a balanced ALP Decision that seeks to conserve and preserve the highest value and most critical habitat, ensure that the Metro region's economy continues to thrive, protects and improves the region's water quality and prevents water pollution, and respects property rights. The Council finds that none of the significant resources are of such importance relative to conflicting uses to support a decision to prohibit such conflicting uses. The Council finds that conflicting uses should be limited in some significant resources and allowed in others. Reflecting Metro's balancing of competing factors in making its ALP Decision, Metro has structured its ALP Decision using a matrix that differentiates the significant resources by habitat class and type and by its urban development value. The following chart summarizes Metro's ALP Decision:

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	High Urban	Medium Urban	Low Urban	
	Development	Development	Development	Other Areas
	Value	Value	Value	
Fish & Wildlife Habitat Classification	Primary 2040 components ¹ , high employment value, or high land value ^{4, 5}	Secondary 2040 components ² , medium employment value, or medium land value ⁴	Tertiary 2040 components ³ , low employment value, or low land value ⁴	Parks and Open Spaces, no design types outside UGB
Class I Riparian/Wildlife	ML/A^6	SL	SL	SL/SL+7
Class II Riparian/Wildlife	LL/A^6	LL	ML	$ML/SL+^7$
Class III Riparian/Wildlife	A	A	A	A
Class A Upland Wildlife	A/LL^8	A/ML^8	A/ML^8	$A / SL^{8, 9} / SL^{+7, 8}$
Class B Upland Wildlife	A/LL^8	A/LL^8	A/ML^8	$A / SL^{8, 9} / SL^{+7, 8}$
Class C Upland Wildlife	A	A	A	A
Impact Areas	A	A	A	A

Key: SL = strictly limit; ML = moderately limit; LL = lightly limit; and A = allow.

As described above, this ALP Decision is a balanced decision that limits conflicting uses in the most critical habitat, which is the Class I and II riparian habitat. Metro is not limiting development in wildlife habitat because the economic and social impacts of such a decision, as well as the impact on meeting the region's housing and employment needs, would be too significant compared with the value of such protections. Instead, Metro is developing aggressive non-regulatory programs to conserve and preserve such habitat, and will work closely with cities and counties in the region to do the same. In addition, Metro is adopting a "no rollbacks" requirement to ensure that existing, locally adopted and acknowledged Goal 5 programs that limit development in upland wildlife habitat are not repealed or weakened. Metro's "allow" decision for wildlife habitat applies only to areas within the current UGB. I future UGB expansion areas the economic and social impacts are not as significant because advance planning can reduce

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¹ Primary 2040 components: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

² Secondary 2040 components: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

³ Tertiary 2040 components: Inner and outer neighborhoods, Corridors

⁴ Land value excludes residential lands.

⁵ Regionally significant educational or medical facilities, as identified by Metro, are also designated as high urban development value because of the special economic and social contributions they provide and because they are frequently located in areas designated as Tertiary or Secondary 2040 components, and therefore would not necessarily receive the economic ranking they deserve; see Exhibit C, Section 4(D)(5)(b).

⁶ Apply allow treatment to the International Terminal (IT) site and Port of Portland Terminals 4, 5 and 6 because Council finds the special economic importance of those sites outweighs its resource values.

⁷ Apply more strict protection (SL+) to parks designated as natural areas in Class I and II riparian habitat, and to future parks designated as natural areas in Class A and B upland wildlife habitat brought within the urban growth boundary after the program's effective date.

⁸ Apply these limit decisions for Class A and B upland wildlife habitat in areas brought within the urban growth boundary after the program's effective date.

⁹ Apply SL designations to all Class A and B upland wildlife habitat in publicly owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses.

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conflicts and help ensure that vibrant new communities are created. Such areas are not yet slated for development, and there are not the same, concrete development expectations. For that reason, Metro has decided that a limit decision is appropriate within Class A and B upland wildlife habitat in future UGB expansion areas (but not within Class C habitat, which includes the smallest and most disconnected patches of habitat). Finally, Metro has made allow decisions in all Class III riparian habitat and in impact areas. Class III habitat consists primarily of developed flood areas that provide just one essential habitat function—water storage during flood events. The Council finds that the environmental benefits of limiting redevelopment of such areas is not commensurate with their economic value. Similarly, the Council finds that the environmental benefits of limiting conflicting uses in impact areas, which are not themselves habitat areas, are outweighed by the economic and social consequences that would result from such development limits.

In addition, publicly owned parks that are managed as natural areas are the backbone of the region's best functioning fish and wildlife habitat. The positive environmental consequences of limiting conflicting uses in such areas far outweighs any negative consequences of such a decision. For that reason, Metro has made a "strictly limit-plus" decision for such areas.

Metro has made two important modifications to its general ALP Decision in order to better calibrate its weighing and balancing of ESEE consequences. First, Metro has made an allow decision for four international marine terminals: the International Terminal site and Port of Portland Terminals 4, 5 and 6. Metro makes this allow decision because these terminals are currently developed for use as international marine terminals capable of mooring ocean-going tankers and cargo ships, and therefore have an especially critical role in supporting the region's economy, and in consideration that these terminals are substantially without vegetative cover, and therefore provide significantly less environmental value as habitat.

Second, Metro modifies its limit decision slightly to the extent that it affects owners of existing, developed residential properties. The modification allows such owners to undertake in the future any activity that they can currently undertake without having to obtain a land use approval or a building, grading, or tree removal permit from their city or county. The environmental consequences of imposing new limits on such activities would be to prevent certain activities that might harm the ecological functions being provided by such areas. However, the most harm done to habitat is due to significant property development, and the properties affected by this decision are already developed with residences. Thus, the environmental benefit of imposing new limits on such activities is relatively small. On the other hand, imposing any new limits on activities that homeowners can undertake today without having to seek permission could result in thousands of homeowners being confused regarding the new rules, resenting the new limits on their liberty to use their properties, and would thereby undermine Metro's efforts to encourage behavior that would benefit habitat areas in ways that regulations cannot. The Council therefore finds that imposing new limits on activities that homeowners can undertake today without having to obtain a permit would have significant detrimental social consequences that are not outweighed by the beneficial environmental consequences of imposing such new limits.

As described above and as supported by the record in this matter, the Council finds that Metro's ESEE Analysis and ALP Decision comply with Goal 5.

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C. Metro's Program to Achieve Goal 5

The final step of the Goal 5 process is to develop a program to implement the ALP Decision. The Goal 5 Rule provides that Metro may adopt a functional plan to address the applicable requirements of the Goal and the Goal 5 Rule, and that, after acknowledgement by LCDC, local governments in the region shall apply the requirements of the functional plan, rather than the requirements of the Goal 5 Rule. OAR 660-023-0080(3). Exhibit C to this ordinance is a new Title 13 to the Metro Urban Growth Management Functional Plan and is adopted to provide cities and counties with new requirements that address compliance with Goal 5 with respect to the regionally significant fish and wildlife habitat identified by Metro.

Metro is in a unique position as a regional government with authority to adopt functional plan provisions with which all 25 cities and three counties in the region must comply. Metro has designed its program in recognition of the diversity of those cities and counties. Rather than adopting a one-size-fits-all approach, Metro's program offers considerable flexibility for local governments to develop their own approaches to conserve and protect regionally significant fish and wildlife habitat. In addition, for a jurisdiction without the resources necessary to develop its own innovative approach, Metro has also developed a model ordinance, attached as Exhibit E to this ordinance, that a jurisdiction can adopt "off the shelf" to comply with the new functional plan requirements.

The Goal 5 Rule requires that, when a government has decided to protect a resource site, the measures it takes to limit conflicting uses must contain clear and objective standards. See OAR 660-023-0050(2). Metro has satisfied this requirement by including clear and objective development standards in the model ordinance (see Exhibit E, Section 6) and, for jurisdictions that choose not to adopt the model ordinance, the functional plan requires that their programs contain clear and objective standards that meet the requirements of OAR 660-023-0050(2) (see Exhibit C, Section 3(C)). The Goal 5 Rule also provides that, in addition to providing clear and objective standards, local governments may also provide alternative review standards that are not clear and objective and make them available for use at a property owner's option. See OAR 660-023-0050(3). Metro has provided such discretionary approval standards in the model ordinance (see Exhibit E, Section 7) and, for jurisdictions that choose not to adopt the model ordinance, the functional plan allows their programs to also include discretionary approval standards (see Exhibit C, Section 3(D)).

As noted above, the Goal 5 Rule provides that, upon acknowledgement of this ordinance by the Oregon Land Conservation and Development Commission, cities and counties within the Metro region shall apply the requirements of this ordinance with respect to inventoried Goal 5 resources, rather than applying the requirements of the Goal 5 Rule. See OAR 660-023-0080(3). Metro has included a provision in this ordinance, subsection 3(A) of Exhibit C, to clarify the application of that provision. First, and most critically, the Council finds that the provisions of this ordinance are to establish a floor of habitat protection for the region and shall not limit any jurisdiction from providing a greater level of habitat protection than that required by this ordinance. See subsection 1(D) of Exhibit C. Second, because Metro has made a limit decision for areas Metro has designated as Habitat Conservation Areas (HCAs), the Council finds that cities and counties in the region shall apply the requirements of this ordinance, rather than the requirements of the Goal 5 Rule, with respect to the protection of such HCAs. Third, as describe above, this ordinance allows cities and counties the option to comply with its requirements by developing their own innovative habitat protection program. To the extent that such a program includes protection of Metro-inventoried habitat resources in addition to HCAs, the Council finds that cities and

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counties shall only have to comply with the requirements of this ordinance (i.e., to show that their overall program provides habitat protection comparable to that which would be provided if they were to adopt a program that complied with the performance standards included in this ordinance for the protection of HCAs). The Council finds that such cities and counties shall not be required to comply with the Goal 5 Rule. Fourth, except as described above in this paragraph, the Council finds that cities and counties that wish to adopt new provisions to protect any other areas not identified as HCAs shall do so only by complying with the Goal 5 Rule. Finally, fifth, the Council finds that existing, locally-adopted and acknowledged Goal 5 programs that limit development in Metro-inventoried upland wildlife habitat areas are critical to provide limited protections for such habitat and, for that reason, the Council finds that such programs shall not be repealed or weakened.

D. The Tualatin Basin Natural Resources Coordinating Committee

In June 2002, Metro entered into an intergovernmental agreement ("IGA") with a consortium of local governments from the Tualatin River watershed. The local governments had entered into their own IGA earlier that year to form the Tualatin Basin Natural Resources Coordinating Committee ("TBNRCC"). The municipal members of the TBNRCC included Washington County and the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, and Tualatin. The TBNRCC also included the Tualatin Hills Parks and Recreation District and Clean Water Services. The TBNRCC was formed to pool the resources of the member governments to conduct their own ESEE analysis using Metro's inventory of regionally significant fish and wildlife habitat, to make their own ALP Decision, and to develop their own program to achieve Goal 5, all in compliance with the Goal 5 Rule. Metro agreed to allow, and work with, the TBNRCC to do so, provided that the program eventually developed by the TBNRCC was likely to result in the conservation, protection, and restoration of a "continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other stream and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape," and that it was likely to improve the condition or regionally significant habitat basin-wide, and in each subwatershed in the basin.

The TBNRCC's ESEE analysis and ALP decision are described in detail in Attachment 6 to these Findings, the *TBNRCC Goal 5 ESEE Analysis*, *March 2005* (the "TBNRCC ESEE Analysis"). As described in detail in the TBNRCC ESEE Analysis, the Council finds that the TBNRCC followed and complied with the ESEE analysis and ALP decision process required by the Goal 5 Rule for all inventoried regionally significant fish and wildlife habitat. For that reason, except as otherwise provided in the text of this Exhibit F to this ordinance, the TBNRCC ESEE Analysis, including the TBNRCC's final recommendations, findings, and conclusions described therein, are hereby incorporated by reference as part of these Findings.

The first step of the required ESEE analysis is to identify conflicting uses. Chapter 2 and pages 2 and 3 of Chapter 6 of the TBNRCC ESEE Analysis describe how the TBNRCC identified conflicting uses and how its approach complies with the Goal 5 Rule. The second step of the required ESEE analysis is to determine the "impact area" surrounding the significant resources. Page 12 of Chapter 1 of the TBNRCC ESEE Analysis describes how the TBNRCC identified impact areas and how its approach complies with the Goal 5 Rule.

The third step of the required ESEE analysis is to analyze the ESEE consequences that could result from a decision to allow, limit, or prohibit conflicting uses within significant resources. Chapters 3 through 6 of the TBNRCC ESEE Analysis describe the economic, social,

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environmental, and energy consequences of allowing, limiting, or prohibiting such conflicting uses within regionally significant fish and wildlife habitat. The TBNRCC approach progressed from a general, basin-wide ESEE analysis (see Chapter 3) to a site-specific analysis (see Chapter 4). Based on information learned during the site-level analysis, the TBNRCC further revised its basin-wide analysis (Chapter 5). Finally, the TBNRCC revised all of its analysis and its ALP decision a final time during a second phase of its basin-wide analysis (Chapter 6).

The TBNRCC took a different approach, in many respects, than did Metro in its ESEE analysis and ALP Decision. For example, the TBNRCC defined the entire Tualatin Basin watershed as part of the impact area. In addition, though the TBNRCC describes its ALP Decision as being a "limit" decision for the entire watershed, including its impact areas, the program that it has adopted does not include the imposition of any new, limiting comprehensive plan provisions or land use regulations in any areas. Instead, the TBNRCC program relies on existing standards (the Clean Water Services vegetated corridor rules), on the implementation of an aggressive habitat restoration program with a dedicated source of funding (Clean Water Services' Healthy Streams Plan), and on encouraging the use of more low-impact development techniques that benefit habitat. *[Staff is working with staff from the TBNRCC to provide additional information describing the TBNRCC's decision.]* The Council finds that the TBNRCC ESEE analysis and ALP Decision comply with the requirements of Goal 5.

The Council carefully reviewed the TBNRCC program and finds that, provided the TBNRCC complies with certain conditions, its program meets the standards required in the IGA between Metro and the TBNRCC. Metro Resolution No. 05-3577A. Although the TBNRCC has taken a very different approach to conserving, protecting, and enhancing regionally significant fish and wildlife habitat, the Council also finds that the TBNRCC's approach is consistent with Metro's ESEE Analysis and ALP Decision, because its combination of existing regulatory requirements and the application of an aggressive habitat restoration program with a dedicated funding source is likely to result in the conservation, protection, and enhancement of regionally significant habitat commensurate with the habitat conservation, protection, and enhancement that Metro's program is likely to produce.

For these reasons, the Council finds that the TBNRCC ESEE Analysis, its Allow-Limit-Prohibit Decision, and its Program To Achieve Goal 5 all comply with Goal 5.

E. Other Goal 5 requirements

1. Notice and Land Owner Involvement

The Goal 5 Rule, OAR 660-023-0060, requires:

- That local governments "provide timely notice to landowners and opportunities for citizen involvement during the inventory and ESEE process;"
- That the "[n]otification and involvement of landowners, citizens, and public agencies occur at the earliest possible opportunity whenever a Goal 5 task is undertaken;" and
- That local governments "comply with their acknowledged citizen involvement program, with statewide goal requirements for citizen involvement and coordination, and with other applicable procedures in statutes, rules, or local ordinances."

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The Metro Charter establishes the Metro Office of Citizen Involvement, a citizen's committee and a citizen involvement process to develop and maintain programs and procedures to aid communication between citizens and the Metro Council. See Metro Charter Section 27. Policy 1.13 of the Regional Framework Plan ("RFP") makes it the policy of the Metro Council to encourage public participation in Metro land use planning and to follow and promote the citizen participation values inherent in the RFP and the Metro Citizen Involvement Principles. The Metro Council approved Principles of Citizen Involvement by the adoption of Resolution No. 97-2433. Those principles include valuing active citizen participation, respecting and considering all citizen input, encouraging opportunities that reflect the rich diversity of the region, promoting participation of individuals and community, business, and special interest groups, providing understandable, timely, and broadly distributed communications to encourage citizen participation, organizing involvement activities to make the best use of citizens' time and effort, responding to citizens' perspectives and insights in a timely manner, and coordinating interdepartmental and interjurisdictional activities.

In compliance with the policies in the RFP and Metro's Citizen Involvement Principles, citizen involvement has been a key element in Metro's development of this ordinance to conserve, protect and restore regionally significant fish and wildlife habitat. At each stage of the process required by the Goal 5 Rule, Metro has engaged, informed, and sought input, feedback, and comments from the public, interested parties, and representatives from local governments, the State, and federal agencies. This has come in the form of extensive public outreach efforts, as well as by bringing items up for review and discussion before Metro's standing advisory committees, such as the Metropolitan Policy Advisory Committee (MPAC, consisting primarily of local elected officials from across the region), the Metropolitan Technical Advisory Committee (MTAC, consisting of planning experts from local governments, interested parties, and citizens from across the region), and the Water Resources Policy Advisory Committee (WRPAC); and before committees created specifically to assist with the development of this program, such as the Goal 5 Technical Advisory Committee, the Economic Technical Advisory Committee, the Independent Economic Advisory Board (appointed in coordination with the Northwest Power Planning Council), the Goal 5 Social Review Committee (to help Metro analyze the social consequences as part of the ESEE analysis), the Program Implementation Work Group, and the Model Ordinance Subcommittee. Metro has also engaged in extensive public outreach at each stage of the process required by the Goal 5 Rule, and, through that process, has received extensive input and comments from citizens, local governments, and other interested parties. Metro has not just heard that input and comments, but has carefully considered it, and it has played a vital role in shaping the development of this ordinance and Metro's overall Nature in Neighborhoods program.

Metro's public involvement process is summarized at pages 6 through 9 of *Metro's Riparian Corridor and Wildlife Habitat Inventories, August 2005* and on page 5 of the *Addendum and Update to Metro's Riparian Corridor and Wildlife Habitat Inventories, August 2005*. As described in those documents, and as supported by the record in this matter, which documents extensive citizen involvement throughout the five-year planning process, the Council finds that Metro has complied with the citizen involvement requirements of the Goal 5 Rule (OAR 660-023-0060), the Metro Charter, the Metro Regional Framework Plan, and Metro's Principles of Citizen Involvement.

2. Buildable Lands Affected

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The Goal 5 Rule provides that "[i]f measures to protect significant resource sites . . . affect the inventory of buildable lands in acknowledged plans required by Goals 9, 10 and 14, [Metro], prior to or at the next periodic review, shall . . . " amend the UGB to provide additional buildable lands to make up for the loss, redesignate land to replace the lost buildable land, or take a combination of both of those steps. See OAR 660-023-0070. The Council does not believe that this program will have a significant effect on the existing buildable lands inventory. The program requirements do not prohibit development on any property and provide a mechanism to allow development that would otherwise be limited if it can be shown that the program's standard limits were not "available and capable of being done after taking into consideration the cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions." See Exhibit C, Section 4(B)(2) and Exhibit D, Amendment 9, definition of "practicable" on page 13. Metro will track the program closely, however, and, to the extent that the program's measures to protect regionally significant fish and wildlife habitat affect Metro's inventory of buildable lands in Metro's acknowledged plans required by Goals 9, 10 and 14, then at Metro's next required periodic review the Council will amend the UGB to provide additional buildable lands, redesignate lands to increase the supply of buildable lands within the UGB, or take a combination of both of those steps.

Goal 6. Air, Water and Land Resources Quality

In 1998, Metro adopted Title 3 to the Urban Growth Management Functional Plan to create Water Quality Resource Areas and Flood Management Areas. See Metro Code Sections 3.07.310 through 3.07.370 ("Title 3"). Title 3, adopted pursuant to Goals 6 and 7, created uniform Water Quality Resource Area buffers around rivers and streams in the region, and required that property owners seeking to develop such areas do everything practicable to avoid them, but if unavoidable that they then minimize development of those areas and mitigate for such development. Since the adoption of Title 3, water quality problems have persisted in the region. The Oregon Department of Environmental Quality, for example, has released a draft Total Maximum Daily Load rule addressing bacteria, temperature, mercury, and other water quality problems throughout the Willamette River Basin. That rule, which is anticipated to be issued later this year, will apply to most of the rivers and streams in the Metro region.

In addition, through Metro's science literature review undertaken in the course of developing this ordinance, Metro has learned a great deal more about how vegetated riparian areas surrounding rivers and streams can help reduce, moderate, or reverse such water quality problems. See, e.g., Technical Report, Attachment 2, at pp. 12-14, 21-23, 40-41, 49-50, 52-55, and 71-73. Through its review, Metro learned that riparian vegetation farther from rivers and streams than the standard-sized Title 3 Water Quality Resource Area buffers is essential to maintain and improve water quality. In fact, Metro specifically identified (1) microclimate and shade (i.e., preventing poor water quality caused by elevated stream temperatures) and (2) bank stabilization and pollution control as two of the five critical ecological functional values used to identify riparian habitat. Moreover, degraded water quality and altered microclimate were two of the environmental consequences described in detail in the ESEE analysis. In addition, one of the factors on which the different program options were assessed during Phase II of the ESEE analysis was how much each option would help the region comply with the Clean Water Act. See Metro Phase I ESEE Report, Attachment 3, at pp. 127-29, 133-34, and 139-140; Metro Phase II ESEE Report, Attachment 4, at pp. 132-36.

For these reasons, the Council finds that the protection of riparian habitat areas provided in this ordinance will play a critically important role to help protect and improve the water quality of the

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region's rivers and streams. Metro is therefore adopting those portions of this ordinance to protect and improve water quality, pursuant to Goal 6.

Goal 6 requires that water pollutants and contaminants from future development, when combined with waste and discharges from existing development, shall not threaten to violate, or violate applicable state or federal water quality statutes, rules and standards. See OAR 660-015-000(6). The goal further provides that the discharge of such pollutants and contaminants shall not exceed the carrying capacity of water resources within watersheds, degrade such resources, or threaten their availability. One of the implementation methods and devices listed in the goal for meeting the goal's requirements is the use of land use controls and ordinances. The Council finds that this ordinance is necessary in order to comply with Goal 6 and that it complies with Goal 6.

Goal 1. Citizen Involvement

Goal 1 requires development of a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the land use planning process. For the reasons described above regarding Metro's compliance with the citizen involvement requirements of the Goal 5 Rule, the Council finds that Metro has complied with Goal 1.

Goal 2. Land Use Planning

A. Consistency With The Regional Framework Plan

The Regional Framework Plan¹ establishes eight fundamental value statements to synthesize the 2040 Growth Concept and regional policies. Fundamental 3 is to "[p]rotect and restore the natural environment including fish and wildlife habitat, streams and wetlands, surface and ground water quality and quantity, and air quality." In addition, the RFP directly calls for the development of regulations to protect critical fish and wildlife habitat areas. See, e.g., RFP, "Summary of 2040 Growth Concept," at page 5. More specifically, RFP Policy 4.6, entitled, "Fish and Wildlife Habitat Conservation," provides that "It is the policy of the Metro Council to [e]stablish standards to conserve, protect, and enhance fish and wildlife habitat by . . . identifying regionally significant fish and wildlife habitat[,] . . . determining performance standards for habitat protection[, and] . . . promoting coordination of regional watershed planning." This ordinance represents the culmination of Metro's implementation of Policy 4.6, and the Council finds that it complies with that policy.

In addition to Policy 4.6, Chapter 4 of the RFP also establishes policies related to watershed management and water quality. For example, Policy 4.2, "Overall Watershed Management," states that it is the Metro Council's policy to "manag[e] watersheds to protect, restore and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical and social values," and Policy 4.3, "Water Quality," states that it is the Metro Council's policy to both establish and maintain vegetative corridors and buffers along

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¹ The Metro Council adopted Ordinance No. 05-1086 on August 18, 2005, to make technical amendments to the RFP. That ordinance did not change any RFP policies, but did delete extensive prefatory discussions and reorganized the RFP to make it more easily readable, accessible, and usable for the public, local governments, Metro, and the State. Those RFP technical amendments are not effective until November 16, 2005. The Council finds that there is no substantive difference between the current RFP and the revised RFP that will become effective on November 16, 2005. For that reason, these Findings refer to the text and policy numbers in the revised RFP that will become effective on November 16, 2005.

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streams. The Council finds that this ordinance complies with, and will further, both of those policies.

Chapter 3 of the RFP, entitled "Parks, Natural Areas, Open Spaces, Trails and Recreational Facilities," also includes several policies that relate to this ordinance. For example, this ordinance supports and complies with Policies 3.1 and 3.2, calling, respectively, for inventories and the protection of parks, natural areas, open spaces, and greenways. The Council finds that this ordinance complies with Chapter 3 of the RFP.

In addition, the RFP also is replete with references to the importance of open space and access to nature in the orderly development of the region, goals that this ordinance will directly support. For example:

- Policy 1.1, "Urban Form," establishes a policy to balance growth by maintaining "a compact urban form, with easy access to nature,"
- Policy 1.10, "Urban Design," establishes a policy to "[s]upport the identity and functioning of communities in the region through . . . recognizing and protecting critical open space features in the region," and
- In the Transportation Chapter, Policies 2.8, "The Natural Environment," and 2.9, "Water Quality," establish policies, respectively, to protect the region's natural environment and water quality.

As required by the Goal 5 Rule, the development of this ordinance has involved the consideration and balancing of several competing objectives and interests—classified for purposes of analysis into economic, social, environmental, and energy-related categories. The nature of this decision as one of balance is also reflected in the consideration of the policies in the RFP. For example, as noted above, Policy 1.1 calls for "a compact urban form." As described in section E(2) of the Goal 5 compliance discussion, above, it is possible that the provisions of this ordinance could reduce the housing or employment capacity of some lands within the UGB, which could result in a future decision to expand the UGB. Although we do not believe this ordinance will have such an impact, the Council has considered that possibility and, balancing the competing objective of having a compact urban form with the objective of protecting healthy, functioning fish and wildlife habitat and keeping nature in neighborhoods, we have determined that the provisions of this ordinance represent the best approach for the region.

For these reasons, and as supported by the record in this matter, the Council finds that this ordinance complies with the RFP.

In addition, however, the Council has identified the need for certain amendments to the RFP, as provided in Exhibit B to the ordinance. Many of those amendments simply reflect that, through adoption of this ordinance, the Council has now developed functional plan provisions to protect and enhance fish and wildlife habitat. Additionally, some of the amendments reorganize the RFP to include the principles and policies reflected in this ordinance in more logical and appropriate parts of the RFP. For example, Chapter 3 is renamed, "Nature in Neighborhoods," and the protection of fish and wildlife habitat is incorporated into its provisions. Three of the amendments to the RFP add new policies.

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First, Amendment 3 of Exhibit B adds new RFP Policy 1.9.12, as part of the RFP's "Urban Growth Boundary" policies, establishing it to be the Council's policy to "[c]onduct an inventory of regionally significant fish and wildlife habitat for all lands being considered for inclusion in the UGB." The policy provides that this inventory will be used in two ways. The first is for the Council to "[c]onsider whether urbanization [of an area] can occur consistent with policies that call for protection of regionally significant fish and wildlife habitat." The second is so that, when the Council is making UGB expansion decisions, it can, to the extent possible, "[l]imit future conflicts between urbanization and the protection of regionally significant fish and wildlife habitat by examining the impacts upon the ecological quality and integrity of such habitat whenever the Council has discretion to choose between potential lands to be added to the UGB." The Council finds that this new policy will allow it to make more informed, better decisions about future UGB expansions, consistent with the Statewide Planning Goals and with the other policies of the RFP.

Second, Amendment 4 of Exhibit B adds new RFP Policy 1.10.1(c)(viii), as part of the RFP's "Urban Design" policies, adding that the RFP is intended to promote a settlement pattern that, in addition to the existing seven objectives, also "[a]voids and minimizes conflicts between urbanization and the protection of regionally significant fish and wildlife habitat." The addition of this item as another of the objectives of urban design in the region simply raises this objective to the level of several other similar objectives, such as encouraging pedestrian-friendly development (Policy 1.10.1(c)(ii)) or mixed use, neighborhood-oriented design (Policy 1.10.1(c)(iv). The Council finds that this is an appropriate objective for urban design in the region and is consistent with the Statewide Planning Goals and with the other policies in the RFP.

Third, Amendment 5 of Exhibit B includes the addition of new RFP Policy 3.2.8, as part of the RFP section that will now be entitled, "Protection of Regionally Significant Parks, Natural Areas, Open Spaces, Fish and Wildlife Habitat, Trails and Greenways." The new policy establishes the performance and implementation objectives of the fish and wildlife protection program. In addition, the reference to the development of fish and wildlife habitat protection standards that was formerly in RFP Policy 4.6 has been incorporated into Policies 3.1 (regarding inventorying parks, open spaces and habitat), 3.2 (protecting the same), and 4.3 ("Water Quality"), and Policy 4.6 has been deleted. The Council finds that it is appropriate to incorporate these provisions into the new "Nature in Neighborhoods" chapter of the RFP and that they are consistent with the Statewide Planning Goals and with the other policies in the RFP.

For the reasons described in the these Findings for why all of the elements of this ordinance are consistent with the Statewide Planning Goals, the Council finds that the RFP amendments in Exhibit B, all of which are made as a result of developing this ordinance pursuant to Goal 5 and the Goal 5 Rule, are consistent with the Statewide Planning Goals and with the other policies in the RFP.

B. Coordination With Local Governments

Metro has engaged in extensive outreach and coordination with local governments in the development of this ordinance. At each step of the Goal 5 Rule process, Metro has consulted with the Metropolitan Policy Advisory Committee, which includes elected officials representing local governments across the region, and with the Metropolitan Technical Advisory Committee, which includes planning staff and other technical representatives from local governments across the region. In addition, as reflected in the record, Metro has received, considered, responded to, and, in many instances, amended the program and this ordinance in response to, comments and

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suggestions directly submitted by local governments. As the record reflects, this effort has included considerable coordination with several special districts, in addition to cities and counties, including extensive coordination with the Port of Portland, the Multnomah County Drainage District and other drainage districts, Clean Water Services in Washington County, and Water Environment Services in Clackamas County. A significant result of that coordination is reflected in several specific provisions of this ordinance that directly address how this ordinance will apply to such entities.

Of particular note, in terms of Metro's coordination with local governments, was the intergovernmental agreement entered into between Metro and the Tualatin Basin Natural Resources Coordinating Committee. As described in section D of the Goal 5 compliance discussion, above, Metro entered into this IGA in order to allow the TBNRCC to use Metro's inventory of regionally significant fish and wildlife habitat but to conduct its own ESEE analysis, make its own allow-limit-prohibit decision, and develop its own Goal 5 program. Two Metro Councilors served as ex-officio members of the TBNRCC, and Metro staff attended nearly all of the meetings of the TBNRCC's steering committee, which was made up of staff representing all of the TBNRCC members. As a result of this partnership, the Tualatin Basin was able to develop a comprehensive, watershed-based program that is likely to achieve results comparable to those expected throughout the rest of the region. The Council finds that this partnership worked exceptionally well.

Furthermore, in the last three months, Metro staff, some Metro Councilors, and the chair of MPAC (Lake Oswego City Councilor Jack Hoffman) have appeared before the Clackamas County Council and at city council meetings in nearly all of the cities in the region that are not part of the TBNRCC (including Damascus, Fairview, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Portland, Troutdale, West Linn, Wilsonville, and Wood Village), in order to explain the ordinance directly to them and solicit their comments and suggestions. In fact, Chair Hoffman and Metro staff have appeared before many of those bodies twice in the last three months, once prior to the Council's approval of the initial amendments to this ordinance in May 2005, and again after the Council's May amendments, in June and July 2005. The Council's process in adopting those amendments to Exhibit E itself provides an excellent example of how Metro has coordinated with local governments. When the Council approved initial amendments to the ordinance in May 2005, representatives of several jurisdictions raised reservations about whether Exhibit E was as clear as it needed to be and whether it would be easy to implement. Those representatives indicated that they needed more time to fully consider its implications. Therefore, at the request of MTAC and MPAC, the Council appointed a special Model Ordinance work group that included many of the local government representatives that had expressed concerns, and the Council directed the work group to recommend any changes the work group thought were necessary to improve the Model Ordinance. The work group met weekly from late May until early July and recommended a complete overhaul of the Model Ordinance, and the Council adopted the work group's recommendations in July 2005.

For the reasons described above, the Council finds that Metro has complied with the Goal 2 requirement that it coordinate with local governments in the development of this ordinance.

Goals 3 and 4. Agricultural Lands and Forest Lands

This program applies to identified fish and wildlife habitat areas both inside the Metro UGB and outside the Metro UGB but inside Metro's jurisdictional boundary. Goals 3 and 4 do not apply to lands inside the UGB. In addition, the new functional plan performance standards adopted in this

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ordinance are not applicable, either inside or outside the UGB, when their application would restrict or regulate farm structures or farming practices in violation of ORS 215.253 or ORS 561.191. With respect to forest practices in areas outside the UGB, the new functional plan performance standards adopted in this ordinance are not applicable when such standards and practices would violate ORS 527.722 by prohibiting, limiting, regulating, subjecting to approval, or in any other way affecting forest practices on forestlands located outside of the UGB. The Council finds that this ordinance complies with Goals 3 and 4.

Goal 7. Areas Subject to Natural Disasters and Hazards

This ordinance is not being adopted to implement Goal 7 although its adoption could help to mitigate the possibility of, or effects of, floods or landslides in the region. Although Goal 7 is arguably not applicable to this ordinance, to the extent it is applicable the Council finds that this ordinance complies with Goal 7.

Goal 8. Recreation Needs

This ordinance is not being adopted to implement Goal 8 although its adoption could help to protect certain areas that could, in the future, satisfy recreational needs of the citizens of the region. Although Goal 8 is arguably not applicable to this ordinance, to the extent it is applicable the Council finds that this ordinance complies with Goal 8.

Goal 9. Economic Development

This goal is not applicable to Metro's decision in this matter. Nevertheless, the economic impact of Metro's decision was thoroughly analyzed as part of Metro's ESEE Analysis, and was considered by the Council when it weighed and balanced the ESEE factors, made its ALP Decision, and developed its program. Moreover, as the record shows, Metro undertook extensive outreach to organizations committed to economic development in the region such as the Portland Business Alliance, the Westside Economic Alliance, and the Columbia Corridor Association, and the final program approved by the Council reflects the input that Metro received from those organizations.

Goals 10 and 14. Housing and Urbanization

As described above in subsection E(2) of the discussion of compliance with Goal 5, the Council acknowledges that this ordinance could have an effect on the region's inventory of buildable lands. The Council does not believe that its affect will be significant, however, because the provisions of this ordinance do not prohibit development on any property and provide a mechanism to allow development that would otherwise be limited if it can be shown that the program's standard limits were not "available and capable of being done after taking into consideration the cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions." See Exhibit C, Section 4(B)(2) and Exhibit D, Amendment 9, definition of "practicable" on page 13. Of course, Metro will closely monitor the impact of this ordinance on the buildable lands supply, and will accurately account for its impact in Metro's buildable lands inventory reports. As required by Oregon law, to the extent that this ordinance results in a reduction in buildable lands, Metro will address that reduction, and the need to provide additional buildable lands, at its next periodic review of the Metro UGB.

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The Council also recognizes that some of the policies it is adopting as part of this ordinance could result in the need for a larger UGB expansion in the future in order to provide the necessary and required supply of buildable lands. Such could be the result, for example, of the provisions of Exhibit C of this ordinance that require the designation of upland wildlife habitat in future UGB expansion areas as Habitat Conservation Areas, and of this ordinance's amendments to Chapter 1 of the RFP and to Title 11 of the functional plan, which establish policies that seek to avoid the creation of conflicts between HCAs and urbanization. The Council finds that these provisions are necessary and appropriate in order to ensure that the region continues to provide its residents with the high quality of life, including access to nature, open spaces, and high water quality, that they currently enjoy, and to ensure that future generations may also enjoy it. For these reasons, and as supported by the record in this matter, the Council finds that this ordinance complies with Goals 10 and 14.

Goal 11. Public Facilities and Services

This ordinance is not being adopted to implement Goal 11 although its adoption could help to protect certain areas that could, in the future, satisfy recreational needs of the citizens of the region. In addition, this ordinance includes several provisions intended to accommodate the special needs associated with the provision of utility services and of utility service providers. Thus, to the extent Goal 11 is applicable, the Council finds that this ordinance complies with Goal 11.

Goal 12. Transportation

This ordinance is not being adopted to implement Goal 12. As noted above, the Transportation chapter of the RFP makes it Metro's policy for transportation services to be provided in a manner that will protect the region's natural environment and water quality. Thus, to the extent Goal 12 is applicable, the Council finds that this ordinance complies with Goal 12.

Goal 13. Energy

Metro examined in detail the energy consequences of a decision to limit conflicting uses on significant fish and wildlife habitat resources in the ESEE analysis, and weighed and balanced those consequences when it made its ALP decision and developed this ordinance. (See, e.g., Chapter 7, pages 144-158, of the Phase I ESEE Analysis and pages 122-126 of the Phase II ESEE Analysis.) Based on that examination and on the record in this matter, the Council finds that this ordinance complies with Goal 13.

Goal 15. Willamette Greenway

Goal 15 is intended to protect, conserve, enhance, and maintain the many different, and sometimes competing, qualities and values provided by the Willamette River Greenway. Those qualities include natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the river. Goal 15 specifically provides that Greenway plans adopted pursuant to the Goal shall protect significant fish and wildlife habitat. Thus, in many respects, the objectives of Goal 15 are the same as the objectives of Goal 5—to protect significant fish and wildlife habitat, but to make protection and program decisions in the context of weighing and balancing competing interests and values, including economic, social, energy, and environmental impacts of those decisions. In addition, to the extent that there is any inconsistency between the Goals, the

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Goal 5 Rule explicitly provides that the requirements of Goal 15 shall supersede the requirements of Goal 5. For these reasons, the Council finds that this ordinance complies with Goal 15.

Goals 16, 17, 18 and 19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

These goals are not applicable to Metro's decision in this matter.

CONCLUSION

For the reasons described in these Findings, and as supported by the record in this matter, the Council finds that this ordinance complies with Oregon land use planning statutes, statewide land use planning goals, administrative rules adopted by the Land Conservation and Development Commission to implement the statewide land use planning goals, and the Regional Framework Plan.

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DRAFT 9/20/05 **EXHIBIT F—ORDINANCE NO. 05-1077B**

ATTACHMENT 1.

METRO'S RIPARIAN CORRIDOR AND WILDLIFE HABITAT INVENTORIES REPORT

DRAFT 9/20/05 **EXHIBIT F—ORDINANCE NO. 05-1077B**

ATTACHMENT 2.

METRO'S TECHNICAL REPORT FOR FISH AND WILDLIFE HABITAT

DRAFT 9/20/05 **EXHIBIT F—ORDINANCE NO. 05-1077B**

ATTACHMENT 3.

METRO'S PHASE I ECONOMIC, SOCIAL, ENVIRONMENTAL, AND ENERGY (ESEE) ANALYSIS

DRAFT 9/20/05 **EXHIBIT F—ORDINANCE NO. 05-1077B**

ATTACHMENT 4.

METRO'S PHASE II ECONOMIC, SOCIAL, ENVIRONMENTAL, AND ENERGY (ESEE) ANALYSIS

DRAFT 9/20/05 **EXHIBIT F—ORDINANCE NO. 05-1077B**

ATTACHMENT 6.

TUALATIN BASIN ESEE REPORT

This report is available for review in the Metro Council's files. In addition, copies may be requested from the Metro Planning Department, 600 N.E. Grand Ave., Portland, OR 97232, or by calling 503-797-1555.

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Ordinance No. 05-1077B: Potential Amendments.

Sponsor	Issue	Potential amendment	Page #
losticka 1	Map verification	Require cities and counties to allow HCA map revisions upon property owner request,	DRAFT
	requirements	specify that a fee may be charged (amends Exhibit C (Title 13 Functional Plan and Exhibit	p. 1
		E Title 13 Model Ordinance)	
Liberty 1	Maintain current local	Requires cities and counties to maintain existing habitat protection in regionally significant	p. 3
	protection	habitat, and states that cities and counties must follow Goal 5 if they wish to increase	
		protection after compliance	
	Map revisions	Directs staff to revise the HCA map as described in a new Exhibit G, which lists map	p. 5
	T	revisions received and accepted after the 2004 inventory update up to this week	
	Technical amendments	Adopt revised Ex. B (to reflect RFP revisions)	p. 7
		Revise language to make it clear that maps are representations of underlying data on file	p. 7
	4	with DRC (so that detailed site-level maps are just as valid as one regional map)	
	-	Change all "Measure 37" references to "Oregon Laws 2005, Chapter 1."	p. 7
		4-part amendment that includes provisions that apply to TB governments, correcting	p. 7-8
	4	references and conforming with other technical amendments	
	4	Clarify language in provision related to greater protections of natural area parks	p. 8
		6-part amendment related to definitions of "flood areas," "floodplains," "developed flood	p. 8-9
	-	areas," and "paved areas," and to subsequent use of those terms	
		Revise language related to when Metro will handle and indemnify local governments for	p. 9
	-	M37 claims	
	-	Correct erroneous subsection cross-references	p. 9-10
		Add tree preservation and maintenance as a habitat-friendly development practice to be	P. 10
	-	encouraged	
		Update charts in Title 13 and model ordinance explaining how to identify habitat areas	p. 10-13
	-	when verifying boundaries (Table 3.07-13d of Ex. C, and Table 6 of Ex. E)	
		Adopt revised Vegetative Cover Map in order to show location of high gradient streams	p. 13
	-	(necessary for future map verifications)	
		Adopt revised Regionally Significant Educational or Medical Facilities Map, to show specific	p. 13
		property boundaries that are part of such facilities	
	1	Edit amendments to 3.07.810 to delete an obsolete reference	p. 13
		Revise the model ordinance exemption for maintenance, alteration, repair and expansion of existing buildings to make it more along and along a least that the standard and expansion	p. 13-14
		of existing buildings to make it more clear and close a loophole that could have allowed numerous successive expansions	
			- 44
	1	Clarify model ordinance language related to site density reductions when HCA is protected	p. 14
	1	Adopt findings as Ex. F, along with updated copies Attachments 1 and 5 to Ex. F	p. 14
	1	Adopt revised Inventory Report and Inventory Addendum	p. 14
	1	Adopt revised Habitat Inventory acreage table	p. 14
(:\am\long mag	nlanning/projects/Coal 5/Coal 10	Adopt revised Tualatin Basin ESEE report (included as Attachment 6 to Exhibit F)	p. 14

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DRAFT 9/7/05

PROPOSED AMENDMENT TO ORDINANCE NO. 05-1077B

Proposed by Councilor Hosticka

To allow property owners to obtain confirmation and verification of the location of habitat on their property at any time, and to recognize that cities and counties may charge property owners an appropriate fee to cover the costs of providing such a service.

Part 1. Subsection 3(G)(1) of Exhibit C to Ordinance No. 05-1077B shall be amended as follows:

Allow a property owner, or another person with the property owner's consent, to confirm the location of habitat on a lot or parcel at the any time, whether or not the property owner has submitted a specific request for a development permit of a request for a building permit, grading permit, tree removal permit, land division approval, or some other land use decision, provided, however, that a city or county may impose a fee to cover the actual staff, equipment and other administrative costs of providing such a service;

Part 2. Subsection 9(D) of Exhibit E to Ordinance No. 05-1077B shall be amended as follows:

The map verification requirements described in this section 9 of this ordinance shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or some other land use decision. At any time, Aa property owner, or another person with the property owner's consent, may request to verify the location of HCAs on a real property lot or parcel pursuant to this Section 9 of this ordinance at other times, but whether and the [city/county] shall processes such a request within 120 days of receipt of a complete application shall be at the Planning Director's sole discretion, based on staff availability, funding resources, and policy priorities. The [city/county] may impose reasonable fees for processing such applications, based on its actual costs of such processing, including the costs of staff, consultants, equipment, and supplies. If a person receives a verification separate from a simultaneous request for a building permit, grading permit, tree removal permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this section at any time up until five years after the date the verification was issued.

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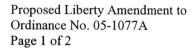
PROPOSED AMENDMENT TO ORDINANCE NO. 05-1077B

Proposed by Councilor Liberty

Clarifying when programs adopted by cities and counties would need to comply with the Goal 5 rule separately from demonstrating compliance with Metro's functional plan.

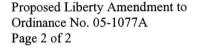
PART 1. Section 3(A) of Ordinance No. 05-1077B shall be amended as follows:

- A. Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties wholly or partly within the Metro boundary shall apply the requirements of this title with respect to areas identified as riparian habitat on the Inventory Map and areas identified as upland wildlife habitat on the Inventory Mapregionally significant fish and wildlife habitat, according to the compliance deadlines established in Section 1 of Title 8 of this functional plan (Metro Code Section 3.07.810), rather than applying the requirements of division 23 of chapter 660 of the Oregon Administrative Rules ("OAR"), promulgated by LCDC, except that:-
 - 1. A city or county shall apply the requirements of division 23 of OAR chapter 660 in order to adopt comprehensive plan amendments or land use regulations that (i) would otherwise require compliance with division 23 of OAR chapter 660 but for the adoption of this title (i.e. amendments or regulations adopted to protect Goal 5 resources), and (ii) will limit development in areas not identified as riparian habitat on the Inventory Map, unless such provisions (a) are part of a program intended to comply with subsection 3(B)(3) of this title and apply only to areas identified as upland wildlife habitat on the Inventory Map (i.e., they do not apply to areas not identified as habitat); or (b) apply to areas identified as Class A or B upland wildlife habitat on the Inventory Map that are brought within the UGB after the effective date of Ordinance No. 05-1077B. Such a city or county shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197;
 - 2. However, if aA city or county that, prior to the effective date of this title, adopted any comprehensive plan amendments or land use regulations that (a) apply to areas identified as upland wildlife habitat on the Inventory Map but not identified as riparian habitat on the Inventory Map, (b) limit development in order to protect fish or wildlife habitat, and (c) were adopted in compliance with division 23 of OAR chapter 660, in compliance with the provisions of division 23 of OAR chapter 660 prior to the effective date of this title, and if such amendments or regulations are applicable to any regionally significant fish and wildlife habitat, then such city or county shall not repeal such amendments or regulations, nor shall it amend such provisions regulations-in a manner that would decrease the level of protection provided to regionally significant fish and wildlife allow any more than a de minimis increase in the amount of development that could occur in areas identified as upland wildlife habitat; and-



After a city or county has demonstrated that it is in substantial compliance with the requirements of this title, if the city or county wishes to adopt comprehensive plan amendments or land use regulations applicable to areas identified as riparian habitat on the Inventory Map that have the effect of imposing greater limits on development than those imposed by provisions that are in substantial compliance with the requirements of this titleamend a riparian area protection program or a fish and wildlife habitat protection program to increase the level of protection provided to regionally significant fish and wildlife habitat beyond the requirements of this title, such a city or county shall comply with the provisions of division 23 of OAR chapter 660, and shall seek acknowledgement of such amendments provisions from LCDC or treat such amendments provisions as post-acknowledgement plan amendments under ORS chapter 197.

PART 2. The Goal 5 Rule provides, in relevant part, that "Upon acknowledgment of Metro's regional resource functional plan, local governments within Metro's jurisdiction shall apply the requirements of the functional plan for regional resources rather than the requirements of this division." OAR 660-023-0080(3). Upon adoption of Ordinance No. 05-1077B, the Metro Attorney shall assess whether the language in Part 1 of this amendment is consistent with OAR 660-023-0080(3) and shall advise the Council regarding whether to petition the Land Conservation and Development to amend that provision of the Goal 5 Rule to make it consistent with the language in Part 1 of this amendment. If the Metro Attorney advises the Council to make such petition, then the Chief Operating Officer and the Metro Attorney shall prepare and bring before the Council for its consideration a resolution authorizing the Chief Operating Officer to make such petition.



DRAFT 9/20/05

PROPOSED MAP REVISIONS AMENDMENT TO ORDINANCE NO. 05-1077B

To approve certain map revisions and direct staff to produce new maps and tables to reflect the revisions.

- **Part 1.** Section 10 of Ordinance No. 05-1077B shall be renumbered as Section 11, and the following paragraph shall be inserted as new Section 10 of Ordinance No. 05-1077B:
- SECTION 10. The map revisions described in Exhibit G are hereby approved. The Chief Operating Officer shall prepare final copies of all maps adopted with this ordinance to reflect the map revisions described in Exhibit G and all other provisions of this ordinance. The Chief Operating Officer shall also produce an updated Attachment 5 to Exhibit F to reflect these map revisions. The Chief Operating Officer shall complete the updated table and final maps, including quadrangle 1:28,000 scale Inventory and HCA maps, and make them available to the public not later than the effective date of this ordinance.
- **Part 2.** Attachment 1 to this amendment shall be included as Exhibit G to Ordinance No. 05-1077B.

M:\attorney\confidential\07 Land Use\04 2040 Growth Concept\03 UGMFP\02 Stream Protection (Title 3)\02 Goal 5\02 Program\03 Ord 05-1077B\Ord 05-1077B Map Revisions Amendment pgdraft 092005.doc

TECHNICAL AMENDMENTS CONSIDERED SEPTEMBER 22, 2005

Ordinance No. 05-1077B

Amendment 1. Exhibit B ("Regional Framework Plan Amendments") shall be deleted in its

entirety and replaced with Revised Exhibit B, included with these

amendments as Attachment 1.

Amendment 2. The first paragraph of Section 2 of Exhibit C ("Urban Growth Management

Functional Plan, Title 13: Nature in Neighborhoods"), "Inventory and

Habitat Conservation Areas," shall be amended as follows:

The purpose of this section is to describe the <u>geographic information system (GIS) data and</u> maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. Thisese <u>data and</u> maps are referenced in various ways in this title, but may or may not be relevant within a city or county depending upon which implementation alternative the city or county chooses pursuant to subsection 3(B) of this title. The maps referred to in this title are representations of data contained within Metro's GIS system, operated by the Metro Data Resource Center, and references to such maps shall be interpreted as references to the maps themselves and to the underlying GIS data that the maps represent.

Amendment 3. In the ordinance and in its exhibits, all references to "Measure 37" shall be deleted and replaced with references to, "Oregon Laws 2005, Chapter 1."

Amendment 4a. Subsection 3(B)(5)(d) of Exhibit C shall be amended as follows:

The city or county has adopted provisions to facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map. Table 3.07-13c in Exhibit C to Ordinance No. 05-1077 provides examples of the types of habitat-friendly development practices that shall be encouraged and considered;

Amendment 4b. Subsection 3(B)(5)(e) of Exhibit C shall be amended as follows:

The city or county has adopted provisions to allow for the reduction of the density and capacity requirements of Title 1 of the Urban Growth Management Functional Plan, Metro Code sections 3.07.110 to 170, consistent with Section 3(H) of Exhibit C to Ordinance No. 05-1077this title. Particularly, the provisions shall (1) apply only to properties that were within the Metro urban growth boundary on January 1, 2002; (2) require the protection of regionally significant habitat on the property, such as via a public dedication or restrictive covenant; and (3) allow only for a reduction in the minimum density calculation number of units required to be built based on the amount of area protected as provided in part (2) of this paragraph. In addition, cities and counties will be required to report to Metro as provided in Section 3(H)(3) of Exhibit C to Ordinance No. 05-1077this title;

Amendment 4c. Subsection 3(B)(5)(f) of Exhibit C shall be amended as follows:

Ordinance No. 05-1077B Technical Amendments Page 1 of 8

The city or county complies with the provisions of <u>subsections 3(B)(1) to 3(B)(3) of this</u> title Exhibit C to Ordinance No. 05-1077 as those provisions apply to upland wildlife habitat in territory added to the Metro urban growth boundary after the effective date of that ordinance this title. Such compliance shall include compliance with one of subsections 3(B)(1) to 3(B)(3) of Exhibit C to Ordinance No. 05-1077. For example, (1) each city and county shall either adopt and apply Metro's Title 13 Model Ordinance to upland wildlife habitat in new urban areas, (2) substantially comply with the requirements of Section 4 of Exhibit C to Ordinance No. 05-1077 this title as it applies to upland wildlife habitat in new urban areas, or (3) demonstrate that they have it has implemented an alternative program that will achieve protection and enhancement of upland wildlife habitat in new urban areas comparable with the protection and restoration that would result from one of the two previous approaches described in this sentence; and

Amendment 4d. Subsection 3(B)(5)(g) of Exhibit C shall be amended as follows:

The TBNRCC and the city or county complies with the monitoring and reporting requirements of Section 5 of Exhibit C to Ordinance No. 05-1077this title.

Amendment 5. Subsection 4(A)(5) of Exhibit C shall be amended as follows:

Habitat Conservation Areas within publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development shall be protected and managed to maintain and enhances that the quality of fish and wildlife habitat that they provide is maintained and enhanced; and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas.

Amendment 6a. Subsection 4(D)(4)(a)(i)(B) of Exhibit C shall be amended as follows:

Locate all flood areas within 100 feet of the property. Flood areas are those areas contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood (areas that were mapped as flood areas but were filled to a level above the base flood level prior to the local program effective date, consistent with all applicable local, state, and federal laws and regulations shall no longer be considered habitat based on their status as flood areas); and

Amendment 6b. The following definition of "Flood Areas" shall be inserted as part of Amendment 9 to Exhibit D ("Amendments to Titles 3, 8, 10 and 11 of the Urban Growth Management Functional Plan"), amending Metro Code Section 3.07.1010, "Definitions":

"Flood Areas" means those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood.

Amendment 6c. In Table 3.07-13e of Exhibit C, "Performance and Implementation Objectives and Indicators," all uses of the terms "floodplain" or "floodplains" shall be deleted and replaced with the terms "flood area" or "flood areas" (the terms "floodplain" and "floodplains" are used five times in that table).

Ordinance No. 05-1077B Technical Amendments Page 2 of 8

Amendment 6d. The definition of "Developed floodplain" in Section 11 of Exhibit E ("Title 13 Model Ordinance") shall be amended as follows:

Developed floodplain area — A flood area upon which a building or other structure has been located or that is a paved area Any man-made change to improved or unimproved lands within a FEMA defined floodplain, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation, or storage of equipment and materials.

Amendment 6f. The definitions of "Floodplain" and "Flood areas" in Section 11 of Exhibit E shall be amended as follows:

Floodplain - The land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, or (identify name) county/city that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

Flood areas - Those areas contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).

Amendment 6g. The following definition of "Paved area" shall be inserted into Section 11 of Exhibit E:

Paved area – Any uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses; provided, however, that graveled areas are not paved areas.

Amendment 7. Subsection 5(B)(3) of Exhibit C shall be amended as follows:

Concur with Metro's disposition of the claim Amend any land use regulation or other ordinance, or enter into an intergovernmental agreement with Metro, in order to grant Metro sufficient authority to implement, on the city or county's behalf, Metro's decision regarding the disposition of the claim, which disposition may include, but not be limited to, a cash payment or other compensation, waiver or modification of a decision to modify, remove, or not apply the regulation, dismissal of the claim, and the imposition of appropriate conditions.

Amendment 8a. Footnote 4 to Table 3.07-13a of Exhibit C, "Method for Identifying Habitat Conservation Areas ("HCA")," shall be amended as follows:

⁴ Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 4(A)(45) of this title.

Ordinance No. 05-1077B Technical Amendments Page 3 of 8

Amendment 8b. Footnote 4 to Table 3.07-13b of Exhibit C, "Method for Identifying Habitat Conservation Areas ("HCA") in Future Metro Urban Growth Boundary Expansion Areas," shall be amended as follows:

- Amendment 9a. Table 3.07-13c of Exhibit C, "Habitat-friendly development practices," shall be amended by adding the following practice as new Item 4 in Part (c), "Miscellaneous Other Habitat-Friendly Design and Construction Practices":
- 4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.
- Amendment 9b. Table 5 of Exhibit E, "Habitat-friendly development practices," shall be amended by adding the following practice as new Item 4 in Part (c), "Miscellaneous Other Habitat-Friendly Design and Construction Practices":
- 4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

Amendment 10a. Table 3.07-13d of Exhibit C, "Locating Boundaries of Class I and II Riparian Areas," shall be amended as follows:

		Development/V	egetation Status ¹			
Distance in feet from Water Feature	Developed areas not providing vegetative cover ²	Low structure vegetation or open soils ³	Woody vegetation (shrub and scattered forest canopy) ⁴	Forest Canopy (closed to open forest canopy) ⁵		
Surface Streams	Surface Streams					
0-50'	Class II 6	Class I_7	Class I	Class I		
50'-100'		Class II 6	Class I	Class I		
100'-150'		Class II if slope>25% 6	Class II if slope>25% 6	Class II ⁶		
150'-200'		Class II if slope>25% 6	Class II if slope>25% 6	Class II if slope>25% 6		
Wetlands (Wetla	nd feature itself	is a Class I Riparia	n Area)	ř		
0-100'		Class II 6	Class I	Class I		
100'-150'				Class II 6		
Flood Areas (Une Within 300' of river or surface stream	developed portio	n of flood area is a Class I	Class I Riparian A	rea) Class I		
More than 300' from river or surface stream		Class II 6	Class II 6	Class I		

Ordinance No. 05-1077B Technical Amendments Page 4 of 8

⁴ Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas, as provided in Section 4(A)(45) of this title.

0-100 <u>' from</u>	.,		Class II 6,8	Class II 6
edge of flood		я		
area				

Development/vegetative cover status is identified on the Metro Vegetative Cover Map (on file in the Metro Council office). The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged.

² "Developed areas not providing vegetative cover" are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of <u>for</u> any other type of vegetative cover.

³ "Low structure vegetation or open soils" means areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

⁴ "Woody vegetation" means areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

⁵ "Forest canopy" means areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is "Low structure vegetation or open soils," and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro's Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to this ordinance.

Only if within 300 feet of a river or surface stream.

Amendment 10b. Table 6 of Exhibit E, "Method for Locating Boundaries of Class I and II Riparian Areas," shall be amended as follows:

Table 6: Method for Locating Boundaries of Class I and II Riparian Areas.

	Development/Vegetation Status ¹			
Distance in			Woody	
feet-from	Developed areas	Low structure	vegetation	Forest Canopy
Water	not providing	vegetation or	(shrub and	(closed to open
Feature	vegetative cover	open soils	scattered forest	forest canopy)
	8	•	canopy)	107
Surface Strea	ms		а	
0-50'	Class II	Class I ²	Class I	Class I
50'-100'		Class II ²³	Class I	Class I
100'-150'	160	Class II ³² if	Class II ³² if	Class II ³²
		slope>25%	slope>25%	
150'-200'		Class II ³² if	Class II ³² if	Class II ³² if
		slope>25%	slope>25%	slope>25%
0-100 <u>'</u> 100 <u>'</u> -150 <u>'</u>		Class II ³²	Class I	Class I Class II ²
Flood Areas-	Undeveloped portio	n of flood area is a	Class I Riparian A	rea)
	Undeveloped portio			
Within 300'	Undeveloped portio	n of flood area is a Class I	Class I Riparian A	rea) Class I
Within 300' of river or	Undeveloped portio			
Within 300'	Undeveloped portio			
Within 300' of river or surface	Undeveloped portio	Class I		
Within 300' of river or surface stream	Undeveloped portio		Class I	Class I
Within 300' of river or surface stream More than	Undeveloped portio	Class I	Class I	Class I
Within 300' of river or surface stream More than 300' from	Undeveloped portio	Class I	Class I	Class I
Within 300' of river or surface stream More than 300' from river or	Undeveloped portio	Class I	Class I	Class I
Within 300' of river or surface stream More than 300' from river or surface	Undeveloped portio	Class I	Class I	Class I
Within 300' of river or surface stream More than 300' from river or surface stream	Undeveloped portio	Class I	Class I	Class I

The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as "forest canopy" the forested area had to be part of a larger patch of forest of at least one acre in size.

² Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is "Low structure vegetation or open soils," and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro's Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to Metro Ordinance No. 05-1077C.

³Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical

Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

4 Only if within 300 feet of a river or surface stream.

- Amendment 11. Attachment 5 to Exhibit C, the Metro Vegetative Cover Map, shall be deleted and replaced with Attachment 2 to these technical amendments in order to show the location of high gradient streams.
- Amendment 12. Attachment 7 to Exhibit C, the Regionally Significant Educational or Medical Facilities Map, shall be deleted and replaced with Attachment 3 to these technical amendments in order to show the specific properties identified as part of the regionally significant facilities.
- Amendment 13. Amendment 8 of Exhibit D, amending Metro Code Section 3.07.810, shall be further modified to delete the first sentence of Code subsection 3.07.810(E), so that that portion of Amendment 8 will read as follows:

Cities and counties whose comprehensive plans and land use regulations do not yet comply with a functional plan requirement adopted or amended prior to December 12, 1997, shall make land use decisions consistent with that requirement. If the a functional plan requirement was adopted or amended by the Metro Council after December 12, 1997, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirement shall, after one year following acknowledgment of the requirement, make land use decisions consistent with that requirement. Notwithstanding the previous sentence, however, cities and counties whose comprehensive plans and land use regulations do not yet comply with the requirements of Title 13 of this chapter, Metro Code sections 3.07.1310 to 3.07.1360, shall make land use decisions consistent with those requirements after two years following their acknowledgment. The Chief Operating Officer shall notify cities and counties of the date upon which functional plan requirements become applicable to land use decisions in each city and county. For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).

Amendment 14a. Subsection 3(E)(1) of Exhibit E shall be amended as follows:

- 1. Maintenance, alteration, expansion, repair and replacement of existing structures, provided that the building footprint is not increased.
 - a. The rebuilding of existing residential and non-residential structures damaged by fire or other natural hazards occurs within the same foundation lines ("building footprint"); and
 - b.The alteration, expansion, or replacement of a structure will not intrude more than 500 sq. ft. into the HCA, and so long as the new intrusion is no closer to the protected water feature than the pre-existing structure or improvement.
- **Amendment 14b.** The following text shall be inserted as new subsection 3(E)(2) of Exhibit E and all subsequent subsections shall be renumbered accordingly:
- 2. Alteration, expansion, and replacement of existing structures, provided that:

Ordinance No. 05-1077B Technical Amendments Page 7 of 8

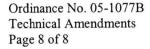
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- a. The alteration, expansion, or replacement of a structure will not intrude more than 500 sq. ft. into the HCA in addition to the area defined as the building footprint as of January 1, 2006; and
- b. The new intrusion into the HCA is no closer to the protected water feature than the preexisting structure or improvement.

Amendment 15. Subsection 6(B)(4) of Exhibit E shall be amended as follows:

- 4. *Site Capacity Incentives.* The following site capacity standards provide flexibility in the design of land divisions in order to allow ways to better protect HCAs.
 - a. Density bonus if HCA is protected. In multi-family residential zones, a 25 percent density bonus may be allowed for any development of four (4) or more dwelling units if 75 percent or more of the HCA on a site is permanently preserved, such as by making a public dedication or executing a restrictive covenant. The bonus density shall be in addition to the base density allowed in the applicable zoning district.
 - b. All area within a HCA, or any portion of it, may be subtracted from the calculations of net size for purposes of determining the minimum density number of units that must be built on the property, provided that such area is protected, such as by making a public dedication or executing a restrictive covenant. This provision may only be applied to properties that were inside the Metro UGB on January 1, 2002.
- **Amendment 16.** Attachment 4 to these technical amendments shall be included as Exhibit F ("Findings of Fact and Conclusions of Law").
- Amendment 17. Attachment 1 ("Metro's Riparian Corridor and Wildlife Habitat Inventories" report and the "Addendum and Update to Metro's Riparian Corridor and Wildlife Habitat Inventories" report) to Exhibit F shall be deleted and replaced with Attachment 5 to these technical amendments.
- Amendment 18. Attachment 5 ("September 2005 Habitat Inventory Update" data) to Exhibit F shall be deleted and replaced with Attachment 6 to these technical amendments.
- Amendment 19. Attachment 6 ("Tualatin Basin ESEE Report") to Exhibit F shall be deleted and replaced with Attachment 7 to these technical amendments.

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September 16, 2005

Gil Kelly, Planning Director City of Portland 1900 S.W. 4th Avenue, Ste. 400 Portland, OR 97201-5350

Dear Gil:

I am responding to your August 17, 2005 letter concerning approximately 7.6 miles of streams in Portland that have been omitted from Metro's most recent Regional Fish and Wildlife Habitat Inventory and the Habitat Conservation Area map. Your letter requests that we correct the regional inventory and the Habitat Conservation Areas map using the stream data you furnished in fall 2004, and provide Ballot Measure 56 notice to the omitted property owners as soon as possible.

As you know, Metro used Clean Water Services stream data for the area within the Tualatin Basin, including portions of the City of Portland that lie within the Fanno Creek watershed. Using the City's recent stream data would add approximately 7.6 miles of streams not mapped by Clean Water Services. City of Portland and Metro staff met on August 31 to discuss the City's concerns and to identify alternative courses of action to remedy the problem.

Staff will recommend to Metro Council to proceed expeditiously with a separate ordinance to add City of Portland streams located within the Tualatin Basin to Metro's inventory and Habitat Conservation Area map. The schedule for the proposed ordinance will allow for Ballot Measure 56 notice to be mailed to property owners within new Habitat Conservation Areas and for the Council to act on the ordinance before Ordinance 05-1077C is submitted to the Land Conservation and Development Commission for acknowledgment. If approved by Council, Ballot Measure 56 notice can be mailed to affected property owners by the end of September, and Council can consider the ordinance in mid-November.

We appreciate the help provided by your staff, including Kevin Martin, Roberta Jortner, and Debra Stein. We look forward to working with you and your staff over the next several months to resolve this issue.

Sincerely

Andy Cotugno Planning Director

cc: Car

Carl Hosticka Michael Jordan Christina Deffebach Paul Garrahan Roberta Jortner

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M E M O R A N D U M

600 NORTHEAST GRAND AVE | PORTLAND, OREGON 97232 2736 TEL 503 797 1700 | FAX 503 797 1797



DATE:

September 20, 2005

TO:

Metro Council

FROM:

Gina Whitehill-Baziuk, PA & GR Office of Citizen Involvement

RE:

Nature in Neighborhoods Public Comment Report

CC:

Michael Jordan, Kate Marx, Andy Cotugno, Paul Garrahan, Chris Deffebach

Introduction:

In the spring of 2005, the Metro Council launched the Nature in Neighborhoods Initiative. This initiative seeks to establish standards for how certain properties are developed — especially those located near streams and wetland areas — in an effort to protect fish and wildlife habitats now and in the future. The standards proposed by this initiative vary from area to area, depending on the economical potential for residential, commercial, and industrial development of the property in question. The ordinance includes: a new Functional Plan Title 13; conforming the amendments to the Regional Framework Plan and Urban Growth Management Functional Plan; a Model Ordinance to provide an example for cities and counties for compliance; and the Tualitan Basin Plan.

Metro staff used several different approaches to introduce the initiative to the public. In April an informational mailing was sent announcing the Nature in Neighborhoods initiative to stakeholders and interested citizens. Outreach also included two week-long resource stations held at the Metro Regional Center and a free Nature in Neighborhoods Pavilion held at the Oregon Convention Center during the Natural Style – A Sustainable Living Festival.

Additionally, in August a mailing was sent to over 37,000 property owners living in the tri-county area to inform the public of the proposed changes and how they may be affected. Articles were also published in local newspapers such as The Oregonian, The Daily Journal of Commerce, the Hillsboro Argus and the Portland Tribune that outlined the initiative and how it is going to affect the Portland Metropolitan area.

During this time Metro also added several web pages to its website so that interested citizens had another means of gathering information about proposed changes. The added pages included an explanation of Nature in Neighborhoods and its intent, an interactive map, and an online survey form that visitors to the site could submit feedback with.

Beginning in May open comments were collected regarding the Nature in Neighborhoods program from a variety of sources including emails, phone calls, letters, testimony at hearings, and walk-in visits. Metro has received approximately 600 comments and questions regarding the proposed ordinance. Emailed comments were most common,

roughly 46 percent of the total, with
nearly 300 emails received. About 32
percent of comments came in the form
of phone calls, nearly 200 in total.
Letters comprised of nearly 12 percent
of all comments submitted, and
testimony given at hearings comprised
approximately 7 percent.

Type of Contact	Apprx. # Received
Phone Calls	192
Emails & letters	348
Open Ended Comment Cards	6
Testimonies	41
Walk-Ins	10

Executive Summary:

Comments collected regarding the Nature in Neighborhoods program reflect many of the same sentiments the public voiced last year regarding Metro's Fish and Wildlife Habitat Protection Program. With both programs most comments were supportive of habitat protection. Similarly, few comments made were opposed to habitat protections, but rather expressed concerns about how property values and rights may be affected, and about the economic impact of requiring industrial landowners to comply with the same standards as residential landowners.

Phone calls regarding the Nature in Neighborhoods program largely reflected a neutral stance on the ordinance, while most emails expressed a desire for strong environmental standards.

Roughly 32 percent of the comments received were neither overtly supportive nor critical of the proposed ordinance. Neutral comments received were primarily concerned with how the ordinance would affect the individual's land and land uses. Most requested copies of the ordinance and appropriate maps. As with comments taken previously regarding the Fish and Wildlife Habitat Protection Program, some comments have noted discrepancies between Metro's maps and the on-the-ground reality of a particular site. Others identified needed map corrections or led to the landowner submitting a map correction request.

Approximately 60 percent of all comments made were clearly supportive of the Nature in Neighborhoods program. Supportive comments fell into two categories: those that were supportive and urged Metro to find a balance between habitat and urban uses (roughly 26 percent of the supportive comments made), and those that urged Metro to take the strongest environmental stance possible (roughly 34 percent of supportive comments made). A large number of comments asked for a strong mix of regulatory and non-regulatory solutions. Many also pleaded specifically for regulation of undeveloped floodplains. In addition, many comments that fell into both categories explicitly voiced opposition to allowing exemptions to industrial and commercial landowners like the Port of Portland.

Critical comments comprised roughly 7 percent of all comments. Again, most of those opposed to the ordinance did not express opposition to habitat protection. Instead, most conveyed concern about the current wording of the ordinance and urged exemptions for industrial landowners such as the Port of Portland or felt that the proposed ordinance would add a needless layer to already effective or sufficient laws.

Comment Type	First Name	Last Name	City	Comment
Card	Jennifer	DeMuth	SE Portland	Reject Port of Portland's request for exemption. Include regulatory measures to protect way of life.
Card	Jim, Judith	Emerson	NW Portland	The resolutions and ordinance are valuable, sensible and fair measures which will improve regional coordination in maintaining clean water and wildlife habitat. In future, enable property tax benefits for preserving habitat via conservation easements. Co
Card	Yvonne	Hajda	SW Portland	Without monitoring, regulation and adequate funding, the plan begins to sound like Bush's Clear Skies initiative. Why are the Port and major educational institutions exempt? A sound economy depends on a healthy environment.
Card	Leslie	Labbe	SW Portland	Friends of Forest Park supports strongest regulations and incentives you can come up with.
Card	Hubert	Walker	NW Portland	Please adopt program that minimizes impacts to highest value habitats, including Tualatin Basin. Protect undeveloped floodplains. Protect wildlife, water quality and public safety.
Card	Dana	Weintraub	Beaverton	Anything to enhance and further Goal 5, the better. Firm believer in Metro; keep up good work.
Email	Jim and Jacque	Arn	Beavercreek	Send me a map of the Beavercreek area involved in this proposed ordinane and the specific affects to the properties involved.
Email	B Rustin	Geasner		Incorrect maps. Stream shown to the south of 11606 SE 352 Ave. doesn't exist, but only during the rainy season it comes from the east entirely south of the property line.
Email	Suze	Hammond	Portland	Expressed concern with various parts of her property that she feels Metro is inappropriately designating as riparian areas. Asked for Metro's working and legal definitions of the term "riparian".
Email	Suze	Hammond	Portland	Expressed concern with various parts of her property that she feels Metro is inappropriately designating as riparian areas. Asked for Metro's working and legal definitions of the term "riparian".

Email	Suzanne	Hammond	SE Portland	Even by looking at your proposal for my property [6810 SE 106th Avenue, Portland] I can easily identify 4 vehicles inside the "forest". That, alone, should be enough to tip off your mappers that there is no forest there. [The bright rectangle is a 1984 Honda Civic, the brown ones are a Toyota and a small PU truck, and the dark square is the front half of a 1964 GMC PU whose bed is obscured by the tree behind it.] Perhaps less evident is that the dark ragged area behind that same tree is not "canopy" but a collapsed workshop the termites ate. It sits on a concrete pad aprox. 12' x 24' and extends to the chainlink fence across the rear of our land. A larger resoltution picture would make this clear.
Email	Brian	Hansen	Milwaukie	Many errors on the mapping of his property.
Email	Jennifer	Johnson		Our property at 11346 SW Northgate is mapped by Metro as high conservation due to a "stream." There is no stream and a representative from the City of Portland documented this (after viewing the site) in connection with the city's planned ordinance either last year or the year before. What more can we do to fix this? This designation would remove several hundred thousand dollars of developable lots from our land for which we would expect to be compensated if you insist on going through with this.
Email	Willi	Lohmann		Do you have any estimates of how much it will cost Metro/local governments to reimburse property owners for loss of property due to the Nature in Neighborhoods ordinance?
Email	Larry	Lubcke	Clackamas	Received a notice that land could be affected by this council but was not told what it was. The newsletter talked about (among other things) Ord. No. 05-1077B I could not find this on your website. What is it and can you send me a copy of it.
Email	Cara	Rice	Portland	Questions regarding ordinance, habitat inventory.
Email	G	Stryker		Questions about ordinance and definitions. Also raised concerns/wondered why some areas near streams are allowed to develop and others are not, particularly those with seemingly high real estate values. Explicitly notes that commentor and others in neighborhood are not opposed to protecting land, but rather are concerned about, "the belief that heavy restrictions, loss of land use and property values by a few is the right and most effective means."
Email	Jason		SW Portland	Inquired why his property is listed as a wetland on one of our website maps.

Email	Margaret			Wants a concise and practical of the regulatory aspects of the program. Also concerned beyond her property. Also wants to know when Metro is planning to vote on this program and if there will, evening hearings. I know that comments can be submitted in other formats, but that's not realistic for many people.
Email			SE Portland	I write in this case as our neighborhood representative, as these neighbors do not have a computer. While this part of the aerial photo is easier to interpret as "forest", several patches of lawn appear here and there throughout [light green or tan areas] and the line of four almost perfectly round bushes must be obviously a cultivated area. [Domestic blueberry bushes, in fact. I have a gift of a quart of their fruit sitting in my fridge as I type] The entire area under these trees have been, for over 25 years, a constantly-mowed parklike area. There is no forest here, anymore than Lent's Parkis a forest despite its tree cover and appearence from thei air.
E-mail	Linda	Andrews	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Stephen	Bachhuber	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Roberta	Badger	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Joan	Bailey	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Nancy	Baur	Milwaukie	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Susan	Beilke	Tigard	What I find at this point is that Metro will NOT meet the goals of protecting our natural resources, especially the Tualatin Basin approach. Tigard citizens find this unacceptable! Include protection for upland forests and undeveloped floodplains. No exemptions for developers; mitigate impacts.

E-mail	M.Faye	Bennett	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Natalie	Bennon	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Diane	Benya	West Linn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Steve	Berliner	Milwaukie	Friends of Kellogg & Mt. Scott Creeks Watershed urge you to adopt a program that will effectively protect region's highest value streamside habitats, which our volunteers have worked to save. We need a strong partner who can insure uniform regulatory measures along with incentive programs.
E-mail	Maryka	Biaggio	Portland	Ensure that all developments minimize environmental impacts to highest value streamside habitats
E-mail	Richard	Bixby	E Portland	Protect class I and II riparian resources by mitigating impacts of development, including Port of Portland's marine terminals and airport. East Portland Neighbordhood Office objects to Port's request for exemptions. Need outside review of Wildlife Hazard Management Plan actions.
E-mail	Alice P.	Blatt	NE Portland	I am in support of statement by Linda Robinson, requesting strong natural resource protection, including regulations, especially in Tualatin Basin Program, and for Hayden Island and Reynolds.
E-mail	Matt	Blevins	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Ellen	Bohles	Fairview	Can't accept legacy of commercial development consuming natural areas. Adopt a program to protect all regionls highest value streamside habitats, especially floodplains in Tualatin Basin.
E-mail	Linda	Bonder	SW Portland	Please adopt program that minimizes impacts to highest value habitats, including Tualatin Basin. Protect undeveloped floodplains. This impacts Portland's livability and attractiveness to investors.

E-mail	Patty	Bonney	SW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
				landowners like Port of Portland.
E-mail	David	Bostock	Portland	Protect wildlife, water quality and public safety by protecting undeveloped
				floodplains in Tualatin Basin. Adopt a program so development avoids
				environmental impacts to streamside habitats.
E-mail	Priscilla	Bradley	Blodgett	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Peter	Bray	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
		,		landowners like Port of Portland.
E-mail	Kelly	Brignell	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Kacia, Clark	Brockman	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Craig	Brown	SW Portland	Measure 37 shows people value property rights. Do not circumvent Measure 37
				nor add more regulations to habitat areas. Do not change definition of
				"practicable" to change this protection.
E-mail	Elyce	Brown	SE Portland	Three generations of my family live in Portland. Want to see natural habitats
				maintained and restored for generations to come. Protect all high value
				streamside habitats.
E-mail	Paul	Brown	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
				landowners like Port of Portland.
E-mail	Harry	Bruton	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.

E-mail	Mary Ann	Buchanan	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	David	Burkhart	Salem	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Cynthia	Catto	Wilsonville	AGC believes Metro should focus on outcomes, not an increment, because the Tualatin Basin approach exceeds the Metro program in a number of ways. We support exemption of Port of Portland marine terminals 4, 5 and 6 and a more narrowly tailored exemption for West Hayden Isl.
E-mail	Bruce	Chaser	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Dolores	Chenoweth		Approves of Nature in Neighborhoods initiative but thinks it needs to be kept in balance.
E-mail	Carol	Chesarek	NW Portland	Find ways to simplify Conservation Easements to protect upland habitats. Metro's performance objectives fall short in protecting Forest Park. Additional reporting should be required for habitat restoration projects. Encourage use of native plants in large landscaping projects. Need more protected areas like Forest Park as a long-term vision to balance density of urban growth.
E-mail	Steven	Christian	Hillsboro	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Vivian	Coles	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Daniele	Colonna	SW Portland	Please adopt programs that protect highest value streamside resources and floodplains, especially since the Bush Administration is mounting a daily assault on existing protections.
E-mail	Bruce	Combs	Aurora	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	Demelza	Costa	Sweet Home	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	John	Cox	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
				landowners like Port of Portland.
E-mail	Karen	Cox		Ensure that all developments minimize environmental impacts to highest value
				streamside habitats
E-mail	Darcy	Cronin	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Hannah	Cross	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	C.	Currey	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Jenny, Bill	Davies	Lake Oswego	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Chris	Dearth	SW Portland	Tough political issue for Metro but you know that strong riparian protection is the
				right thing to do for Metro area sustainability, quality of life. Please stand up to
				political pressure and move forward.
E-mail	Mike	Dee	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	lan	Dees	Aloha	Asking for regulatory protection of all class I and II riparian habitat in Tualatin
				Basin. Natural beauty is what drew me and 1000s of other skilled workers here.
				Economic health depends on habitat.

E-mail	Tara Grover	Dees	Aloha	CPO 7 thanks Metro for efforts to support natural resources. Adopt regulations to protect both uplands and streamside corridors. Washington County should have same standards as rest.
E-mail	Tony	DeFalco	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Jen	DeMuth	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Kelly	Dickinson	Corvallis	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	John	Dorner	SE Portland	Portland is the envy of other cities. Keep proposal as is and don't weaken for developers and other jurisdiction's interests. I love Portland for its natural areas.
E-mail	Susan	Drew	Sandy	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Helen	Durst	Hillsboro	Disappointed that Washington County's plan does not provide streamside habitat protection. Need to protect what is left of undeveloped floodplains. Houses on floodplains receive flood damage.
E-mail	Bob	Eaton	NE Portland	Pleased with provisions relating to drainage district operations that allow us to do our work under existing general permit authorizations with stated and federal agencies, thereby saving resources.
E-mail	Terry	Egnor	SW Portland	Having strong natural resource protections, including regulations in place, will be critical to guiding development away from our most vulnerable lands.
E-mail	Dianne	Ensign	SW Portland	Require mitigation of impacts to class I and II riparian habitats, including Tualatin Basin floodplains. Recent article in New York Times described "nature-deficit disorder" of young children who live in front of computers. Wildlife has no voice and relies on us for protection and restoration of habitats.

E-mail	Richard	Ferreira	Lake Oswego	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical
E-mail	Annemarie	Fitzell	NE Portland	landowners like Port of Portland. Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Nancy	Fleming	SW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Bruce	Foster	West Linn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Susan	Foster	Gresham	Works in natural resouce education. Strong natural resource protection, including regulations, will be critical to save our most environmentally sensitive lands. Unfair to exempt industrial landowners
E-mail	Kelly	Garner	N Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Alice Ellis	Gaut	Tigard	Troubled by move away from regulations and toward voluntary and incentive based plan. Economic temptation will always trump altruism. The Tualatin Basin Plan is woefully inadequate, a shameful sellout of people of Washington County. Reject the Tualatin Basin Plan and require protections. Require all jurisdictions in region to enact enforceable regulations in implementation phase.
E-mail	Tom	Geil	Oregon City	Earth a living, breathing body needing green veins of nature for wildlife habitat. We need more parks, community gardens and forests at end of Oregon Trail. Protect riparian and upland habitats.
E-mail	Robin	Gerstenfeld	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	John	Gibbon	Tigard	Develop recommendations for local governments about best management practices that can be used to implement the program, including enforcement as
				the last resort. Enforce reasonable habitat protection down to the level of the individual homeowner, or it will be doomed to failure.
E-mail	David	Goldman	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Cheryl	Goodison	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Pamela	Goodwin	Ashland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Richard	Gorringe	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Arika	Grace-Kelly	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Charlie	Graham	Forest Grove	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Krirstin	Greene	SW Portland	I support you in adopting a program that protects highest value streamside habitats which support most of region's native species, maintain clean water andprovide other benefits. Jurisdictions in Washington County must be held to same regulatory standards as rest of the region.
E-mail	Katie	Grew	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

Mike	Gundlach	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
IVIIKO	Garialacii	OVV I Ortiand	high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
			landowners like Port of Portland.
Gina	Hafner	Gresham	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
	11.0.1101	Groomann	high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
			landowners like Port of Portland.
Jim	Hajek	Wedderburn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
1	J. 64350.000		high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
			landowners like Port of Portland.
Jessica	Hamilton	NW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commerical
			landowners like Port of Portland.
Phil	Hamilton	SW Portland	Ensure that all developments minimize environmental impacts to highest value
-			streamside habitats
			City of Portland's poor land use performance.
Kathleen	Harriman	Lake Oswego	Too easy to take clean water for granted and riparian habitats are especially
			sensitive. Make regulations that will preserve our natural resources and protect
Nicholoo	I I a di cara	014/ D - 11 - 1	fragile ecosystems.
INICHOIAS	Healuna	SW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commerical
Evolvo	Hoidtmann	CM Dortland	landowners like Port of Portland.
Evelyn	neidimann	SW Portland	Provide maximum possible protection for remaining wildlife habitat in our area.
			Concerned with benefits such as clean water, clean air, trees that absorb CO2
Jeanne	Henderson	Portland	and floodplains that absorb water. Concerned about development in areas that impact habitat, water and soil quality.
	T letide 3011	Ortiana	Future of our environment is at stake. Please be responsible and keep Oregon
			livable and healthy for our lives.
Judy	Henderson	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
,	110110010011	OVV I OILIAIIA	high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
	1	1	ing. Take streament habitate, especially in rudiatin basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
		Gina Hafner Jim Hajek Jessica Hamilton Phil Hamilton Suze Hammond Kathleen Harriman Nicholas Hedlund Evelyn Heidtmann Jeanne Henderson	Gina Hafner Gresham Jim Hajek Wedderburn Jessica Hamilton NW Portland Phil Hamilton SW Portland Suze Hammond Kathleen Harriman Lake Oswego Nicholas Hedlund SW Portland Evelyn Heidtmann SW Portland Jeanne Henderson Portland

E-mail	Nancy	Hendrickson	SE Portland	Protect all region's highest value streamside habitat to protect native species and
				increase property values. Do not exempt Port of Portland from Wildlife Hazard
				Management Plan; that is unconscionable. It takes everyone to preserve our
<u> </u>	0		OW De II	heritage of natural resources. Thank you.
E-mail	Christopher	Henry	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	John	Herbert	SW Portland	CPO #1 wants to protect all floodplains and streamside habitats. No exemptions
				in Washington County or elsewhere, not for the Port of Portland. We need to be stewards and protect all habitats.
E-mail	P. Sydney	Herbert	SW Portland	Clear that process was emasculated to suit the Port of Portland. Goal 5 law was
				passed in 1973 and still not implemented. It would be great to see you enforce
				the law to save what nature is left.
E-mail	Robert	Heydenreich	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Bernice	Hirtzel	SE Portland	Need long-term commitment to protect and restore urban ecosystem, enhance
				natural beauty, maintain wildlife, decrease soil erosion and keep area attractive to
		11.	OW/ Poulled I	busineses and visitors.
E-mail	Samuel	Holmes	SW Portland	Property and adjacent properties have been misclassified regarding habitat protection.
E-mail	Mike	Houck	NW Portland	Eliminate reference to "a reduction in fair market value" in the definition of
				practicable; if not, it would render protections toothless. Condition the Tualatin
				Basin program to require mitigation standards for all class I and II riparian
				resources. Metro should not exempt Port of Portland from regulations.
				Redevelopment offers our best opportunity to restore fish and wildlife habitat.
E-mail	John	Howarth	Forest Grove	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
E	Dath	Ululaman	Mant Linn	landowners like Port of Portland.
E-mail	Beth	Hulsman	West Linn	Protect undeveloped floodplains in the Tualatin Valley for wildlife and water quality. Minimize environmental impacts to our riparian areas in development
				plans.
L				pians.

E-mail	Leslie	Hunter	Eugene	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Adam	Hutchison	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Mike	Ignatoski	N Portland	Strong natural resource protections, including regulations, will be critical for responsible development. Protect our most environmentally sensitive lands and streamside habitats.
E-mail	Don	Jacobson		Deny Port of Portland's request for exemptions to Goal 5 program. They have no alternative program to achieve environmental objectives. Exempting PDX Wildlife Management Zone (with high value habitat) is of concern. Need ecologically sensitive methods to reduce airplane wildlife strikes.
E-mail	Jean Cottrell	Jennings	NW Portland	Just returned from a trip to California and realize how fortunate I am to live in an area that takes collective responsibility for the health of our environment. Protect all highest value habitats.
E-mail	Jeffrey	Jensen	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	David	Jessup	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Sandra	Joos	SW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Jered	Jorgensen	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Deborah	Kapfer	SW Portland	Hope keeping floodplains undeveloped is a major value to be supported in your decisions. I lived through the big flood and it was clear Tualatin had way too much development in floodplain.

E-mail	Dana	Karawczuk	SW Portland	Ball Janik represents residential developers. Please follow Tualatin Basin approach. We support opportunity to refine Habitat Conservation Area maps. Initiate UGB expansion for development, as you reduce the development potential of the land in habitat areas. Allow flexibility in density standards. All residential development should have a "medium urban development" value.
E-mail	Sybil	Kelley	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Wayne L.	Kelly	Ashland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Lesley S.	Kempsell	Beaverton	There must be no more development in flood plains. Please require regulatory protections for the Tualatin Valley to safeguard habitat, water quality, public health and safety.
E-mail	Nancy	Kennaway		Ensure all new development avoids and minimizes environmental impacts to highest value streamside habitat, especially undeveloped floodplains in Tualatin Basin.
E-mail	Beverley	Kindley	Hillsboro	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	David	Knox	West Linn	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Benjamin	Komar	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Bonnie	Kooken	Orenco	Appears Metro is being pressured to adopt a program that could fail to keep neighborhoods clean, safe and green. We need a strong open space protection program to protect streamside habitats and floodplains from development. Rock Creek will be endangered

E-mail	Dennis	Kramer	Beaverton	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial lendowners like Bott of Bottland.
E-mail	Dana	Krawczuk	SW Portland	landowners like Port of Portland. Ball Janik represents Tualatin Partners. Testimony submitted 8-9-04 re-submitted: Inventory needs to be mapped correctly. Commit to analyze the supply of buildable land and expand the UGB to ensure vitality of housing market. Apply regulations consistently over the region. LID techniques should be voluntary and eligible for mitigation credit. Not all floodplains are resources.
E-mail	Megan	Kuerbis	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Ted	Kyle, P.E.		See major problems if enacted as proposed, particularly with sewer and stormwater service in Damascus. Proposed ordinance may further complicate compliance with federal Clean Water Act.
E-mail	Nanette	La Due	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Jim	Labbe	NW Portland	Provision defining "practicable" goes beyond the legal requirements of Measure 37 and renders habitat protections toothless. Prevents local governments from protecting high value unprotected riparian resources if they reduce fair market value. At variance with majority of stakeholders.
E-mail	Jim	Labbe	NW Portland	We believe the proposed program already leaves existing resource areas at unacceptable degree of risk; will require more monitoring and more funding for acquisition, education and incentives. Establish viable regulatory program for class I and II riparian resources as a minimum standard. Fill in the habitat protection gaps in the proposed Tualatin Basin program.
E-mail	Ed, Shirley	Labinowicz	Gresham	Further regulation is needed to provide highest level of protection for habitat, floodplains. There is a need for wide stream setbacks and use of trees in erosion control. Avoid developer exemptions and provide highest level of regulatory protection Metro can offer with education and monitoring.
E-mail	Dick	Lane	Forest Grove	Fragile streams like Gales Creek with endangered species of steelhead need protection from over-development. Metro's job is to preserve wetlands and undeveloped floodplains.

E-mail	Jerry	Lansdowne	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Kate	LaRiche	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Lenora	Lawrence	Oceanside	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Rhett	Lawrence	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	John	LeCavalier	SE Portland	It will take years to change people's perceptions of the natural world. This effort will need to be no less than the effort needed to increase recycling programs. We must protect what's left and regulations are absolutely necessary. There is no excuse to water down the proposed program.
E-mail	Chris	Leck	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Cheryl	Lee	Milwaukie	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Evelyn	Lee	Milwaukie	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Thomas	Lemen	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	Sarah	Liebman	Lake Oswego	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Emily	Lindsey	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
	***	***		high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Tamara	Lischka	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Michael	Litt	Lake Oswego	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Clyde Alan	Locklear	SW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
				landowners like Port of Portland.
E-mail	Becky	Lovejoy		Adopt a program that regulates high value streamside habitats in Tualatin Basin.
				As an environmental educator and writer, I am committed to a sustainable future
				for the generations.
E-mail	Agnes	Lut	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Mary	MacKenzie	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
		N P 12	N. 1	landowners like Port of Portland.
E-mail	Greg	Malinowski	NW Portland	If you have a program with no backbone and accountability using voluntary
				programs, you will have done more damage than if you had not looked at the
				issue. Same folks who brought you failed voluntary park program in Washington
				County now want voluntary protection program. Please give us a program that
E-mail	Barbara	Manahalli	Tigord	the neighborhoods can use to defend themselves.
L-IIIdli	Darbara	Manghelli	Tigard	Please take a firm stance on environmental impacts from development for good
				of next generation

E-mail	John	Marshall	SE Portland	A streamlined regulatory effort that both eases the burden on the regulated public while preserving and restoring biodiversity is feasible. It could help alleviate pressure of Measure 37. Mitigation banking approach also feasible for stormwater impacts through purchase of treatment credits.
E-mail	Sue	Marshall	Sherwood	Concerned that Tualatin Plan relies on existing regulations and no new revenue. About 35% high value habitat not covered, including undeveloped floodplain; a major step back - hold the line. Address stormwater in comprehensive way as part of habitat friendly development practices.
E-mail	Julie	Maxfield	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Johanna	McCloskey	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Lori	McGilchrist	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Anne	McLaughlin	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Claudia	McNellis	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	John	Mealy	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Melissa	Medeiros	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	Deb	Merchant	Beaverton	Adopt programs that require new development to avoid, minimize and mitigate impacts to highest value streamside habitats, bith riparian and upland. Concerned about streams in Tualatin Basin. Also concerned about unfair
				exemptions for Port of Portland and other industrial property owners.
E-mail	Julie	Mikalson	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	David	Mildrexler	NE Portland	Time to take a strong stand to protect streams and waters before population grows. Strong resource protections, including regulations, will be critical to guiding development away from most environmentally sensitive lands. All high value habitats in Tualatin Basin need regulations.
E-mail	Eric	Miller	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Irene	Mills	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Ron	Milton	West Linn	Strong natural resource protections, including regulations, will be critical for responsible development. Protect our most environmentally sensitive lands and streamside habitats.
E-mail	Lynn	Minneman	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Don	Minnerly	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Walt	Mintkeski	SE Portland	Strengthen habitat protection program with minimum standards to protect highest value resources; promote habitat-friendly development with non-regulatory measures and support a bond measure.
E-mail	Margaret	Mitchell	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.

Tristin	Mock	NW Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commerical
			landowners like Port of Portland.
Ross	Monn	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
		ľ	high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
			landowners like Port of Portland.
Terry, Willy	Moore	SW Portland	In our area of Garden Home, the Fanno and Ash Creek riparian areas warrant
			strong protection and enhancement. You should also provide high levels of
			protection for Rock Creek and tributaries. Take actions that protect floodplain and
			riparian areas - critical habitat and water quality areas.
Katherine	Moritz	SW Portland	Protecting our watersheds is critical to preserving native species and quality of life
			we enjoy. In the face of development pressure, voluntary protections will not be
	- L	- Luc - Luc	enough. Regulations are needed.
Lynda	Mueller	West Linn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
 	Manager	NE D. II.	landowners like Port of Portland.
Tony	Murczek	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
Mon	Noland	NIM Portland	
Iviary	Ineland	INVV Portiand	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
Scott M/	Nolson	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
Scott vv.	Neison	INL PORtiand	high value streamside habitats, especially in Tualatin Basin to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
			landowners like Port of Portland.
Bob Kathy	Newcomb	Tualatin	No more development in Tualatin floodplains. Incredible that voluntary programs
Bob, reality	Trowoomb	Tudiatiii	were proposed by Washington County jurisdictions: a recipe for disaster affecting
			habitat, water quality and health.
Clint, Emma	Nichelson	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
			high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
			Regulate un-developed floodplains and do not exempt industrial and commercial
			landowners like Port of Portland.
	Tristin Ross Terry, Willy Katherine Lynda Tony Mary Scott W. Bob, Kathy Clint, Emma	Ross Monn Terry, Willy Moore Katherine Moritz Lynda Mueller Tony Murczek Mary Neland Scott W. Nelson Bob, Kathy Newcomb	Ross Monn NE Portland Terry, Willy Moore SW Portland Katherine Moritz SW Portland Lynda Mueller West Linn Tony Murczek NE Portland Mary Neland NW Portland Scott W. Nelson NE Portland Bob, Kathy Newcomb Tualatin

E-mail	Joan	Nordt	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Pat, Anne	O'Donnell	Milwaukie	North Clackamas Park is in a floodplain and needs to be saved for wildlife habitat and creek. We are opposed to ballfields installed in the park, as proposed by Clackamas County Parks District.
E-mail	Nancy	O'Harrow	Lake Oswego	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Frank	Opila	N Portland	Use to be streams where I live, but covered over in the last 100 years. Pressure to develop any remaining unprotected habitat. We need to protect remaining streams and sensitive habitat.
E-mail	Ryan	Pappe	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Jennifer	Parks	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Julie	Peyton	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Sasha	Pollack	West Linn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Joe	Poracsky	SE Portland	Region needs strong program of protection for fish and wildlife. A combination of regulatory and non-regulatory protections most beneficial. We have already lost too much; strengthen protections.
E-mail	Molly	Porterfield	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	Tom	Posey	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Mayor Tom	Potter	Portland	Portland supports Metro in establishing a strong yet flexible program integrated with urban fabric. City has a natural resource protection program, so we are concerned that Metro's will be less comprehensive than Portland's program. Be inclusive, equitable, consistent, clear and reasonable.
E-mail	Stephanie	Potter	NE Portland	Protect what natural environment we have left. Nineteen bird species are at risk; we have seen a 40% decline in urban forest canopy. Preserve streamside habitats for us and for our children.
E-mail	Seemin	Qayum	Lake Oswego	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Dima	Raber	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	John	Rabkin	SW Portland	Expressing his vehement objection to the NIN proposal as it affects 5 tax lots on Montgomery Dr. in Portland.
E-mail	Liana	Rein	SW Portland	Include regulatory and non-regulatory protection. Shocked to read of loss of urban canopy. Under no circumstances should developers be exempt from mitigating impacts. Please commit entirely to the proposed long-term protection of the region's ecosystems for greater area livability.
E-mail	Jere	Retzer	SW Portland	Crestwood neighborhood blessed to have undeveloped natural areas around three streams. We worked tirelessly to make it happen. Urge you to adopt protections for all highest value habitats.
E-mail	James	Riddle	N Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Lurelle	Robbins	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	Gerson	Robboy	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
Postalenna.		,		high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Michael	Rose	NE Portland	Make a long-term commitment to protecting our urban ecosystems in the region.
				Need a combination of regulatory and non-regulatory protections for highest value
				natural areas.
E-mail	Michael	Russell	Gresham	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Kristi	Rux	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Michael P.	Ryan	Portland	Hat is off to Metro for developing a program to protect highest value streamside
				resources. There should be zero exemptions for large industrial landowners.
				Washington County jurisdictions should abide by the same standards as the rest
				of the area, not voluntary standards. Minimize impacts.
E-mail	Ed	Rybak		Ensure all new development avoids and minimizes environmental impacts to
				class I and II riparian resources, including floodplains in Tualatin Basin. We value
				the tough decisions you make.
E-mail	Dan	Saltzman	Portland	Metro's standards will be less comprehensive than those currently applied by City
				for more than a decade. We have learned that protecting resources requires
				efforts at both riparian and upland areas, and tools need to be both incentives
				and regulatory to avoid worst impacts on environment.
E-mail	Pete	Sandrock	SE Portland	Please adopt a regulatory program that protects class I and II riparian resources
				in Metro's habitat inventory, including riparian habitats in Tualatin Basin.
E-mail	Anna	Scalera	NE Portland	Moved here from New England and impressed with environmental values.
				Protect all highest value streamside habitats in the face of expected population
				growth of one million more residents.
E-mail	Paige	Schlupp	NE Portland	Adopt a program that will protect all region's highest value streamside habitats,
	1			especially the Tulatin Basin floodplains. Unfair to exempt large landowners like
				Port of Portland.

E-mail	Cynthia	Schwell	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
	-,			high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Michael	Screen	Hillsboro	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Richard	Shaffer	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
				landowners like Port of Portland.
E-mail	Ariel	Shatzen	Beaverton	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Chuck	Shelton	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Dr. Robert	Shotola	SW Portland	Minimize environmental impacts to highest value streamside habitats, including
				Tualatin Basin. Protect undeveloped floodplains in Tualatin Valley for wildlife,
				water quality and public safety.
E-mail	Chuck	Simpson		Minimize environmental impacts to highest value streamside habitats, including
				Tualatin Basin. Protect undeveloped floodplains in Tualatin Valley for wildlife,
				water quality and public safety.
E-mail	Janet	Slobin	NW Portland	Protect undeveloped floodplains in the Tualatin Valley for wildlife, water quality
				and enjoyment. Portland metro area is one of the most beautiful in the world and
				I've seen many.
E-mail	Bryan	Smith	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	D Vondell	Smoak	Coquille	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.

E-mail	Tom	Soppe	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
Lillan	170111	Ооррс	OL I Ortiana	high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical
				landowners like Port of Portland.
E-mail	Ann	Spencer		Ensure that all development avoids and minimizes environmental impacts to
		1		highest value habitats and protect undeveloped floodplains in Tualatin Valley.
				What will the future hold for environment?
E-mail	Eli	Spevak	N Portland	Until and after streamside habitats are protected, you'll be hearing from me
				singing this song: What is the Nature in Your Neighborhood? Our kids will need
				some nature in their neighborhoods.
E-mail	Sue	Staehli	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Charlotte	Stahl	Gresham	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Charles	Steadman	Durham	Minimize environmental impacts to highest value streamside habitats, including
				Tualatin Basin. Protect undeveloped floodplains in Tualatin Valley for wildlife,
- "	I I v a i B a a		N= 5 // 1	water quality and public safety.
E-mail	Heather	Stein	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
E	I P	01 11		landowners like Port of Portland.
E-mail	Julie	Sterling		Minimize environmental impacts to highest value streamside habitats, including
	,			Tualatin Basin. Protect undeveloped floodplains in Tualatin Valley for wildlife,
E-mail	laba	Ct	NE Deathers	water quality and public safety.
E-mail	John	Steup	NE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Marge	Stevens	Corvallis	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
L-IIIaII	liviarge	Stevens	Corvains	high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
				pandowners like Fort of Fortiand.

E-mail	Judy	Stufflebeam	Oregon City	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Stephanie	Swanstrom	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Roberta	Swearingen	Tigard	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Roberta	Swearingen	Tigard	Strong natural resource protections, including regulations, will be critical for responsible development. Protect our most environmentally sensitive lands and streamside habitats.
E-mail	Wesley	Sweitzer	Eugene	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Ann	Taylor	SW Portland	Protect high value habitat from development, despite Measure 37. Commit Metro to a second Regional Greenspaces bond measure. Ensure a tight urban growth boundary; save, don't pave.
E-mail	Indigo	Teiwes	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Scott	Thayer	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Norris	Thomlinson	SE Portland	In your final decision, protect class I and II riparian habitats, requiring development to avoid negative impacts, especially in Tualatin Basin. Do not exempt Port of Portland, whose operations can have a huge effect on natural areas. Ensure protection of natural habitats for years to come.

E-mail	Jennifer	Thompson	SE Portland	US Fish and Wildlife Service recommends Metro maximize the contributions of colleges that have open space habitat on campuses; that riparian class I and II
				and upland class A and B habitats be protected as high value habitats with low
				development value; change target to "no net loss of flood-plain acreage."
				Broaden provision for stormwater facilities to protect all native vegetation,
				wetlands.
E-mail	Robert	Thompson	Milwaukie	Protect all highest value streamside habitats, to maintain clean water and flood
				reduction. Unfair to exempt large landowners like the Port of Portland and
F			NE D. III	jurisdictions in Washington County.
E-mail	Arran	Thomson	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Diane	Thornton	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
Lillan	Diane	mornion	IN I Ortiana	high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	EJ	Tillman	SW Portland	Strong natural resource protections, including regulations, will be critical for
				responsible development. Protect our most environmentally sensitive lands and
				streamside habitats.
E-mail	Bonnie	Tinker	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Scott	Turney	West Linn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all
				high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
E-mail	David	T was as i	West Linn	landowners like Port of Portland.
E-mail	David	Turnoy	vvest Linn	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts.
				Regulate un-developed floodplains and do not exempt industrial and commercial
				landowners like Port of Portland.
E-mail	Jim	Van Osdell	Beaverton	Environment under attack by City of Beaverton. Tree City is relaxing the tree
	[1.0.7.000011	200,01011	replacement rules for developers which will negatively affect wildlife habitats.
				Please reverse this dangerous direction.

E-mail	Rick	Viola	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	JA	Vranka	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	John	Wadsworth	SW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Janet	Walker	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Judith	Walker	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Dr. Carole	Warner	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Jill	Warren	SW Portland	Economic benefits for maintaining natural areas are viable: storm water drainage, water purification, air quality and quality of life. Not setting regulations against impacts will negatively affect high-value resource areas and fragment what's left of undeveloped lands in urban area. Protect Tualatin Basin
E-mail	Brian	Wegener	Sherwood	Minimal concession of the Tualatin Basin plan would be to protect floodplains from development, serving public health and safety, reducing public risk and preserves ecological functions in habitat.
E-mail	Dana	Weir	SE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.

E-mail	Charlie	Weiss	SW Portland	Adopt a program that regulates high value streamside habitats in Tualatin Basin. Large industrial landowners such as Port of Portland must be held to same
	x			standards as rest of the region.
E-mail	Ramsay	Weit	NW Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Kathryn	Wilken		I feel like I'm diagonally parked in a parallel universe.
E-mail	Amanda	Wilson	Rock Creek	Rock Creek Watershed Partners support the Portland Audubon's submitted comments. We urge you to consider and support these comments as well for protection of streams in Tualatin Basin.
E-mail	Kathryn	Wilson		Interested in a condo at 12987 SW Gentry Lane, Beaverton 97005. Wants to know if it is in a floodplain.
E-mail	Rev. Kevin	Witt	Bend	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Tom	Wolf	Portland	Tualatin Basin Plan leaves class I and II riparian resources vulnerable to loss inside the Metro boundary. Existing surface water management fees lack any significant funding for habitat protection measures. Voluntary measures will result in loss of resources. Measure 37 should not be an excuse to abandon regulatory protections in Tualatin Basin or anywhere else in the region.
E-mail	Torrent	Woodard	N Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Bill	Wyatt	NE Portland	Adding layer of regulations on the marine and airport facilities will make Port's job even more difficult. Exempt 3 marine terminals from additional regulation; provide alternate compliance approach for airport wildlife management; preserve development potential of West Hayden Isl. and Reynolds sites; address environmental issues in Tualatin Basin watershed with funding source.
E-mail	Ty K.	Wyman	SW Portland	Represents Providence Health System - Oregon. Value of services provided at Providence St. Vincent Medical Center warrant a"high urban development value" designation in ESEE.

E-mail	Alan	Yeakley	PSU	Regulatory protection is necessary to help prevent loss of vegetated riparian buffers in cities and more stringent regulation if needed if better buffer protection is a goal.
E-mail	Bill	Youngren	NE Portland	Adopt strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin, to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commercial landowners like Port of Portland.
E-mail	Elliot	Zais	N Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Dara	Zike	SE Portland	Need strong mix of regulatory and non-regulatory habitat protections. Protect all high value streamside habitats, especially in Tualatin Basin to minimize impacts. Regulate un-developed floodplains and do not exempt industrial and commerical landowners like Port of Portland.
E-mail	Suzanne	Zuniga	NE Portland	Urge you to adopt plan that supports healthy urban ecosystem by fostering nature friendly development and protects highest value habitats with long-term commitment.
Fax	Pat	Whiting	Tigard	Adopt program to protect all highest value streamside habitats. Apply regulatory components to the Ash Creek System, including wetland and floodplain. Goal 5 regulations should apply regionally. Not granting local communities the same consideration is
Form	Antoinette	DeWit	Tigard	Please protect floodplains for wildlife and people and protect water quality. Preserve balance.
Lette+A283	Grace	Simmons	Vancouver	Please take Mildred Carlson off your mailing list. She is my sister and has moved to Vancouver, WA.
Letter	Sally	Ashley	SW Portland	Nature in Neighborhoods program needs to be revised to protect all impacts in habitat conservation areas. Do not grant exemptions or variances. Need long term commitment and monitored plan.
Letter	Rachelle	Baker-May	SW Portland	Wise up before it is too late and make a long-term commitment to protecting urban ecosystem. Developers should never be allowed to destroy natural habitat. Exemptions should not be granted.
Letter	Anne	Barber		Make sure we do not lose irreplaceable species to development. Do not grant exemptions and make a long-term commitment to protect and restore region's urban ecosystem.
Letter	Ken, Nancy	Barker	Tigard	Need to have strong legislation to protect watersheds and floodplains. Ensure protection of quality of life. Once we destroy our watersheds, very difficult to reclaim these areas.

Letter	Jon	Begley	King City	Adopt program that ensures new development avoids and minimizes impacts to
9				highest value streamside habitats, including Tualatin Basin floodplains for wildlife and water quality.
Letter	Douglas	Bollam	Lake Oswego	Education critical to help guide region's conservation efforts. Scientific activities important to monitor region's natural environment. Adjust model ordinance to allow these activities.
Letter	Zekra	Brasher	SE Portland	Vital to make a long-term commitment to protection urban ecosystem. Do not grant exemptions.
Letter	Kelly	Brignell		New development in highest value streamside habitats should avoid and minimize environmental impacts, including Tualatin Basin. Protect floodplains and ecosystems from being devastated.
Letter	Nancy	Cable	Gaston	Manage watersheds to protect inegrity of streams, wetlands and floodplains to protect habitats and biodiversity. They are vital to the health of our region. Stick to considered, long-term, Goal 5 vision.
Letter	Angela	Campanelli		Be proactive in adopting a program to place environment before urban development, especially the floodplains, such as in Tualatin Basin, which are crucial for wildlife and water quality.
Letter	Donna	Carnegie		Housing tracts are popping up in Clackamas County. It needs to be done with consideration of the environment, especially riparian habitats like floodplains, vital to our quality of life. Support Goal 5.
Letter	Cynthia	Catto	Wilsonville	AGC supports adoption of Tualatin Basin Natural Resources Protection Program because it exceeds Metro's program, including lands outside UGB. Supports exemption for Port of Portland.
Letter	Leigh	Coffey	SW Portland	Keep your program strong; hold develpers to high standards in protecting environment long-range.
Letter	Daniele	Colonna	SW Portland	Maintain highest standards regarding minimizing impacts in all habitat conservation areas. Do not grant exemptions. We need your long-term commitment. Include regulatory and non-regulatory protections, as promised. Maintain the beautiful urban ecosystem we all enjoy.
Letter	Claudia	Craig	NE Portland	Strengthen the habitat protection program and save 18,000 acres of regional habitat.
Letter	Dan	Dunstan	West Linn	Adopt regulatory and non-regulatory protection plans to safeguard wildlife. Make good decisions for current and future generations of residents; have courage to take the long view.
Letter	Tyson	Durbrow	SE Portland	Protect stewardship of natural areas. Ensure Washington County is held to same standards. Do not exempt industrial property owners, like Port of Portland. Hold all to same standards.

Letter	Dorothy	Farmer	Lake Oswego	Ensure that all new development avoids or minimizes environmental impacts to high value streams. Undeveloped floodpalins in Tualatin Valley need to be protected.
Letter	Roberta	Fisher	NE Portland	Protect 18,000 acres of habitat for sake of the species and the neighbors who cherish them.
Letter	Ann	Gardner	NW Portland	Schnitzer Corp. believes that the North Portland International Terminals property it owns should not be coverd by the Goal 5 regulations. Serves as flood storage, to be covered by other regulations.
Letter	Valerie	Garst	SW Portland	Choosing not to protect class I and II riparian habitats is too costly; please protect them. Port of Portland should not have exemptions. Stop development in floodplains. Protect healthy benefits.
Letter	Gwendolyn	Gerald	NW Portland	Adopt regulatory and non-regulatory protections to safeguard wildlife. Do not grant exemptions for commercial lands. Owner of property adjacent to wetlands, adopt Tualtin Basin approach.
Letter	Claire	Gilbert	Beaverton	Protect habitat by requiring developers to avoid impacts to riparian areas for future generations.
Letter	Emerald	Goldman	SE Portland	Adopt fish and wildlife plan that includes regulatory and non-regulatory protection. Require all new development to mitigate or avoid ALL impacts in conservation areas. No exemptions.
Letter	Patrice	Gustafson	SE Portland	Include regulatory and non-regulatory protection. Under no circumstances should developers be exempt from mitigating impacts. Please commit entirely to the proposed long-term protection of the region's ecosystems. Witnessed California over-developed; don't weaken protection plan.
Letter	Barbara	Hanawalt	SW Portland	Nature only works when it is in balance. All development needs to have minimal impact and especially at streamsides, to avoid flood damage in future. Leave natural spaces alone, unpaved.
Letter	Evelyn	Heidtmann	SW Portland	Take the long view; the decisions you make now will affect generations to come. Strict protection may inconvenience some but native species don't have options. Protect Tualatin Basin, for sure.
Letter	Jim	Labbe		Need protections for 35% of class I and II riparian resources. Lack of protection for undevelped floodplains along Tualatin River is of concern; clearly fall within Measure 37 exemptions.
Letter	Jim	Labbe		Point of setting development standards is to ensure public resources are not displaced or degraded. Need fair and effective rules to steer development away from sensitive habitat lands.
Letter	Dick	Lane	Forest Grove	Soils and flood studies need to be done on Rau property by independent engineers, not by LDC.

Letter	Richard	Lane	Forest Grove	Proposed development on west side of Forest Grove on banks of Gales Creek, which floods regularly, is a perfect candidate for Metro's habitat protection program.
Letter	Jerome	Magill	NW Portland	Your decisions on class I and II riparian resources is vital. Give this protection higher priority than the land development and greed that drives it. Deserts in Middle East were once verdant lands.
Letter	Marilyn	Martin	NW Portland	Require new development to void and minimize all impacts to habitat conservation areas, especially in the Tualatin Basin, which should include regulatory safeguards. No exemptions.
Letter	Lois	Martz		Nothing brings me more pleasure than animals thriving in their habitat. We have no business messing with their right to exist. Consider what we have to lose if no protection plan is adopted.
Letter	Donna	Matrazzo	NW Portland	Sauvie Island critical to 400 species of migrating wildlife. Include regulatory habitat protections. Port of Portland operations affect our area; should not be exempted from mitigation.
Letter	Kemper	McMaster	SE Portland	US Fish and Wildlife Service recommends Metro maximize the contributions of colleges that have open space habitat on campuses; that riparian class I and II and upland class A and B habitats be protected as high value habitats with low development value; support federal protection laws.
Letter	Marilyn	McWilliams	SW Portland	Maintain regulations that protect class I and II riparian habitats, they increase the value of all the land in the Portland metro area. Do not allow exemptions for industrial landowners. Allow no more development in floodplains; our house was flooded several times. Need stormwater mitigation areas
Letter	Laurie	Meyer	NW Portland	Opposed to massive subdivisions; grand scale destruction is forever. Safeguard floodplains.
Letter	Karen	Moffat	SW Portland	We live near Fanno Creek and have seen increase in birds and people out enjoying neighborhood. Support Goal 5 with no exceptions or variances; we need protection for the environment.
Letter	Janet	Moore	Tigard	New development in class I and II riparian habitats should be avoided or minimized, especially in the Tualatin Basin. My area has been highly overdeveloped, resulting in water run-off and erosion.
Letter	Judy	Morton	West Linn	Don't abandon all the work of Goal 5 inventories. As land use laws come under attack, be strong.

Letter	Susan	Nelson	NE Portland	Strengthen class I and II riparian resources. Assure development and redevelopment in city and in Tualatin Basin minimizes negative impacts.
				Greateful to UGB for containing development. Vehemently oppose exemptions to Port of Portland; exemption area would cover the Cully Neighborhood,
				Vancouver, Whitaker Ponds and wetland habitat, now an education center for
				kids.
Letter	Stephanie	Nystrom	Gresham	Urge you to adopt a program with strongest protections possible, especially
				mitigating impacts in all Habitat Conservation Areas. Numerous examples of
			NE D. II.	poorly planned development here.
Letter	Frances	O'Neal	NE Portland	Three members of family think long term conservation measures should be
				adopted soon. So called voluntary compliance means no compliance.
Latter	Lana	Ottinana	NE Double and	Restrictions necessary to quality of life.
Letter	Joan	Ottinger	NE Portland	Important to require new development to minimize or mitigate all impacts in
7				habitat conservation areas. Industrial lands should not get exemptions. Make long-
Letter	Norman	Penner	Sherwood	term commitment to ecosystem.
Letter	INOIIIIaii	Fermer	Silerwood	Friends of Tualatin River National Wildlife Refuge are dedicated to restoration and protection of riparian resources that flow through the refuge. Hold Tualatin
				Basin to same minimum baseline regulatory standards as other areas of region;
				no exemptions for large industrial landowners.
Letter	Barbara	Pereira	SE Portland	Please don't weaken the fish and wildlife plan. Any new development should
		,		avoid or mitigate all impacts in Habitat Conservation Areas. Don't grant
				exemptions or variances. Tualatin Basin approach should include regulatory
				safeguards. Don't become "Wump World" of devastation.
Letter	Susan	Pflaum	SW Portland	New development in class I and II riparian habitats should be avoided or
				minimized, especially in the Tualatin Basin. Our region needs to be perceived as
				model for nature in urban setting.
Letter	Claire	Puchy	Lake Oswego	Enjoy area's greenspaces and wildlife conservation areas. Avoid impacts in these
				areas.
Letter	J	R		Human race is changing our planet at alarming pace. Eventually we will reap what
				we sow, if we don't implement sustainable policies now. Hope my son can enjoy
				birds singing at dawn all his life.
Letter	Lois, Larry	Read	West Linn	Adopt strong measures to protect class I and II riparian habitats; no exemptions
				for developers. We are surrounded by Tualatin River; want to see trees and
Letter	Dobort	Dieless	Dunder	habitat protected by regulatory means.
Letter	Robert	Riches	Dundee	Proposed legislation will tighten control over what citizens are allowed to do in
				their own yards and will add restrictions onto homebuilders. Metro's efforts have backfired on a massive scale.
				packined on a massive scale.

Letter	Terri	Riggsby	SW Portland	Need protection for upland areas prone to landslides; preserve vegetation
				throughout watershed; provide incentivese for private property owners and have
				monitoring system to track results.
Letter	Bob	Salinger	NW Portland	Audubon Society has requests changes to program: include environmental
				factors in determining practicability; approve Tualatin Basin program, requiring
				redevelopment to mitigate impacts in all class I and II rijparian resources.
				Eliminate exemptions for all Port of Portland properties and activities. Do not
				designate medical and educational facilities as high urban development value.
				Support applying avoid, minimize and mitigate standards in all Habitat
				Conservation Areas and require habitat friendly development practices. Support
				2-year timeline for compliance. Identiy Metro's role in stormwater, watershed and
				Clean Water Act implementation.
Letter	Bob	Sallinger	NW Portland	Audubon Society believes avoid and minimize standards should be applied to
				Port of Portland wildlife management program. Needs deliberative public review
				process and innovative strategies.
Letter	Kathy	Sandifer	SW Portland	There is a great need for regulatory protection of all class I and II riparian habitat,
				especially in Tualatin River Basin. Reject exemptions of Port of Portland and
				other industrial landowners. We need to strive to live with nature and not try to
				control it; we need pure water and clean air to live.
Letter	Greg	Schifsky	SW Portland	Remaining habitat is degraded and need full protection. Exemptions for
				developers are not complementary to living with nature. Astounded at tall building
				going up in old Schnitzer area.
Letter	Claire	Smith	NE Portland	I strongly value nature in my neighborhood and think this valuable program should
				be adopted.
Letter	Peter	Teneau	N Portland	New development in class I and II riparian habitats should remain a last resort.
				Port of Portland and developers should not receive exemptions. Remove all
				reference to Measure 37.
Letter	Tennise	Thornton	SW Portland	Ensure that all new development and redevelopment minimizes environmental
				impacts to highest value streamside habitats, including the Tualatin Basin. Protect
				undeveloped floodplains.
Letter	Judy	Todd	SE Portland	Keep 18,000 acres of habitat protected. The more Portland develops, balance is
				needed.
Letter	Paul, Judy	Vetsch	SE Portland	Much of my neighborhood's natural landscape has been paved over; adopt strong
				protection program; minimize impacts, especially in light of Measure 37. No
				exemptions to developers.
Letter	E.	Walker	NW Portland	Please save the 18,000 acres of fish and wildlife habitat left in the region. Do not
				weaken it.

Letter	Herbert	Walker	NW Portland	Ensure that all new development and redevelopment minimizes environmental impacts to highest value streamside habitats, including the Tualatin Basin. Protect floodplains for wildlife, water quality
Letter	Christen	White	SW Portland	Adjust value for educational and medical facilities to high urban development category; OHSU supports Tualatin Basin Program as written for habitat friendly, low impact techniques.
Letter	Nicolette	Wiles	Tigard	A voluntary protection program would be a major mistake. Peace and beauty will be noise, fumes.
Letter	Ben	Williams		NAIOP wants to extend support for a program that benefits both the environment and the economy. Would like further dialogue between Metro and NAIOP, BOMA, HBA,CREEC and AGC.
Letter	Jonathan	Williams	Hillsboro	Intel a stakeholder in Tualatin Basin Program and urges approval as written; a new direction. We are concerned about mandate for green development practices and more regulations. Imprudent.
Letter	Dave	Zink	SW Portland	Potable water is necessary for life; floodplains and water quality must be protected; no exemptions
Phone Call	Ben	Altman	Wilsonville	Questions regarding habitat inventory.
Phone Call		Anderson	Troutdale	Please send ordinance and maps.
Phone Call		Anderson	Wilsonville	Wants map included with ordinance but only of Wilsonville area.
Phone Call		Ashcroft	Aloha	Wants copy of ordinance to be mailed.
Phone Call	James	Barnett	Sherwood	Please send ordinance and maps.
	Dan	Berry	SW Portland	Send copy of ordinance.
Phone Call	Jack	Breneman	Milwaukie	What effects his properties?
Phone Call	Glen	Brisbine	Gresham	Impact to area? HOAprobably not much impact, all built out.
Phone Call	Marilyn	Brock	Tualatin	Interactive maps only show one acre (there's 23 acres more adjoining that isn't shown). Map shows Neuland Creekbut there's <u>no creek</u> . Also, they are part of Willamette Watershed. Please call re: general questions.
Phone Call	Marylin	Brock		
Phone Call	John	Brockamp	Milwaukie	Requested copy of ordinance to be mailed to him.
Phone Call	Doug	Brown	SW Portland	How does this affect his property? Response: Told him city of Portland's regs. Likely to remain in place, doubt if Metro's will be more stringent in his area.
Phone Call	Lane	Brown	SE Portland	Please mail copy of ordinance and maps. Also directed him (and instructed) to Metro's NIN website.
Phone Call	Eileen	Bruce	Tigard	Please mail ordinance 1077B.
Phone Call	Karen	Bunnell	SE Portland	Please send ordinance and maps.
Phone Call	Jim	Burns	Hillsboro	He wants to know whether he can file a Measure 37 if ordinance passes?
Phone Call	Edward	Ceccacci	SW Portland	Send copy of ordinance.

Phone Call	Joyce	Cee		Information requested.
Phone Call	John	Chesnutt	SW Portland	Concerns about ivy/would like a copy of ordinance packet.
Phone Call	Deborah	Child	Aurora	
Phone Call		Cobb	Wilsonville	Requested information about program, maps. Neutral attitude about program, wanted to know what happens if Metro's protected area is greater than Wilsonville's.
Phone Call	Brian	Cobb	Wilsonville	Requested information about program, maps. Neutral attitude about program, wanted to know what happens if Metro's protected area is greater than Wilsonville's.
Phone Call	Dorothy	Cofield	SW Portland	Concerned about map corrections, wants to submit one and our website says you can/Jack Hoffman is saying we are accepting map corrections.
Phone Call	Ray	Congdon	Boring	Nursery.
Phone Call	Mark	Conley		Supportive of program; interested in habitat delineation, scientific and technical basis of program.
Phone Call	Linda	Cordo	SW Portland	Please mail copy of ordinance and maps.
Phone Call	Ray	Corgan	Boring	Did not know why he popped up in the inventory. Told him it was probably the far east part of his property. Sent him ordinance, maps, and custom map.
Phone Call	Edith	Coulter	Milwaukie	Please send ordinance and maps.
Phone Call	Craig	Danielson	Gladstone	Questions regarding ordinance and habitat inventory.
Phone Call	Keith	Darnel	Boring	Mailer told him nothing. Was obviously expensive to produce. Sent in property map corrections 1.5 years ago, not reflected on web. Concerned about mitigation requirements and level restrictions when he comes into UGB.
Phone Call	Chris	Davis	Corbett	Please Send copy of ordinance. Also email her instructions on accessing interactive map as she is having difficulties on her computer in finding this map.
Phone Call	Chris	Davis	Corbett	Wants to confirm not affected.
Phone Call	John	Davis	SW Portland	Please send ordinance and maps.
Phone Call	Carol	DeJardin	West Linn	3 copies (2 for neighbors of ordinance). Does <u>not</u> want address/phone number in any database, or mailing lists, etc.
Phone Call	Joe	Delahunt	SW Portland	Please send ordinance and maps.
Phone Call	Keith	Dernal	Boring	Questions regarding: ordinance and habitat inventory.
Phone Call	Jeff	Dick	NW Portland	Please send copy of ordinance.
Phone Call	James	Dixon	Damascus	Please send ordinance and maps.
Phone Call	George	Douglas	NW Portland	Would like a map of Sauvie Island areaIs this included in the Ordinance No. 1077B? Please mail a copy of ordinance. (Also, available maps for Sauvie area).

Phone Call	Shirley	Duarte	Boring	Information requested.
Phone Call	Victoria and Jason	Dublin	SW Portland	Concern about flood area mapped on their property. Agrees that wetland located on north side of their property line. CWS said the wetland is verified and has IP boundary. The have also discussed CWS intent to put on casement over south part of property line for relocation of sewer line (to avoid the wetland). Dublin's want to put in garage (on side furthest from stream) but near proposed casement. Timing is to seek permit now. Told her local zoning is what would apply. Followup-up-verify source of data for flood area mapping.
Phone Call	Bill	Dugan	Milwaukie	Information requested.
Phone Call	Bryon	EK	West Linn	Please Mail copy of ordinance and other material on Nature in Neighborhoods Initiative.
Phone Call	Ben	Ellis	Milwaukie	Information requested.
Phone Call	Debra	Ellis		Send copy of ordinance. Requests pertinent info for her property (no address given.)
Phone Call	Jan	Erickson	NW Portland	Please send ordinance and maps.
Phone Call	William	Erickson	NW Portland	Please send ordinance Exhibit F attachements 1, 2, 3, 4, 6 (he already received a copy of ordinance).
Phone Call	William	Erickson	NW Portland	Please send ordinance. Exhibit F attachements: 1, 2, 3, 4, 6. He already received a copy of ordinance.
Phone Call	William	Erikson	Portland	Please send copy of ordinance.
Phone Call	William	Erikson	Portland	Please send copy of ordinance.
Phone Call	Elaine	Eudaly	Sherwood	Wants to know how this impacts her property? (She has an appt. at 11am today-so she asks that when you call herleave a message as to when might be a good time for her to call you back.)
Phone Call	Cynthia	Filer	NE Portland	Please send ordinance and maps.
	Kristin	Ford	NW Portland	Please send ordinance and maps.
Phone Call	Margaret	Fung	SW Portland	Wanted to know about property implications. Already developed, no problems. In Portland's C-&P-Zones.
Phone Call	Stephanie	Garrison	Sherwood	Please send ordinance and maps.
Phone Call	Gerrip	Gerritsen	Corbett	Please mail ordinance.
Phone Call	Bill	Gilchrist	Beaverton	Please Send copy of ordinance. He also mentioned that Metro's website might be downor very busy as he could get on the website throughout weekend or today.
Phone Call	Robert	Grable	Tualatin	Information requested.
Phone Call	Gregory	Green	SW Portland	Please send ordinance and maps.

Phone Call	Jenny	Grow	Hillsboro	Questions regarding ordinance, habitat inventory. In Tualitan Basin, explained who Metro is, NIN, Goal 5, and Tualitan Basin info. Referred her to Valerie Counts at Hillsboro.
Phone Call	John	Haas	Portland	Information requested, questions regarding ordinance, habitat inventory.
Phone Call	Betty	Hagan	Tigard	Do not develop or redevelop around Tualatin Basin in the interest of wildlife and water quality and quality of life for residents.
Phone Call	Katherine	Hall	Hillsboro	We strongly feel that 50 feet along Rock Creek is not enough. Rock Creek Corridor is extremely important to protect. Orenco Woods needs to be open space, not housing. Concerned about impact of widening of Quatama Road. We are members of Save Open Space (SOS).
Phone Call	Jim	Harris	SW Portland	
Phone Call	Tracy	Harris	Newberg	Couldn't download custom reprint. Printed one and mailed it to her with ordinance.
Phone Call	Tracy	Harris	Newberg	Send her maps, ordinance, and custom maps.
Phone Call		Hartl	Camas, WA	Please send copy of ordinance.
Phone Call	Edward	Hedeman	Tigard	Send copy of ordinance.
Phone Call	Cliff	Hockley	SW Portland	Please send copy of ordinance.
Phone Call	David	Holland	SW Portland	Please send ordinance and maps.
Phone Call	Sam	Holmes	SW Portland	Please mail copy of ordinance and maps.
Phone Call	Betsy	Huber	SW Portland	Please send ordinance and maps.
Phone Call	Andy	Huserik	NW Portland	He operates a tree farm and wants to know whether ordinance affects his business. U-Cut Christmas tree farm.
Phone Call	Drew	Irving		With highways converging near their property, habitat protection efforts seem foolish, they want to develop land owned by parents. No address provided.
Phone Call	Jos	Jacobs	Sherwood	Wants data collection site and restoration team at their property. 10 acre Rock Creek, Sherwood, Morgan Rd.
Phone Call	Margaret	Jennings	SW Portland	Property rightswhat are the implications? (Specifically to her property?) Please call back.
Phone Call	Audrey	Johnson	SW Portland	Please send ordinance and maps.
Phone Call	Marilyn	Johnson		Had questions regarding ordinance and habitat inventory. Map correction woes. City of Portland.
Phone Call	Sidny	Johnson	SW Portland	Doesn't have online access. Printed out a custom map and report for her and mailed it. Was concerned about the program negatively affecting her property. She was told that her property was not restricted.
Phone Call	Chet and Linda	Johnstone	Oregon City	Please send ordinance and maps.
Phone Call	Mary	Johnstone	NW Portland	Requested copy of ordinance and how to get to the NIN Metro website. Ordinance copy sent 8-15-05. She may call back after she has reviewed the website and ordinance. Their property was recently brought into the UGB.

Phone Call	Carolyn	Jones	Lake Oswego	Called Goal 5 a communistic plot and asked about the Measure 37 committee.
Phone Call	Joanne	Kahn	SW Portland	HW trip to Fanno Creek. Wants to do volunteer monitoring. U-Pick farmsshe's been keeping track year to yearwent down by 10 this year; Gresham Area. Pockets of loss. Hard to fo pick berries without driving to far.
Phone Call	Tom	Keller		Close to Dickinson Park 57th and 60th Place. One end meadow the rest forest. One acre contiguous to NW border of corner/SW Alfred and 57th Place Luradel Court. Would be logical to purchase it?
Phone Call	Stephen	Kenneth Wilmout	SE Portland	Information requested.
Phone Call	Sharon	Kern	SE Portland	Sent ordinance, maps, and custom map.
Phone Call	Robert	Larson	Mountain View	Please send ordinance and maps.
Phone Call	Lawrence	Lee	Tualatin	Ridiculous to designate habitat near freeway. All farmable land and this will limit uses. Unfair and impractical. Caller owns Lee Berry Farms, sixth generation farmers since 1869.
Phone Call	Michelle	LeQuinn	SE Portland	Info only. Parks issuesMt. Talbert, worried we'll be developing itreferred her to Jennifer B in parks.
Phone Call	Matt	Lightfoot		Wants list of groups/organization that support/oppose the proposed ordinance. Said we don't have that ready until comments are compiled for council closer to decision. Instead I named 2 organizations (Audobon and WEA) that would be on either side of the issue so he can get various perspectives and learn more on his own.
Phone Call	Kirby	Lindsey	Portland	Information requested about ordinance. Concerned about possible restrictions on replacing existing dwelling. Explained exemption for existing residential uses. Seems satisfied, but voiced concerns about problems with land owned by City being converted to park use.
Phone Call	Kirby	Lindsey	SE Portland	Please send copy of ordinance.
Phone Call	Hazel	Lion	Tigard	Send ordinance.
Phone Call	Paul	Maier	Lake Oswego	Please send ordinance and maps.
Phone Call	Dave	Mann	NE Portland	He has questions re: property at Columbia River Hwyas he can't seem to locate it on interactive map. Response: Other side on Sandy/Homeland Trust in Scenic Area.
Phone Call	Joanne	Manson	Camp Withycombe	Worried about discrepancy between GS and 2040 map open space designation.
Phone Call	Lisa	Marrechal	NW Portland	Mail a copy of ordinance 1077B.
Phone Call	Ramona	Marth	Portland	Information requested. Negative /critical of program
Phone Call	Jeanne	McAlpin	SW Portland	Mail a copy of ordinance 1077B.
Phone Call	Mike	McGinnis	Gresham	Please send ordinance and maps.

Phone Call	Charles	Mclellan	SW Portland	Send ordinance; also has questions re: ordinance impacts.
Phone Call	Denise	Miller		Does this also include other unincorporated areas besides the Tualitan Basin?
Phone Call	Cindy	Miner	Oregon City	Requesting copy of ordinance mailed to her.
	Kathy	Mitchell	Gresham	Supportive of program; interested in habitat inventory. Notes that neighbor is using a tractor under big Douglas Fir trees to mow all vegitation.
Phone Call	Kathy	Mitchell	Gresham	Supportive of program; interested in habitat inventory. Notes that neighbor is using a tractor under big Douglas Fir trees to mow all vegitation.
Phone Call	Earl	Moore	Milwaukie	Wants neighborhood maps printed also (custom maps). Wants packet of ordinance maps and ordinance itself.
Phone Call	Paul	Moore	Portland	Information rquested, send ordinance and maps.
Phone Call	Fred	Morris	Oregon City	Can't get internet map, has tried. Hates SB100. Too many controls over private property. Outside jurisdiction boundarysouth of Clackamas River. Measure 37 supporter. Hates LCDC.
Phone Call	Kyle	Morton	Forest Grove	Developer and homebuilder. Preparing to develop the 42 acres with residential users. Wants to know how Metro's Nature in Neighborhoods program works in Tualitan Basin. Explained TB program and reliance in CWS for stream, wetland, and flood area protection. Call Washington County planning 503-846-3519.
Phone Call	Ralph	Mott	Boring	Please send ordinance and maps.
Phone Call	Cassie	Nicholas	-	Sent ordinance, maps, and custom map.
Phone Call	Kathryn	Nichols	Tigard	Negativeconfused and wants a map correction despite fact that ordinance wouldn't affect what they want to do (playstructure in backyard).
Phone Call	Margaret	Norton	Tigard	Questions regarding ordinance.
Phone Call	Margert	Norton		Wanted clarification on ordinance.
	Ardele	Obreth	SE Portland	She and husband, her sister, and husband (Dan and Colleen) each received 3 copies of notice. Frustrated due to tax experise. KW explained source of data and duplicate removal process. Suggested ways she might correct in county assessor database.
Phone Call	Rosemary	O'Connor	SW Portland	Fanno Creek Tribneighbor has 2 feet culvert, it gets blockedthen she get flooded. Had to put in a new fdu. Told her she needs to keep working with the City of Portland.
Phone Call	Lee	Ojala	Wilsonville	Send copy of NIN notice (6-pageSeptember 22 public hearing notice.
Phone Call	Karen	Olsen	Beaverton	Supportive of fish and wildlife habitat program; likes having lots of trees around condo.
Phone Call	Angela	Parke	Boring	Maps not representative of area per online maps.
Phone Call	Debbie	Pelham	Boring	Please mail copy of ordinance and maps.

Phone Call	Lawrence	Personette	Oregon City	Wants copy of ordinance to be mailed. Also has a question of the definition of
				"wetlands" and wants map of area covered.
Phone Call	Sharon	Peterson	SE Portland	Ordinance, maps, and custom maps.
Phone Call	Jennifer	Pickar	SW Portland	Questions regarding: ordinance and habitat inventory.
Phone Call	Carl	Plass	NW Portland	Wants copy of ordinance to be mailed.
Phone Call	Trudy	Posey		Not in favor of Nature in Neighborhood Plan.
Phone Call	Jennifer	Powell	N Portland	Wants to submit property change requestplease advise. Please call. (She saw
				online information but has questions on this).
Phone Call	Trude	Pozzi	Tualatin	Concerned program will change zoning of her land. Also concerned about
				government in charge of such a large parce of land. Critical of program.
	Judith	Rafferty	Portland	Supportive of program; interested in ordinance and maps.
M SANCHESON SA PRODUCTION	Judith	Rafferty	Portland	Supportive of program; interested in ordinance and maps.
Phone Call	Carol	Reinmiller	West Linn	Send copy of ordinance. Instructed caller to Metro's website to interactive map.
Phone Call	Dorothy	Reynolds	SE Portland	Please Send copy of ordinance.
Phone Call	Dorothy	Reynolds	SE Portland	Please send copy of ordinance.
Phone Call	John	Rice	SE Portland	Please send copy of ordinance.
Phone Call	John	Rice	SE Portland	Questions regarding ordinance and habitat inventory.
Phone Call	Jean	Riding		"Open spaces Treasured Places" questionhas question about "Land Shore"
				project on Blue Lake. Explained 1995 Bond Measure reporting of projects, not a
				new acquisition or project.
Phone Call	Jean	Ridings	Interlachen	Please send ordinance and maps.
Phone Call	Jean	Ridings	Interlacken	Please send ordinance and maps.
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Phone Call	Dan	Segly	Damascus	Please send ordinance and maps.
Phone Call	Maxine	Selling	SW Portland	1 copy of ordinance, plus 1 copy of NIN mailer.
Phone Call	Blaine	Skowhede	Portland	Questions regarding ordinance, habitat inventory, other information about
				program. Positive/supportive of program, voiced concerns with the City's lack of
				attention to stormwater run-off.
Phone Call	Katheleen and	Smith	West Linn	This caller just wanted to let you know that they had received 3 copiescould you
	Leon			check database for duplicate names/addresses? She wants to save Metro some
				postage.
Phone Call	Rose	Smith	Milwaukie	Information requested. Questions regarding map errors.
Phone Call	Bob	Snashall	Washington DC	View lotwants to cut trees (top).
Phone Call	Cindy	Spinnett	Damascus	Hostile customer. Owns a big chunk of N. Butler Ridge and wants to develop at
				high density.
Phone Call	Cynthia	Spinnett	Boring	Questions about ordinance.
Phone Call	Roger	Stalik		Questions regarding habitat inventory.

Phone Call Mariann	Phone Call	Marian	Stanich	NE Portland	Diagon and ordinance and mana
Phone Call Debbie Stellway SW Portland Please mail copy of ordinance.					Please send ordinance and maps.
Phone Call Patricia Stenaros SW Portland Please send copy of ord					
Phone Call Cindy Strangberg Boring Questions regarding ordinance, habitat inventory, map issues.					
Phone Call David Sudtell Tualatin 3+ acres on Dairy Creek, Tualitan Basin. CWS put a road in to get in. Wants Metro to buy it, or maybe accept an easement etc. Has already talked to Will Eadie, "Municipal Leases". Told him to stay in touch with Will Eadie, talked about "06 bond Measure."		The Manager Contract of the Co			
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Phone Call Daniel Taylor SW Portland Needs Further explanation of maps online.					
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Phone Call Daniel Taylor SW Portland Information requested.					**A1 (1 PK)
Phone Call Daniel Taylor SW Portland received previous mailing. Tryon Creek Headwaters. Deer, pigmy owls, etcin field to north. Says he never received previous mailing. Phone Call Phone Call Aaron Terry West Linn Please send ordinance. Phone Call Aaron Thagry Lake Oswego Would like to correct map/not happy when this is not offered by Metro, not satisfactory to have to wait to do it when local jurisdictions comply. Phone Call Marci Thornton-Smith Tigard How the ordinance will effect property specifically. Washington County-"Subject to separate program" (per mailing). Phone Call Tim Tillisch SW Portland Questions regarding ordinance. Phone Call Tim Turnbull Boring If he wants to replace existing manufactured home with a new one can he do so with ordinance? Also, mail a copy of ordinance. Phone Call Ronald Vandehey SW Portland Please send ordinance and maps. Phone Call Christina Walker Non-native plants removed. Phone Call Robert Wenzel Clackamas Phone Call Jeff Wiegel Wilsonville Please send copy of ordinance. Phone Call Tina Wilmount SE Portland Upset about rampant tree cutting on Mt. Scott and Sunnyside areawhy don't we regulate t			Sungsung	SW Portland	Needs Further explanation of maps online.
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Phone Call Charles Woods Boring Questions re: proposed ordinance. Response: Just outside UGB.	Phone Call	Charles			

Phone Call	Julie	Worth		Need link to habitat class descriptions. (On mapping tool)
Phone Call	Abigail	Wouchuk	West Linn	Does not see point of Metro, it's redundant and wasteful and would make more sense to spend moreon replacing sewers where people only have septic.
Phone Call	Alex		SW Portland	Sent maps corrections yesterday/referred to City of Portland.
Phone Call	Brian		Boring	Questions regarding ordinance and habitat inventory.
Phone Call	Christine		Gresham	Questions regarding ordinance.
Phone Call	Citizen			Said the map on-line showed a stream that is not there. Explained the inventory revision process to him and how to submit it to us.
Phone Call	Dave			Questions regarding Damascus planning.
Phone Call	Fred		Oregon City	Anti-government, pro Measure 37. We are creating a dictatorship, communist-type of government.
Phone Call	Janet		SW Portland	Map shows a stream in a ravineit's intermittent.
Phone Call	Jim		Oregon City	Questions regarding ordinance, habitat inventory.
Phone Call	Kurt		Tigard	Tigard homeowner; CWS won't let him build a play area for kids because a little piece is in. Left a message saying I'd be glad to talk to him more, but CWS implements the near-stream stuff out there and I probably can't help him.
Phone Call	Linda		Troutdale	Questions regarding what she could do with her property. She said it was confusing.
Phone Call	Nicolae		Tigard	Questions regarding: ordinance and habitat inventory.
Phone Call	No-Name			Irate phone message: "You are full of it you have 2 standards, one for the east side, one for the west side makes me want to cut down every on my property why don't you all move back to California "etc.
Phone Call	Shawna		Sherwood	Not in inventory except Class C. Unincorporated Clackamas County.
Phone Call	Sylvia			Objects to expense of 6-page Nature in Neighborhoods notice. Use black ink, less pages, etc.
Phone Call				Wanted to know how to find out if their property will be impacted. I referred them to website and the interactive map. Also wanted to know how to find out if a Measure 37 claim on a neighboring property would affect her property. Referred her to Chris or Paul.
Testimony	Carl	Axelsen	Sherwood	Resist pressure to weaken protections for class I and II riparian areas; decree the strongest protections possible and insist on equally strong Tualatin Basin Plan. Need regulations.
Testimony	Susan	Barthel	SE Portland	Nature, but not in my neighborhood, is what your program could be called. Any Measure 37 claim would totally exempt a property owner. Exemption for Port of Portland is short sighted.

Testimony	Nancy	Beamer	SE Portland	Crucial to protect what's left of natural areas. New development must avoid
				impacts in class I and II riparian habitat. No exemptions from mitigating for
				impacts of development. Exemptions to regulations should not be granted. Urban
				ecosystem should be monitored to assess regulations.
Testimony	Beverly	Bookin	SW Portland	CREEC believes Metro has deficit of 1,000 net acres of industrial land; extend
				Title 3 exemption for industrial sites with developed flood plains, except for
				Habitat Friendly Practices. Exempt Port's facilities from regulations and support
				Tualatin Basin approach. Increase urban development value of colleges and
				medical centers from low to high.
Testimony	Craig	Brown	Tigard	Tualatin Basin program better than Metro's; based on existing regulatory program.
				Metro's would be in addition to Tualatin program. Concerned about Metro's
				mapping. Use regulation as last resort.
Testimony	Carol	Chesarek	NW Portland	Supports protection of riparian class I and II areas, including undeveloped
				floodplains. Broad upland protections are virtually nonexistent in the plan. Think
				about habitat protections for areas outside UGB but inside Metro boundary. Avoid
				regulations; offer significant financial incentives, brainstorm.
Testimony	Carolyn	Chesarek	NW Portland	Get copy of testimony
Testimony	Corky	Collier	Portland	Volunteerism works best with adequate incentives. No good incentives for
				commercial and industrial properties. Columbia Corridor Association has 14 sq.
				miles of managed floodplain. CAA supports streamlined mitigation requirement for
				wildlife hazards on Port of Portland property.
Testimony	Charlotte	Corkran	NW Portland	Supports comments by Audubon Society. Important that wildlife be protected in
				neighborhoods for air and water quality as well as fish and wildlife habitat.
Testimony	Brent	Curtis	Hillsboro	Tualatin Basin Natural Resources Coordinating Committee has been doing basin-
				wide Goal 5 planning. Worked with Metro to create a program with regulation,
				revenue and voluntary incentive programs. Remove barriers to low-impact
				development and provide standards to developers. They believe they clearly
Table and Table				demonstarted that they would improve health of the region.
Testimony	Nancy Jane	Cushing	NW Portland	As Realtor, know value of homes greater near any green space. Strongly believe
	1			need regulations and protection for all Portland streamside habitats. Don't use
				Measure 37 to throw away planning. Use of volunteerism is like voluntary
				taxation. Need uniform regulation on Port of Portland lands.
Testimony	Noelle	Dobson		Protecting natural areas significant for human health, for outdoor recreation.
				Active Living by Design support greenspaces to make people want to be outside
				and physically active each day. We support proposed flexible development
				standards for new urban areas for outdoor recreation.

- ··	Ten	Te r	IOM D. II	To the first of th
Testimony	Jill	Fuglister	SW Portland	Coalition for a Livable Future wants highest standards of protection to all class I
				and II riparian habitats. Ensure regulatory standards to floodplains in Tualatin
-	T	0.1.1	ADA/ D. H. J	Basin. Leave a legacy for future.
Testimony	Thomasina	Gabriele	NW Portland	Institutional Facilities Coalition believes section on high urban designation was
	1.		NA/ De de d	appropriate.
Testimony	Ann	Gardner	NW Portland	The reconstruction of the Port of Portland was being done in an environmentally
				sensitive way. Able to proceed with important investment. Supported staff
-			NN4 5 41 1	recommendation for nature program.
Testimony	Lise	Glancy	NW Portland	Port of Portland not working on a master plan for West Hayden Island. Similar
				acreage mitigation would be required. Similar in value to Regionally Significant
				Industrial Areas. FAA regulation is 10,000 feet from the area on the ground.
Testimony	Lise	Glancy	N Portland	Port of Portland supports exemption for marine terminals 4, 5 and 6 and
				alternative compliance method for three airports. Port supports "allow" use for
				flood control in four drainage districts.
Testimony	Mike	Houck	SW Portland	Metro made promises to the region to protect nature. There will be no progress
		*		with just an incentive program. There is a need to monitor and analyze impacts.
				There are not sufficient incentives to protect natural areas. Urged support of the
				Audubon Society's position.
Testimony	Jim	Labbe	NW Portland	Sang a song about protecting fish and wildlife habitat: "What is the Nature in Your
				Neighborhood?" Hosticka amended resolution to include lyrics as Nature in
				Neighborhood anthem.
Testimony	Richard	Lane	Gales Creek	Washington County jurisdictions should include and apply avoid, minimize and
				mitigate to all of class I and II riparian habitat development in vulnerable
				floodplains. Also require habitat friendly development. Much of highest value
				riparian habitat is not protected. Comply with Title 13.
Testimony	Lee	Leighton	Portland	Recognize high economic value of campus-based facilities; resource protections
				do apply in these areas, no special treatment provided. Lewis & Clark College
				doing campus master planning.
Testimony	Janet	Leo	Portland	Portland Metro Assn. of Realtors supports exempting of residential land inside
				UGB from additional Goal 5 regulations. Concerned for impacts on cost, supply of
				housing and private property rights.
Testimony	Greg	Manning	SW Portland	NAIOP group embraces habitat-friendly approaches. Reconsider new
				development regulations in riparian areas within overall jurisdiction; limited supply
				of land in UGB. We ask that Metro ensure 20-year supply of jobs land in UGB
	-			expansion and exempt Port of Portland from regulations.
Testimony	Sue	Marshall	Sherwood	Tualatin Riverkeepers is concerned about the funding of a strong protection
				program.

Testimony	Bonny	McKnight	NE Portland	Helping put together airport master plan. Spoke to public process of looking at environmental impacts and protections. Please allow them to do their work and not supercede that work.
Testimony	Steve	Mullinax	SW Portland	Work with neighbors to protect Fanno Creek streamside habitat and stop erosion. Provide regulatiory protection of class I and II streamside habitats and hold Tualatin Basin to same standards. No exemptions for Port of Portland or other industrial property owners.
Testimony	Barbara	Pereira	SE Portland	Concerned about development and car pollution in her area. Urged no more development or exemptions. Developers could live with what they had.
Testimony	Les	Poole	Milwaukie	Kellogg Lake example haunted him. Short on open spaces in his area and lack of money. Government needs to do a better job of limiting development, being a good steward of the land.
Testimony	Wendy	Rankin		Public health practitioners understand health impacts: need for physical activity, air quality and less stress-inducing environment. Protected lands provide these to low-income and elderly people
Testimony	Linda	Robinson	NE Portland	Neighborhood would like some protection for upland wooded areas. Language for marine terminals very vague. Exemption for Port of Portland troublesome; take it out. Worked with Port a long time.
Testimony	Jonathan	Schlueter	SW Portland	Westside Economic Alliance encouraged by Nature in Neighborhoods program. Questioned whether Metro wants to restrict development around Port's terminals. High unemployment, overcrowding in schools, housing shortage. Take a bit of the forest to build schools.
Testimony	Dick	Shook	Milwaukie	Protection should be provided with both regulatory and non-regulatory means, including the Tualatin Basin, which should have the same standards. Can't rely on good will of developers; act now.
Testimony	Monty	Smith	NW Portland	Friends of Forest Park wants protection of upland habitat from urban development. Condition the Tualatin Basin Program to same standards as rest of the region. Take a bond measure to voters.
Testimony	Bob	Stacey	SW Portland	1000 Friends of Oregon has worked on Measure 37. Oregonians expect government to protect environment in a way that is fair to property areas. Recognize regulatory approaches without reducing development opportunities. Avoid temptation to exempt other governing entities.
Testimony	Wendy	Stevens	N Portland	Adopt Audubon Society's recommendations. Can't afford to give up any more natural areas.
Testimony	Peter	Teneau	N Portland	Keep the Nature in Neighborhoods plan strong. No exemptions for Port of Portland.
Testimony	Cathy	Turner	SW Portland	Friends of Forest Park - get copy of testimony
Testimony	Kristin	Udvari	SW Portland	On behalf of Oregon Health Science University, get copy of testimony.

Testimony	Tim	Warren	Clackamas	Pleased language has been added to address needs as relates to work of drainage districts.
Testimony	Tom	Wolf	Hillsboro	Trout Unlimited concerned that upland areas were not protected enough; not enough focus on regulations, no protectio of Class 3 and not enough protection for floodplains in Tualatin Basin.
Testimony	Ed	Zumwalt	Milwaukie	Let's get together to protect habitat and realign the light rail line to Milwaukie.
Walk-In	Ron	Bennett	Cliffview	Outside Metro boundary. Talked to him about the program quite a bit. Just south of Clackamas river.
Walk-In	Gary	Callahan	Milwaukie	Neutral attitude about program; had questions regarding ordinance and habitat inventory.
Walk-In	Gary	Callahan	Milwaukie	Neutral attitude about program; had questions regarding ordinance and habitat inventory.
Walk-In	Gary	Callahan	Milwaukie	Questions regarding ordinance and habitat inventory.
Walk-In	Beverly	Hartman	West Linn	Send copy of ordinance and color maps. Also, mail back her flyer that she left at counter.
Walk-In	White	Sandra	NW Portland	Just barely in Tualitan Basin. Explained program. She had some forested acres up in Cedar Mill watershed next to a THRPD park; wants to do "right thing" (environmentally) but still needs income from land. Sent her to Will Eadie.
Walk-In	Sandra	White	NW Portland	Questions regarding ordinance and habitat inventory.
Walk-In	Citizen			Requested color maps and fliers.
Walk-In	Niki		SE Portland	Questions regarding: ordinance and habitat inventory.
Walk-In				Thought the hearing was today! Gave him ordinance and maps.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE METRO URBAN GROWTH BOUNDARY TO INCREASE CAPACITY TO ACCOMMODATE GROWTH IN DUSTRIAL EMPLOYMENT IN RESPONSE TO REMAND FROM THE LAND CONSERVATION AND DEVELOPMENT COMMISSION.

Date: September 20, 2005

Prepared by: Lydia M. Neill Principal Regional Planner

BACKGROUND

The Land Conservation and Development Commission (LCDC) met on November 3, 2004 to consider acknowledgement of Metro's urban growth boundary (UGB) decision on industrial land. The Commission heard arguments from objectors as well as Metro before issuing a Partial Approval and Remand Order 05-WK TASK- 001673 on July 22, 2005. The order was received on July 25, 2005. The analysis and findings are discussed within this staff report to demonstrate that Metro complies with the Statewide and regional land use laws.

ANALYSIS/INFORMATION

Metro under took an evaluation of the UGB as part of Periodic Review in 2002. This review process involved technical evaluation, study of options to increase capacity and add land to meet the 20-year forecast for future population and employment growth. Metro conducted an extensive public involvement program to engage stakeholders, local elected officials and citizens in the decision making process. To complete Periodic Review, Metro held over a dozen meetings and workshops, provided notice of the decision in several publications and mailed over 70,000 brochures to property owners, local governments and community planning organizations. The Metro Council added 18,638 acres in 2002 primarily to meet the residential and employment needs for the planning period from 2002-2022. In 2004 the remaining industrial land was added to the UGB (1,956 acres). As part of the LCD's review and acknowledgement of these decisions made by the Metro Council the following Remand Order has been issued.

Remand Order 05-WKTASK-001673 approved most of Metro's actions to complete Periodic Review on June 24, 2004. The remand order identified a number of items that require providing additional information to justify Metro's actions.

LCDC acknowledged the following elements of the 2004 decision:

- Inclusion of industrial land in the following areas: Damascus West, Beavercreek, Quarry, Coffee Creek, Tualatin and Helvetia;
- Change of the designation from residential to industrial for 90 acres of land located south of Gresham that was included in the UGB in December 2003;
- Amendments to Title 4 to protect industrial lands and establish regionally significant industrial areas and the designation of those areas;
- Amendments to the Regional Framework Plan Policy 1.12 to protect agriculture and forest resource lands;
- Removal of three parcels near King City from the UGB (tax lots 1300, 1400 and 1500);
 and
- The completed Housing Needs Analysis.

Order 05-WKTASK-0015254 requires Metro to address the following six issues. Each of the issues is discussed in detail in the following section of the staff report. A summary of the issues that will be addressed in the Chief Operating Officer's (COO) recommendation is as follows:

- 1. Ensure that an adequate amount of land is deducted for infrastructure including streets;
- 2. Amend the 2002-2022 Employment Urban Growth Report: An Employment Land Needs Analysis (Employment UGR) to reconcile the difference in the refill rate from 50 to 52 percent;
- 3. Demonstrate that the demand for large lots has been satisfied as identified in the Employment Urban Growth Report;
- 4. Clarify whether 70 percent of the land need for warehouse and distribution is satisfied on vacant land inside of the UGB or land recently added to the UGB;
- 5. Recalculate the total need for industrial land based on the items above and demonstrate how the land need will be met; and
- 6. Demonstrate how the locational factors in Goal 14 have been met in reaching the decision to bring a portion of the Cornelius area into the UGB.

Proposed Chief Operating Officer Recommendation

The proposed recommendation satisfies each of these issues contained in the remand by providing:

- An additional 198 acres is needed to ensure that adequate land has been allotted for infrastructure (streets);
- Additional information to explain that the commercial refill rate of 52 percent corresponds to the observed refill rate, which reduces the need for industrial land;
- Adding 330 net acres of the Evergreen Study to the UGB to meet the demand based on a reduction of land for streets and to satisfy the 20 year need for land;¹
- Additional information has been provided on how the demand for large lots (50 to 100 plus acres) can be met when adjacent tax lots under the same ownership are aggregated and a condition is placed on the Evergreen area to form a one hundred acre lot;
- Additional analysis to explain how 70 percent of the demand for warehouse and distribution land is met inside of the UGB and in expansion areas; and
- Additional findings to demonstrate that all of the locational factors in Goal 14 were balanced in reaching the decision to include the Cornelius area into the UGB.

Each of the tasks in the remand work order is discussed in more detail in the following Staff Report.

1. Ensure that the amount of land added to the UGB under Task 2 includes an adequate amount of land for public infrastructure including streets:

Metro applied a methodology to deduct for the loss of land due to the public infrastructure (streets). This methodology was consistent with that used in previous urban growth reports to account for streets and is based on lot size. The total reduction in buildable acres by accounting for street right of way is 198 acres.

The 2002 Alternative Analysis methodology did not include a deduction for streets on lands that were being considered purely for industrial purposes. This was due in part to the single purpose for which the land was being considered and because of the variability

¹ Future streets have been deducted from net acres.

of building types and uses that might occur on this land which would make it difficult to assess an appropriate deduction. Metro has assumed that other public infrastructure including sanitary sewer and domestic water are accounted for within the dedication of public right of way for streets or in easements, which do not impact the buildable land, supply. Most development includes a standard seven-foot public utility easement along the frontage of all lots that is available if needed for electrical, water, cable, fiber optics and sanitary sewer. Because these easements are located within areas that are typically set aside for required building setbacks no deduction has been made in buildable lands. Major public utility easements for BPA and natural gas transmission lines have been deducted from buildable lands because of the size of these easements and the restrictions on uses within these areas that are necessary due to safety concerns.

Methodology

To make an appropriate deduction for street right of way and for consistency with previous UGB assessment work, staff recommends that the methodology adopted and acknowledged in the 1997 and 2002 Residential and Employment Urban Growth Reports (UGR's) be replicated. The methodology used in the UGR (1997 and 2002) to determine net vacant buildable land included the following deductions for streets based on the size of the tax lot: lots under 3/8th of an acre at 0 percent, lots from 3/8th of an acre up to one acre at 10 percent; and all lots over one acre in size at 18.5 percent. Applying this methodology to the areas included in the UGB for industrial purposes in 2004 decreased the net buildable land available by 198 acres. This results in a need to add 198 net acres of additional buildable land to the UGB to meet the 20-year land supply requirement.

Table 1. contains the deductions necessary for streets based on the size of the lots located in each expansion area (2004 and 2005). The total acres lost to streets for the lands included in the UGB in 2004 is based on the methodology discussed above totals 198 net acres.

Table 1. Deductions for Streets in 2004 and 2005 Expansion Areas

EXPANSION AREAS	Total Acres	Net Acres ²	Reduction for Streets	Tier and Designation	2040 Design Type
2004 Expansion Areas					χ.
Damascus West	102	58	11	Tier 4 -Resource	Industrial
Tualatin	646	273	66	Tier 1-Exception	Industrial
Quarry (partial)	354	190	46	Tier 4 -Resource	Industrial
Beavercreek	63	25	5	Tier 4 -Resource	Industrial
Coffee Creek (partial)	264	78	19	Tier 1 - Exception	Industrial
Cornelius (partial)	261	114	23	Tiers 1 & 5 - Mixed	RSIA
Helvetia (partial)	249	121	28	Tiers 1 & 3 - Mixed	RSIA
TOTAL	1,939	859	198		
2005 Expansion Areas				Tier 1 & 5 Mixed	RSIA-partial
Evergreen (partial)	587	330	101		•
TOTAL	2,526	1,189	299		Я
Including 2005 Areas					

² Net acres include: deductions for streets, Title 3, floodplain and slopes.

2. Amend the Employment UGR as necessary to incorporate any changes to assumptions in the analysis to reconcile the change in the commercial refill rate to 52 percent from 50 percent:

After much policy discussion regarding emerging trends of the conversion of traditional manufacturing-based industrial jobs to a more knowledge based economy that relies on building types and densities that more closely resemble commercial office, the Metro Council adopted a commercial refill rate of 52 percent. As a result, the Employment UGR has been amended to reflect the adoption of a 52 percent refill rate.

Refill Data

The Employment UGR uses both MetroScope modeling data and historic data to define a range of assumptions to assess the capacity of land available in the UGB to accommodate population and employment growth. The Employment UGR discusses both the results of MetroScope modeling and the observed historic average for refill activity. MetroScope is an integrated land use and transportation model that incorporates historic data to estimate the effects of policy changes and land additions to the UGB. In modeling of a base case scenario, which is an estimate of applying existing policies, MetroScope indicated an average commercial refill rate of 50 percent. The refill rate is the share of region's demand for employment land that is met by infill and redevelopment.

The observed refill rate, computed from several studies on refill activity during the 1990's, was an average of 52 percent. The difference between the 50 percent rate in the UGR and the observed rate of 52 percent is minimal and can be understood by examining market activity and policies that are currently in place. Using the observed refill rate (52 percent) rather than the modeled rate means that effectively there is more commercial land available to satisfy the portion of industrial demand that is most similar to commercial office.

Applying the Refill Rate

Assuming an increased refill rate is consistent with regional policies and programs that encourage development in the region's regional and town centers. Typically, town and regional center redevelopment is at greater densities that result in a compact urban form. Metro has developed several new programs to encourage development in centers, urban investment and redevelopment of brownfield sites. All of these actions support more efficient utilization of the region's land supply and higher refill rates over time.

The conversion of older industrial areas to higher density uses and the cross-consumption of industrial areas for commercial uses were well documented in the MetroScope base case modeling and also in observed building permit activity. In addition, the Metro Council received testimony from industrial users and real estate professionals that trends indicate that future industrial users will use and occupy building space differently from the past. In today's market, Industrial operations are more likely to contain more office and product development type functions rather than traditional manufacturing that requires raw material storage and the use of heavy equipment.

After much discussion regarding emerging trends of the conversion of traditional manufacturing-based industrial jobs to a more knowledge based economy that relies on building types and densities that more closely resemble commercial office, the Metro Council adopted commercial refill rate of 52 percent. As a result, the Employment UGR has been amended to reflect the adoption of a 52 percent refill rate. The amendment to

the Employment UGR is provided in Attachment 1. As indicated in the Supplemental Staff Report, June 21, 2004, adopted by Ordinance No. 04-1040B, applying the observed refill rate of 52 percent to the total adjusted demand for commercial land, which was estimated at 4,757 net acres results in a surplus of 178 net acres of land that has been applied to reduce the industrial land deficit.

3. Demonstrate the supply of large lots inside of the UGB is sufficient to meet the demand for large lots identified in the Employment UGR and either demonstrate how the need can be accommodated within the existing UGB or whether additional parcels are obtained by adding land to the UGB:

The need for large lots (50 to 100 plus acre categories) has been met by examining the land supply in the UGB including the expansion areas added in 2002, 2004 and a condition to form a 100 acre lot in the 2005 expansion areas. This study included an examination of all adjoining tax lots under the same ownership and compared the size of these lots to the demand for lots in the 50 to 100 acre categories. The result is that the 100-acre category demand has been met and there is a surplus of 3 lots in the 50 to 100 acre category.

Lot Size by Sector

Metro examined the need for large lots of industrial land to meet the warehouse/distribution, tech-flex and manufacturing sectors for expansion and retention purposes. The Employment UGR discussed the need for industrial land in terms of lot size, building types, employment sectors and densities. The need for large lots for industrial purposes in the region has been discussed and examined in great length over the last several years. As a result of this work including studies such as the Regional Industrial Land Study completed in 1999 the methodology for assessing the industrial land supply was modified in the Employment UGR.

The Employment UGR indicated a need for 10 lots within the 50 to 100 acre range and 4 lots in the 100 plus acre size range. The demand for these large lots (50 acres and greater) can be satisfied on existing land located within the UGB or on new land that was added to the UGB in 2002, 2004 and 2005 expansions.

2005 Study of Lots Under the Same Ownership

Metro completed an aggregation study of tax lots that were located in the Alternative Analysis study and the 2002, 2004 expansion areas that were most suitable for industrial development.³ Additional analysis was performed in 2005 to consider the likelihood of consolidation to produce larger lots for development based upon the existing ownership patterns in the 2002, 2004 and 2005 expansion areas. The study used Regional Land Information System (RLIS) data that included size of parcels, location and ownership based on information provided by the county tax assessor's offices. The most conservative approach considered only contiguous tax lots under the same ownership. All contiguous tax lots under the same ownership were considered to be available to be consolidated for development purposes.

Using this method most likely <u>under-estimates</u> the possibility of forming larger parcels for development because some aggregation will undoubtedly occur on lots under

³ Industrial Land Aggregation Methodology, Test and Results, September 24, 2003, Ordinance No. 04-1040B, Appendix Item m.

different ownership as well. This analysis is considered a surrogate for the status of legal lots for development purposes because this information is not obtainable for a study of this size. Obtaining legal lot status would require a title research for every tax lot in the study. Tax lots may be created or split <u>only</u> for tax purposes and not necessarily for sale which may give the impression that there are actually fewer large legal lots of record available.

Table 2. below assessed the available land supply by lot size and demonstrated that the supply for lots within the 50 to 100 acre size range exceeded the need when contiguous lots under the same ownership where examined. The supply in the 100 plus acre size range will be met with a condition placed on the 2005 expansion areas to form at least one 100-acre lot for development through consolidation.

The table below compares the available land supply by lot size and year with the demand for large lot industrial land.

Table 2. Demand and Supply Comparison to Meet Need for Large Lots

Supply-Availability of Land	50-100 acre lots	100 plus acre lots
2000 UGB ⁴	3	0
2002 Expansion areas ⁵	6	2
2004 Expansion areas ⁶	3	1
2005 Expansion Areas ⁷	2	1
Total	12	4
DEMAND FOR LAND	10	4
Surplus	2	0

In addition to meeting the need for large lots by examining tax lots under common ownership the potential for aggregation between separate owners was considered but the results were not included in Table 2. In the 2002, 2004 and 2005 expansion areas there are numerous parcels of land that exceed 30 acres in size that are located adjacent to large lots. These situations provide good opportunities to form larger development areas to supplement the need for large lots.

The COO Recommendation for the 2005 expansion of the UGB in the Evergreen area includes consolidation requirement as a condition of approval to form at least one 100-acre development area to satisfy the 100 plus acre large lot requirement. The study area contains a number of medium to large tax lots (between 20 to 50 acres). The area

⁴ See Employment UGR page 32, Table 17- Metro UGB Industrial Inventory Less Commercial Development (Potentially Available Industrial Land). Page 34, footnote 23. The supply was adjusted for commercial consumption of industrial land, for the consumption of land from the 2000 vacant land inventory to the beginning of the forecast period (2002) and land consumed up to the point where this report was published.

⁵ The 2004 expansion areas had conditions of approval that required aggregation to form larger lots for development. The three areas contain the following conditions: 1) Springwater- form the largest number of parcels 50 acres or larger, 2) Shute Road- form at least one 100 acre or larger lot or three 50 acre or larger lots and 3) Tigard Sand and Gravel- form at least one 100 acre or two 50 acre lots. These conditions have been included in the estimates for providing large lots.

⁶ A 96.20 acre lot under a single ownership is assumed to satisfy the 100-acre lot size requirement.

⁷ The 2005 expansion areas have conditions of approval requiring consolidation of lots to form at least one 100-acre development area in order to meet the need for large lots. A 48-acre lot is assumed to meet the 50 to 100 acre lot size requirement.

contains one 48 acre and 36-acre tax lots. The area also contains five 20-acre tax lots that could be consolidated into larger lots. The majority of the medium to large tax lots are either vacant or contain single-family residential uses and low value agricultural outbuildings.

Table 2. illustrates that the demand for large parcels will be met through land available inside of the UGB in 2000 and through UGB expansions in 2002, 2004 and 2005.

4. Clarify whether 70 percent of the land for warehousing and distribution uses applies to all vacant industrial land or only to the need to add land to the UGB:

Based on an examination of the land supply inside of the UGB (including the 2002, 2004 and 2005 expansion areas) there is sufficient land available to satisfy 70 percent of the total need for industrial land for warehouse and distribution uses.

The Employment UGR segregated the demand for industrial land into three sectors; 1) warehouse/distribution, 2) tech flex and 3) general manufacturing. The Employment UGR forecasted that 70 percent of the total vacant industrial land need is for warehouse and distribution type industries. The 2004 Industrial Land Alternatives Analysis study areas were examined based on the following locational factors: 1) transportation access within two miles of an interchange; 2) location within one mile of other industrial areas and; 3) a minimum size of 300 acres for the formation of new industrial areas. Different industries have different needs for access or proximity to suppliers. Because of the nature of the warehouse and distribution industry good access to major arterials, highways and freeways on transportation routes that are located adjacent to non-residential uses is key. Access to these types of facilities through residential areas is not desirable due to potential conflicts and travel patterns.

2005 Analysis of Warehouse and Distribution Opportunities

A more specific analysis was conducted to identify the key site characteristics necessary for location of warehouse and distribution uses. This analysis consisted of examining several studies that have been conducted to understand the value of the distribution industry to the regional economy and a GIS based study of employment data and industrial land and infrastructure locations.

State Employment 202 Data

An examination of the covered State Employment 202 data has revealed that there are concentrations of distribution and logistics firms (warehouse/distribution and wholesale trade) inside the existing UGB along I-5, I-84, Highway 217, Highway 212/224, Highway 30, adjacent to Port Terminal facilities, Columbia Boulevard and on marine Drive. This data was mapped and compared to the region's industrial and vacant land base and arterial/highway base to indicate where existing firms have chosen to locate. The patterns and concentrations of wholesale trade and warehouse and distribution firms reveals information on the importance of transportation, zoning requirements and some suppliers are needed to serve the population base. Wholesale trade firms are located throughout the region but are heavily concentrated in the same locations as distribution and logistics firms. It is estimated that 75.4 percent of firms of these types are located within a distance of one-mile from the transportation corridors discussed above. The one-mile limit was selected for analysis because of the concentration of existing firms around

⁸ Port terminal facilities: terminal 2, 4, 5 and 6.

interchange locations and Port facilities instead of a two-mile limit that was recommended in interviews conducted with industrial users as part of a locational and siting study.⁹

Freight movement is generally concentrated along I-5, I-84 and I-205 within two miles of an interchange. Highway 26 is much less desirable for regional warehouse/distribution uses because of congestion and distance from Port facilities, except for localized warehouse and distribution functions are important for serving the population located west of the Willamette River as well as the industrial base that stretches from Hillsboro to the Tualatin/Wilsonville area.

Localized warehouse and distribution functions serve firms located in existing industrial areas in key transportation corridors (I-5, I-84 and I-205) or adjacent to Port facilities but they may also provide support for commercial users and the population base located throughout the UGB. Warehouse and distribution functions may include movement of goods from local suppliers, product shipments and retail/wholesale activities. This demand for localized warehouse and distribution services corresponds to the demand for a relatively high number of lots in the under one to 10 acre category range. In fact, 93 percent of the overall demand for warehouse and distribution land is expected to be satisfied on smaller lots (under 10 acres).

Port of Portland Study on Economics of the Distribution Industry

The Port of Portland conducted a study titled The Economic Impacts of the Value Added Regional Distribution Industry In The Portland Area (EVD Study). The EVD Study provides information on the industry sectors within the distribution and logistics industry. job densities, salaries, revenue estimates and types of operations that produce spin-off economic impacts. The study was based on interviews with 67 different firms to collect data on job densities, induced job effects, wages and salaries and to produce an income multiplier for the value added benefits of the distribution industry. The information presented in this study is pertinent to the discussion of whether the region's land supply is adequate to meet the land needs of the warehouse and distribution sector which has been forecasted to consume up to 70 percent of the need for vacant industrial land. The study found that there are nine key distribution sectors located in our region and they include: apparel, food products, local food distribution, beverage, paper/paper products, steel and metal, lumber/forest products, general retail/wholesale and miscellaneous bulk distribution. This shows the diversity of the distribution and logistics industry, confirms some of the land size requirements discussed in the Employment UGR and affirms how this industry is dispersed throughout the region depending upon the needs of a particular type of firm. These industries use both local and regional distribution transportation networks to transload, package and ship products within the region. Some of these firms take advantage of the region's port, air cargo, steamship service and rail networks.

No conditions of approval were imposed on areas brought into the UGB for industrial purposes to require that the areas specifically be used for this warehouse and distribution use. Rather, these areas will be permitted to respond to the needs of the market as the economy evolves over the planning period. Metro Council heard testimony from local governments, industry experts and economic development professionals that employment land needs and firm location decisions are changing quickly. The land and structure needs

⁹ Industrial Land and Siting Factors memorandum included in Metro Ordinance 04-1040B, Appendix A, item o.

of a particular industry are responding to the demands of international business cycles and as a result the local land supply needs to be responsive.

The UGB contains approximately 10,589 vacant industrial acres or 60 percent of industrial land that could be used for warehouse and distribution purposes due to the proximity to Port facilities and the freeway system discussed above. This land combined with the land added in 2002 and 2004 in the Damascus and Tualatin areas will meet the need for vacant industrial land for warehouse and distribution purposes. The Damascus area (roughly 12,000 acres) is being concept planned and an environmental impact statement (EIS) is being prepared to determine the best alignment for the first phase of the Sunrise Corridor to provide access to this area. Phase I of the Sunrise Corridor extends from I-205 to 172nd Avenue and will increase accessibility to planned industrial areas. As this area urbanizes and a range of uses from residential, commercial and industrial locate in this area the demand for warehouse and distribution uses to serve this development will increase. This assertion is confirmed through the examination of State Employment 202 data that demonstrated a strong correlation between population, highway access and an industry base and warehouse and distribution uses.

5. Based on the analysis of items 1-4 above recalculate the total industrial supply an demand and compare with the identified land need of 1,180 net acres:

The total need for industrial demand was re-calculated at 331 net acres and will be met by including a portion of the Evergreen area in the UGB. The total industrial land need was calculated by meeting the shortfall in the need for industrial land of 133 acres and making up the reduction of net buildable land for public infrastructure of 198 net acres.

20-Year Land Supply

The UGB expansion completed in 2004 did not fully satisfy the requirements for a providing a 20-year supply of industrial land. The total net supply was short 133 acres of industrial land. With the proposed 2005 expansion the shortfall in the overall need for industrial land and the compensation for the reduction in buildable lands for streets a 20-year supply will be provided. Taking into account the deduction for public infrastructure including streets in all areas that have been added to the UGB in 2004 the total unsatisfied need for land is 331 net acres. ¹⁰ The following chart describes the accounting of the demand for land, supply and deductions for infrastructure.

Table 3. Reconciliation of Land Supply to Meet the Need for Industrial land

	Net Acres
Demand for Industrial Land ¹¹	1,180
2004 UGB Amendments	(1,047)
Increase in the Demand for Land based on a reduction for streets ¹²	198
DEFICIT	133
TOTAL REMAINING DEMAND	(331)
2005 UGB Expansion	330
NET DIFFERENCE BETWEEN SUPPLY AND DEMAND	(1)

¹¹ Title 4 policy savings, application of a 52 percent refill rate, adjustments to the UGB in 2002 and application of the commercial land surplus have reduced demand for Industrial land.

12 2004 expansion area reduction in buildable lands

Discussion of Areas Considered and Not Recommended

In 2004 the Metro Council analyzed twelve resource land study areas that contain mostly Class II soils only after including in the UGB suitable exception land areas and resource land areas of less capable soils (Class III & IV soils). The Council compared the resource land study areas with Class II soils using the "locational" factors in Goal 14 (factors 3-7) and the policies in the Regional Framework Plan (RFP). Ten of the twelve areas that were considered for UGB expansion were rejected after weighing the impact on agriculture, natural resources, ability to efficiently provide services, suitability for industrial purposes and conformance with Metro policies. ¹³ Two of the areas, Cornelius and Helvetia had some portion of land added to the UGB in locations where resource land was adjacent to exception land. A brief description of these areas, a locational factor comparison that includes ease of servicing and the impacts of urbanization are discussed below.

Noyer Creek

The Noyer Creek area was eliminated from consideration because this area is part of the secondary study area for the Damascus Boring Concept Plan effort and it is anticipated that it may become part of the Damascus town center. This area is likely to contain very little land that is suitable for industrial development because of its distance from transportation facilities and lack of continuity with other planned industrial areas.

Wilsonville South and East

The Wilsonville South and East areas were identified by the City of Wilsonville as being difficult to serve with infrastructure. The City expressed a concern that the community has a disproportionate amount of employment and was seeking a better balance between jobs and housing. The Wilsonville South area is separated from the City by the Willamette River and is inconsistent with RFP policies 1 and 1.6 that require maintenance of a compact urban form. The Wilsonville South area contains some of the State's most important and productive agricultural lands and would be adversely impacted by urbanization.

Farmington and Hillsboro South

The Farmington and Hillsboro South areas contain large parcels that are currently engaged in commercial agriculture and would have a high impact on farming. The shape of the Farmington area creates a long border between agricultural uses to the east and provides limited opportunities for buffers. A portion of the Hillsboro South area is located in the Tualatin Valley Irrigation District, which expands the viability for agriculture due to the increase in types of crops that can be grown.

Forest Grove East and West

Forest Grove East and West areas have very high impacts on nearby agricultural activities and both areas are located in the Tualatin Valley Irrigation district. The core agricultural area located to the north would be negatively impacted due to traffic and the intrusion of urbanization into the large agricultural area that extends north to Highway 26 and beyond. The majority of the Forest Grove East area is separated from the city by a natural resource area that makes the provision of urban services difficult. The majority of

¹³ Twelve areas that contained Class II soils were considered suitable industrial development in the 2002 Alternative Analysis Report: Evergreen, Cornelius, Farmington, Forest Grove East, Forest Grove West, Jackson School Road, Noyer Creek, Helvetia, Hillsboro South, West Union, Wilsonville East and Wilsonville South.

both of these areas (East and West) are not located within one mile of an industrial district making the viability of the area poor.

Jackson School Road

The Jackson School Road area is disconnected from existing industrial areas within the UGB and urbanization of this area will have potential impacts on a large expanse of agricultural land located west and north of the site. This area contains large parcels of land that are currently in agricultural use.

Helvetia

Urbanization of the remaining portion of the Helvetia area not included in the UGB in 2004 would significantly impact a core agricultural area located to the north of Highway 26. There are no suitable buffers within or at the edge of the study area that can be established to limit impacts on the core agricultural area.

West Union

The West Union does not contain enough usable acreage to make this area suitable for industrial development. The area is bi-sected by a large natural resource area and steeper slopes make this area difficult to develop for industrial use. A portion of the area contains Class III soils but this area is unsuitable for industrial development.

Table 4. Locational Factor Scores

Area		Locational Factor Scores							
	Trans.	Sewer	Water	Storm	Environ.	SEE	Agriculture		
Cornelius (partial)	Easy	Easy	Easy	Easy	Moderate	Low	Moderate		
Evergreen (partial)	Moderate	Difficult	Easy	Easy	Moderate	Moderate	Moderate		
Farmington	Moderate	Difficult	Easy	Easy	Moderate	Moderate	High		
Forest Grove East	Moderate	Easy	Moderate	Easy	Moderate	High	High		
Forest Grove West	Moderate	Easy	Moderate	Easy	Moderate	High	High		
Helvetia ¹⁴	Moderate	Moderate	Easy	Easy	Moderate	High	High		
Hillsboro South	Moderate	Difficult	Easy	Easy	Low	Moderate	Moderate		
Jackson School Rd	Moderate	Difficult	Easy	Easy	Low	High	High		
Noyer Creek	Easy	Difficult	Moderate	Easy	Low	Moderate	Low		
West Union	Moderate	Moderate	Moderate	Easy	High	High	High		
Wilsonville East	Moderate	Difficult	Difficult	Moderate	Low	High	High		
Wilsonville South	Difficult	Difficult	Difficult	Moderate	Low	High	High		

Evergreen Expansion Area

The proposed UGB expansion in the Hillsboro area (portion of the Evergreen Study Area) would meet the overall demand for industrial land by including 330 net acres of land, shown in Attachment 2.

Pro's of Inclusion

- Meets short-term land needs for industrial
- Helps satisfy the need of large lots
- Has a natural feature that can be used as a buffer between farmland
- Located adjacent to an established industrial area
- Has fewer impacts to agricultural uses than other Class II farmlands

¹⁴ 249 acres of land were added to the UGB and acknowledged by LCDC in 2005.

- Contains 216 acres exception lands (38 percent of the area)
- Easy to serve with water
- Eases conflicts between potential residential uses and the airport

Con's of Inclusion

- Not likely to be used to meet the demand for warehouse and distribution uses unless it meets a localized need
- Has impacts on commercial agriculture by pushing urban development further into the agricultural base in Washington County and may isolate the area north of Gulch Creek
- Rated as difficult to serve for sanitary sewer

The Evergreen expansion area would address short-term land needs, it has a sufficient lotting pattern to meet the demand for large lots (50 to 100 acre parcels) with an aggregation condition, it has similar or fewer impacts on farmland compared to other suitable Class II farmlands areas under consideration and it is ideally suited for industrial use due to the proximity to an established industrial land base.

This area was supported by testimony from the City of Hillsboro for inclusion in the UGB in a letter received from the City dated September 2, 2005 in Attachment 3. This area is ideally situated due to its proximity to other industrial uses located south and west of the site and its location adjacent to the high-tech crescent that stretches from Hillsboro, along the Highway 217 through Tualatin and into Wilsonville. The letter also speaks to the progress the City has made in achieving 2040 Regional Center objectives to encourage development of housing at greater densities and the location of employment uses in areas with access to transit. The City discusses the synergistic effects of locating additional industrial land in the Evergreen area and the positive effects this would have on development in the Hillsboro Regional Center.

The proximity of this site to services is key for the short-term timely development of the site for industrial uses. Most major public facilities are available in Evergreen Road and are sized adequately for industrial development. The site has good access to Highway 26. ODOT submitted testimony that this development would have moderate impacts on the interchange at Shute and Highway 26. These impacts can be addressed during Title 11 planning for the area under Title 11 of the Urban Growth Management Functional Plan if it is included in the UGB.

The proposed area is located west and north of the Shute Road expansion area that was added to the UGB in 2002 making this a logical extension of this existing industrial area. The land is also best suited for industrial development due to its proximity to the Port of Portland airport facilities and the airport runway protection zone (RPZ) that is located to the west and southwest. Federal Aviation Authority (FAA) regulations favor industrial versus residential use in this area. The Port of Portland has acquired a number of parcels in this area for development purposes, protection of the RPZ and future airport expansion. The developable parcels currently under Port ownership are located west of Sewell Road along Evergreen Road.

Although the area contains some Class II farmland (333 gross acres) it is non-irrigated and is not within the Scoggins Irrigation District (SID). Irrigation allows cultivation of a wider variety of crops including nursery stock, which is one of Oregon's highest dollar per acre agricultural products. Lack of irrigation reduces the viability of the proposed

area for commercial agriculture, compared to other areas of Class II soils under consideration that do have irrigation rights. The Evergreen area contains 1 acre of Class I, 333 acres of Class II, 37 acres of Class III and 0 acres of Class IV farmland. The Evergreen area has the lowest percentages of the highest value soil classes (classes I and II) than all other areas except West Union.

Table 5. Soil Class by Study Area

Area	Total Acres			Class	II Class III		Class IV		Except. Land		
		ac.	%	ac.	%	ac.	%	ac.	%	ac.	%
Cornelius (partial)	261	2	0	143	55	77	30	0	0	148	57
Evergreen (partial)	556	1	0	333	60	37	7	0	0	216	39
Farmington	690	0	0	568	82	90	13	0	0	102	15
Forest Grove East	836	11	1	691	83	134	16	0	0	74	9
Forest Grove West	477	0	0	340	71	128	27	0	0	0	0
Helvetia ¹⁵	1,273	192	15	719	56	353	28	0	0	76	6
Hillsboro South	715	36	5	526	74	152	21	0	0	0	0
Jackson School Rd	1,046	1	0	833	80	121	12	12	1	129	12
Noyer Creek	359	0	0	301	84	44	12	1	0	61	17
West Union	1,451	6	1	666	46	674	46	70	5	21	1
Wilsonville East	881	0	0	719	82	66	7	23	3	16	2
Wilsonville South	1,178	10	1	1,074	91	29	2	0	0	196	17

The nearly surrounded nature of the agricultural lands in the Evergreen area (between the UGB on the east and south and exception lands to the west), potential for good edges, moderate level of small parcels and the and the fact that the area is not in an irrigation district are the primary reasons that this area received consideration.

With the addition of the proposed Evergreen expansion area, the UGB would contain a 20-year supply of land for industrial purposes.

6. Refine the analysis that shows how Metro balanced the locational factors in Goal 14 (factors 3 through 7) in reaching the decision to add the Cornelius area into the UGB and also explain why the economic consequences outweigh the retention of agricultural land and compatibility with adjacent agricultural uses:

A portion of the Cornelius study area was included in the UGB in 2004 by the Metro Council after considerable study of similar areas and through the examination of applicable policies and agency objectives. New information has been prepared that supports our recommendation to include this area in the UGB for industrial purposes.

Cornelius

The proposed UGB expansion in the Cornelius area meets the need for industrial land by including 114 net acres of land. A portion of the area is located adjacent to the City's industrial park and can be efficiently provided urban services.

¹⁵ 249 acres of land were added to the UGB and acknowledged by LCDC in 2005.

Pro's of Inclusion

- Contains 148 acres of exception lands (57 percent of the total land) which is the highest priority of land available for inclusion in the UGB
- Farmland located between exception area has been minimized and this land is needed to efficiently provide services to the exception areas
- Provide an increase to the City's tax base which will provide revenues for basic City services
- A portion of the area to be added is adjacent to an area that is already zoned for industrial development
- Area has been identified as easy to serve for water, sewer and storm water services and creates an efficient use of services inside the existing UGB and the proposed area
- Council Creek provides a buffer between farm uses to the north at the west end
 of the expansion area and further east it provides a buffer between residential
 uses

Con's of Inclusion

 The farmland located north of the Council Creek is an important agricultural area that could be negatively impacted by urban development

In 2004 the Metro Council analyzed study areas that contain Class II soils only after including in the UGB suitable exception land areas and resource land areas of less capable soils. The Council compared resource land study areas with Class II soils using the "locational" factors in Goal 14 (factors 3-7) and the policies in the Regional Framework Plan (RFP) to reach a decision to add a portion of the Cornelius study area to the UGB. The Cornelius area contains 2 acres of Class I, 143 acres of Class II, 77 acres of Class III, 0 acres of Class IV lands. The Cornelius area has the lowest percentages of the highest value soil classes (classes I and II) than all other areas except West Union. See Table 4. on page 13 for a full comparison of soil types between areas that were considered for industrial expansion. Staff reports and findings that accompanied Ordinance No. 04-1040B, which added a portion of the Cornelius study area, contain the information and analysis to explain the Council's decision. This section of the staff report will emphasize new information regarding the portion of the Cornelius study area included in the UGB. Based upon this information it is proposed that the Council once again include this area in the UGB.

The proposed portion of the Cornelius study area (261 acres) contains 148 acres of exception lands, the highest priority for lands for expansion of the UGB and 113 acres of farmland. A map of the proposed area has been included in Attachment 4. The Supplement to the Alternatives Analysis, in Attachment 5 notes that the resource lands included in this expansion area are either bordered by Council Creek on the north (western half of the area), which forms an excellent buffer between the proposed industrial use and agricultural activities, or is located between two exception areas that act as "bookends" for the farmland portion of the area that lies north of Council Creek (50 acres). The exception lands contain rural residential uses that reduce the viability of this farmland portion of the study area for commercial agriculture.

Inclusion of the farmland located between the two exception areas will make the provision of water, sewer transportation services more efficient for the entire expansion area. Extension of streets into the exception areas alone (if the intervening EFU area was

not included in the UGB) would limit the accessibility of fire and life safety vehicles and place additional demands on the local street system to the south. Inclusion of the two resource land parcels would make the provision of public facilities and services to industrial areas in the two exception land portions more efficient and orderly. Looping water and sewer lines through the EFU area to serve exception areas is consistent with good engineering practices for service delivery and maintenance of systems. The western resource land portion of the area is located adjacent to an industrially zoned area inside the UGB, which allows for the efficient provision of services to the new industrial area outside the UGB.

The City of Cornelius has provided Metro with additional information regarding the availability of services and the planned infrastructure to serve the expansion area in a letter dated September 12, 2005 from the City in Attachment 5. The letter details transportation improvements water and sewer line efficiencies within the exception areas, intervening resource lands and within the existing UGB. Information was also provided on existing farm practices within the proposed area and the value of this area as industrially designated land to the City for both economic and social purposes.

Through the implementation of Title 11 planning by the City of Cornelius, natural resource impacts and level of service impacts on Tualatin Valley Highway will be addressed. In addition, the financially constrained and the priority system in Metro's Regional Transportation Plan (RTP) include several projects that will address congestion issues in this area.

In addition to meeting the demands for industrial land by including this area in the UGB the area has positive economic and social implications for the City of Cornelius. The close proximity to the City's main street will enhance existing development and provide additional employment opportunities for city residents. Adding jobs to a community that has more housing than jobs provides an opportunity to decrease trips to other parts of the region for employment. The City has the longest average commute in the region. The positive economic implications of including 261 acres of industrial land are significant for a community that ranks nearly last (23rd out of the 24 cities) in the region in total taxable real market value and real property value per capita. A city's tax base determines what resources are available for community services like police, fire, planning, libraries, social services and governance. The city's tax base is heavily weighted toward residential, which typically requires more services per dollar generated of tax revenue than industrial areas creating an even greater drain on municipal finances.

The RFP and statewide planning Goal 14 require the Council to weigh the consequences of inclusion of the proposed Cornelius area with RFP policies and Goal 14's "locational" factors and with other possible areas. This report recommends that the Council again include this part of the Cornelius study area rather than other Class II farmland under consideration, weighing Factors 3- Orderly and Economic Services, Factor 4- Maximum Efficiency of Land Uses, and 5- Environmental, Energy, Economic and Social Consequences more heavily than Factors 6- Retention of Agricultural Land and Factor 7-Compatability with Nearby Agriculture. Likewise, the report recommends weighing RFP Policies 1.2.1(c) Regional Balance and Equity, 1.3.1(c) and 1.4.2 Balance of Jobs and Housing. The need for industrial development in this part of the region and the ability to bring development to the proposed area efficiently outweighs the small loss to the

¹⁶ 2004 Performance Measures Report, page 19 and 20.

commercial agricultural base compared to other resource land areas that contain Class II soil.

The conclusions that are discussed above are based on new information submitted into the record by the City of Cornelius and resulting from additional staff analysis to reaffirming the decision to add this area to the UGB for industrial purposes. This action best supports the policies in the Regional Framework Plan, balances the community and the region's need to provide a sufficient land supply for the 20-year planning period and complies with State law.

Known opposition:

Several property owners have expressed opposition to the proposed expansion area. 1000 Friends of Oregon and the Washington County Farm Bureau have expressed opposition to both the expansion adjacent to the City of Cornelius and the Evergreen Road expansion areas. The owners of the Langdon Farms area located south of Wilsonville have expressed opposition to Metro's failure to include the Langdon Farms area into the UGB for industrial purposes.

Legal Antecedents: none

Anticipated Effects:

Acknowledgement by LCDC is expected upon adoption of the UGB amendments and submittal of all remand requirements to complete Periodic Review.

Budget Impacts:

No budget impacts resulting from this decision are anticipated.

RECOMMENDED ACTION

Approval of Ordinance No. 05-1070 to expand the UGB and provide additional findings necessary to satisfy the conditions of the Remand Order 05-WKTASK -001673 received from LCDC.

Attachment 1: Addendum to the 2002-2022 Urban Growth Report: An Employment Land Needs Analysis, September 2005

Attachment 2: Map of Proposed Evergreen Expansion Area

Attachment 3: Letter from City of Hillsboro, dated September 2, 2005

Attachment 4: Map of Proposed Cornelius Expansion Area

Attachment 5: Addendum to the Alternatives Analysis, September 2005

Attachment 6: Letter from the City of Cornelius, dated September 12, 2005

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2002-2022 Urban Growth Report: An Employment Needs Analysis September 2005 Addendum

Background

In August 2002, the 2002-2022 Employment Urban Growth Report (Employment UGR) was prepared to assess supply and demand for employment uses for the period between 2002-2022 as part of Metro's periodic review of the urban growth boundary(UGB). This report was updated in December 2002 and was adopted by the Metro Council on June 24th as part of Ordinance 1040B to fulfill the agency's responsibility for maintaining a 20 year supply of land within the urban growth boundary.

The Land Conservation and Development Commission (LCDC) remanded a portion of Metro's decision that was part of Ordinance 1040B which adopted the Employment UGR and the commercial refill rate assumptions. Remand Order number 05-WKTASK-001673 required the 2002-2022 Employment UGR to be amended as necessary to incorporate any changes to assumptions to reconcile the change in the commercial refill rate to 52 percent. The reasons for the adjustment of the commercial refill rate from 50 to 52 percent are contained in this September 2005 Addendum to the Employment UGR. As part of the review of the information contained in the adopted Employment UGR and through testimony that was submitted into the record an adjustment was made to the commercial refill rate. This adjustment to the commercial refill rate has implications on how the demand for industrial demand is met.

Data Sources in the Employment UGR

The range of refill rates (50-52 percent) were estimated by using MetroScope, an integrated land use and transportation forecast model and by examining historical data. The refill rate is a forecast parameter that Metro policy makers and local governments can influence through policy and market incentives. An initial "base case" scenario was run in MetroScope to estimate future land needs and indicated an average refill rate of 50 percent through the year 2022. The "base case" scenario assumes land use and transportation policies in effect today will continue in future years. In other modeling scenarios completed prior to adoption of the Employment UGR several alternative growth scenarios suggested that commercial refill rates could fluctuate depending on the land use assumptions used in the MetroScope model.

Historical estimates of the commercial refill rate occurring in the Metro area were measured at a rate of 52 percent during the mid- 1990's. The historical refill rate is based on GIS information, county assessment records and building permit reports provided by local governments.

How Changes in Refill Rates Affect the Demand for Industrial Land

Refill occurs on land that Metro already considers already developed. The change in the commercial refill rate from 50 to 52 percent that is used in the Employment UGR has land supply affects. The supply or inventory of <u>vacant land</u> is unaffected by adjustments to the commercial refill rate.

Industrial land <u>demand</u> is unaffected by commercial refill rate changes, but the industrial need (i.e. shortages) can be satisfied by assuming a different refill rate. The Metro Council assumed that the excess commercial capacity or savings from assuming a higher commercial refill rate will offset a portion of the shortfall of industrial land. The adoption of the change to the refill assumptions was based on testimony by industry experts and economic development professionals. The nature of industrial jobs are changing and is moving towards a more knowledge based economy that has different space requirements. In the future more industrial users are expected to have more office type space requirements and as a result industrial jobs are

increasingly accommodated in buildings and spaces that are customarily associated with commercial office uses.¹

In general, the change in the commercial refill rate reduces the projected land demand for commercial users. In turn, the higher refill rate implies that both commercial and industrial users would conceivably find additional redevelopment opportunities in outmoded buildings. A slightly higher refill rate has the desired effect of reducing the demand for vacant land, potentially increases redevelopment in centers and increases job densities.

Changing the commercial refill rate to 52 percent lowers the demand for vacant commercial land by almost 200 net acres of land (174 acres). The 174 In 2004 the Metro Council study areas that contain Class II soils in priority only after including in the UGB suitable "exception areas" and areas of less capable soils. The Council compared study areas with Class II soils using the "locational" factors in Goal 14 (factors 3-7) and the policies in the Regional Framework Plan (RFP) to reach a decision to add a portion of the Cornelius study area to the UGB.² net acres of savings is transferred to accommodate a portion of the demand for industrial land.

As a result of this adjustment to the commercial refill rate the land demand estimates reported in the Employment UGR have been amended. The following tables replace tables found in the Employment UGR (pages 38 to 43) beginning in the Commercial Land Need Assessment section.

Table 19 summarizes the parcel size and demand estimates for commercial demand.

Tab	le 1	19	Rev	ised

TVENEZO SE CONTROLLO		A THE STREET STREET, S	No IS ISBNIES WEST SELECTIONS	
(VIIII) (E) (E) (E) (E)		refere demande (de		
Net Demand adj. f	or Refill	Acres Demand adj. for Refill		
	Commercial		Commercial	
under 1 acre	5,819	under 1 acre	2,909.4	
1 to 5	241	1 to 5	665.1	
5 to 10	28	5 to 10	212.0	
10 to 25	19	10 to 25	326.5	
25 to 50	6	25 to 50	211.9	
50 to 100	5	50 to 100	375.0	
100 or more		100 or more	0.0	
	6,117		4,700.0	

Table 20 shows a summary detail of commercial demand by building type – commercial, retail and institutional users. This table describes the breakdown by lot size and number of lots by building type.

¹ See " A Review of Information Pertaining to regional Industrial Lands", Ordinance 1040B, Appendix A, item p, and 2002-2022 Urban Growth Report: An Employment Lands Needs Analysis, June 24, 2004, Supplement.

² Twelve areas that contained class II soils were considered suitable industrial development in the 2002 Alternative Analysis Report: Evergreen, Cornelius, Farmington, Forest Grove East, Forest Grove West, Jackson School Road, Noyer Creek, Helvetia, Hillsboro South, West Union, Wilsonville East and Wilsonville South.

Table 20 Revised

Table 20 Nevised		ZVH. V V. T. Y. Z	-1112-11-11	
NUMBER OF LOTS NEEDED BY PARCEL SIZE & BUILDING TYPE - 2000-2022				
	office	retail	med/gov	Total
under 1	3,581	1,395	842	5,819
1 to 5	81	103	58	241
5 to 10	9	6	13	28
10 to 25	4	1	13	19
25 to 50	1	0	5	6
50 to 100	2	0	3	5
100 plus	0	0	0	0
	3,678	1,505	934	6,117
Adjusted for Refi				

In Chart 9, the commercial land demand is depicted in total – including the component of demand that is composed of refill. Note that demand that is accommodated through refill does not consume vacant land, so in later tables the commercial and industrial demand ignore any reference to refill. Chart 9 and Table 24 are shown for completeness purposes to illustrate the total demand that exists for commercial uses. Chart 10 nets out the refill component and shows only the net demand for vacant commercially zoned land.

Chart 9 Revised

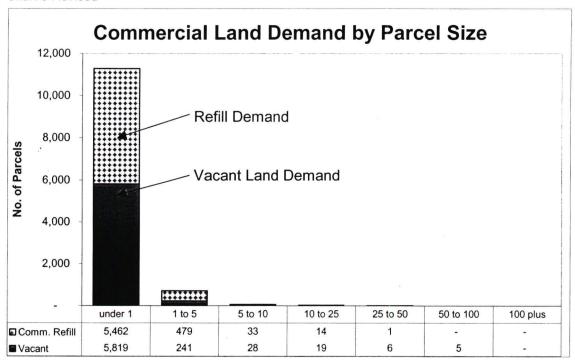


Chart 10 Revised

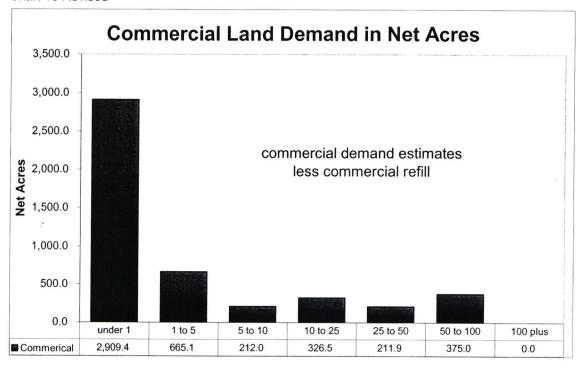


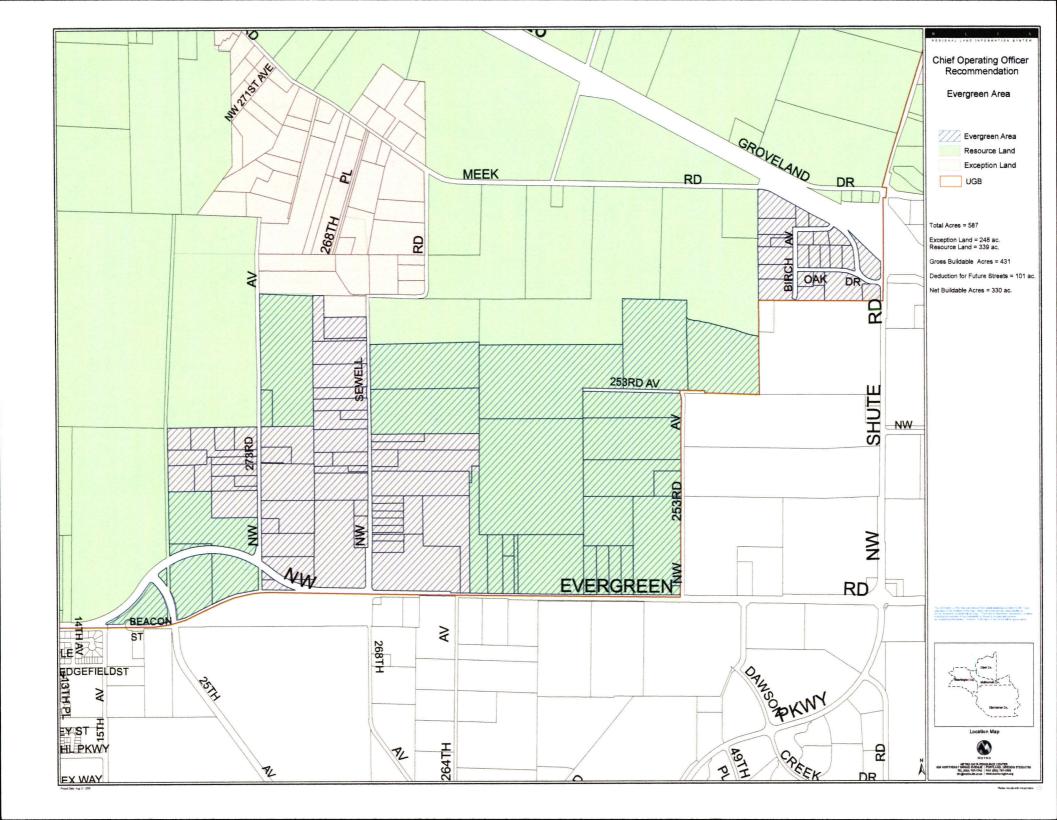
Table 24 Revised

ZHAN BERKUNDAN DEN DEN DEN DEN DEN DE	ial Land	Need S	urplus					
Bradenia - Frances made la discretti de	under 1	Lots 1 to 5	5 to 10	10 to 25	25 to 50	50 to 100	100 plus	TOTAL
Vac. Supply	3,373	917	151	57	12	7	100 pius	4,517
Demand	5,819	241	28	19	6	5		6,117
vacant	11,280	719	61	33	7	5		12,105
refill	(5,462)	(479)	(33)	(14)	(1)			(5,988)
net need	(2,446)	676	123	38	6	2	0	(1,600)
COMMERCIAL	by Net Ac	res						
COMMERCIAL	by Net Acunder 1	res 1 to 5	5 to 10	10 to 25	25 to 50	50 to 100	100 plus	TOTAL
COMMERCIAL Vac. Supply			5 to 10 976.0	10 to 25 793.1	25 to 50 371.4	50 to 100 465.1	100 plus 0.0	TOTAL 5,633.9
3	under 1	1 to 5						
Vac. Supply	under 1 951.9	1 to 5 2,076.3	976.0	793.1	371.4	465.1		5,633.9
Vac. Supply Demand	under 1 951.9 2,909.4	1 to 5 2,076.3 665.1	976.0 212.0	793.1 326.5	371.4 211.9	465.1 375.0		5,633.9 4,700.0
Vac. Supply Demand vacant	under 1 951.9 2,909.4 5,640.2	1 to 5 2,076.3 665.1 2,157.6	976.0 212.0 457.2	793.1 326.5 569.8	371.4 211.9 _{258.8}	465.1 375.0		5,633.9 4,700.0 9,459

Conclusion

In the Adendum to the Employment UGR dated September 2005, the total commercial demand was adjusted from an estimated 4,874 net acres to 4,700 net acres due to the change in the commercial refill rate from 50 to 52 percent. The resulting surplus of 174 net acres has been applied to the industrial land deficit on a one to one basis. This change in the commercial refill rate recognizes changes that are taking place in the marketplace and does not result in a shortage in the supply of commercial land or comprise Metro's ability to meet the 20-year land supply requirement.

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CITY OF HILLSBORO



Via: Electronic Transmission

September 2, 2005

Hon. David Bragdon, President Hon. Brian Newman, Councilor Metro Council 600 NE Grand Avenue Portland, OR 97232

RE: City Program for 2040 Centers Development.

Gentlemen:

Thanks for visiting me yesterday at our new Civic Center. Our discussions of several matters, including some aspects of the 2004 LCDC UGB Remand Order were very informative and productive. We should have more such talks more often.

Yesterday, you asked about our progress toward achieving 2040 Regional Urban Center objectives that apply to Downtown Hillsboro and other parts of Hillsboro. I summarize below projects and actions we have taken in recent years toward Downtown Hillsboro revitalization and upcoming projects and actions we expect to take very soon toward that end.

- 1. In the early 1990s we adopted *Downtown Hillsboro Station Community* development policies and flexible mixed use development regulations. These measures increased the dwelling unit capacities and building height limits within the Regional Center to allow more than 2,000 additional housing units within this Center. (See. Hillsboro 1998 Functional Plan Compliance Report.)
- 2. In 1997, a City-Downtown property owners/business working partnership completed a jointly-funded (est. \$12 million total value) *Downtown Core Area Local Improvement District (LID)*. This project widened sidewalks and simultaneously upgraded underground and street public infrastructure and utilities that now contain adequate capacities to support multi-story mixed uses within our Downtown Core Area.

Hon. David Bragdon and Brian Newman September 2, 2005 Page 3

- 9. This month, the Cities of Hillsboro and Beaverton was informed that their joint application for an ODOT/TGM Grant to conduct and complete a *Beaverton/Hillsboro Downtown Parking Solutions* was approved for Grant funding. For both Cities, the main focus of this project is to develop effective alternative solutions to chronic inadequate downtown parking in both downtown core areas under existing land use codes. Such solutions likely will include, code adjustments, feasible shared parking facilities and/or structured parking facilities. For Downtown Hillsboro, this project hopefully will remove the greatest current barrier to private redevelopment, expansions and improvements to Downtown properties and business spaces.
- After consultation with DLCD, the City is preparing a DLCD Technical Assistance Grant Application to fund a *Downtown Hillsboro Core Area Renaissance Project* which will prescribe how to generate Core Area economic revitalization to be driven in large part by a 24/7 presence in the Core Area of arts- and culture-related (broadly defined) commerce, public art and other like-kind places, activities and events. If funded, this Project will seek to emulate the successful steps taken by other Cities and urban places (i.e., Tacoma, WA, Austin, TX, and the Albina, Pearl District, NW 23rd and Hawthorne Blvd. communities in Portland) to spur urban center revitalization driven by creative businesses and activities.

In addition to our intensive efforts to revitalize the core of our Downtown Regional Center as the crucial initial, we have had significant success and progress in achieving 2040 Center objectives within our two Town Centers, Tanasbourne and Orenco. The successes of the *Orenco Town Center and Village* are widely known and need not be repeated here. Recently, our Tanasbourne Town Center has begun to take off.

Last year, *The Shops at Tanasbourne* retail center core of the Town Center open its door and has been economically successful to date. *Kaiser Medical* will build a major *medical clinic and outpatient medical center* next to its current clinic in the Town Center. *Standard Insurance, Inc.* has acquired existing flex offices and will build additional flex office buildings within the Tanasbourne Center to house some of its business sections to be relocated from its Downtown complex. Higher density housing and mixed use developments are being constructed in the *"Tanasbourne Center Superblock"* located directly across Cornell Road from the Shops at Tanasbourne in accordance with our acknowledged Tanasbourne Town Center Plan.

Finally, our *South Hillsboro Concept Plan*, which designs the development of another 2040 Town Center within the 1400-acre South Hillsboro Area, was completed several years to satisfy Metro Title 11 Concept Planning requirements upon inclusion of the entire South Hillsboro Area into the Metro UGB. A copy of that Plan is being transmitted to you along with a hard copy of this letter by courier. As described at p. 81 of the Plan, the overall South Hillsboro development concept incorporates four unique and distinct neighborhoods:

Hon. David Bragdon and Brian Newman September 2, 2005 Page 5

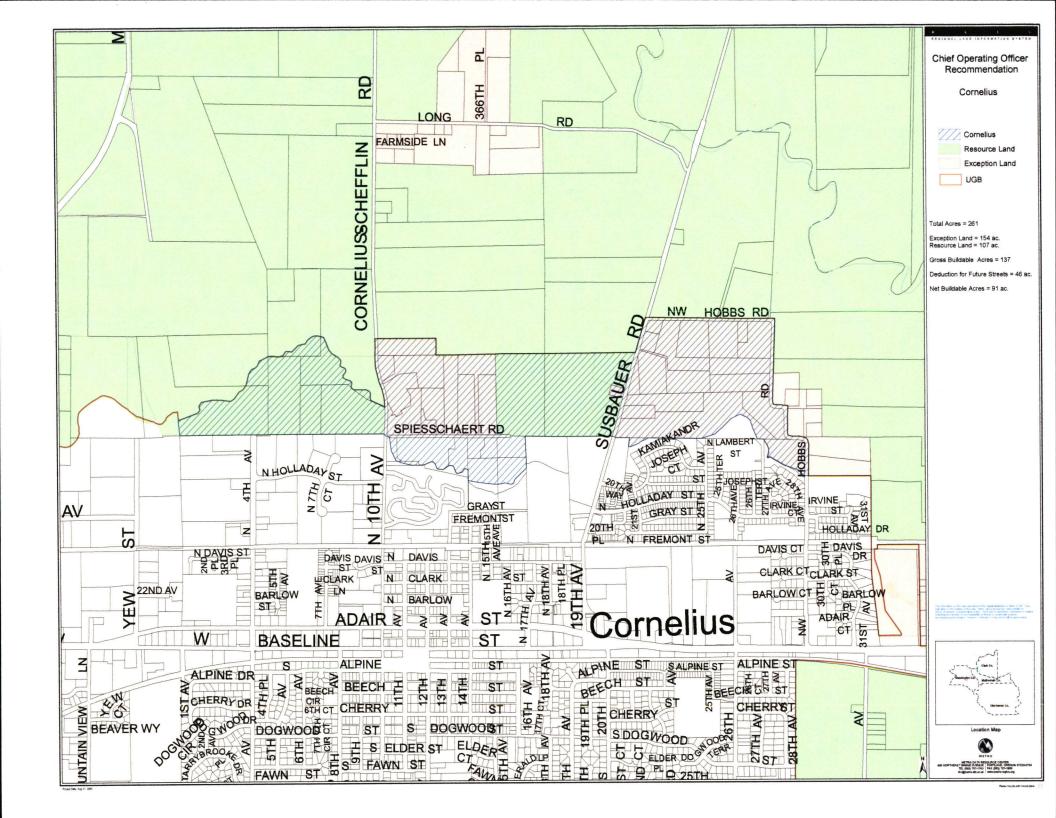
I hope this information is helpful in your upcoming Council's Industrial UGB Remand deliberations as they may relate to our City. Please let me know if you need more information.

Sincerely,

Tom Hughes Mayor

Attachment and Enclosure.

Som Hughes



ADDENDUM TO THE ALTERNATIVES ANALYSIS September 2005

Evergreen Expansion Area		Gross Vacant Buildable Acres 431			
Total Acres	587	Public Land Acres 0			
Total Acres in Parcels	556	Total Developed Acres 90			
Resource Land Acres	339	Total Constrained Acres 35			

General Site Description

The Evergreen Expansion Area is located north of the City of Hillsboro, north of NW Evergreen Road. To the south and east is the UGB; to the north is Highway 26 and to the west is rural land. The Hillsboro Regional Center is approximately 4 miles southwest of the area via NW Evergreen Road and NW Glencoe Road. The expansion area is composed of two sections; a small 35 acre (parcels) section composed of rural residences focused on NW Oak Drive and NW Birch Avenue near the Shute Road interchange on Highway 26 and a large 521 acre (parcels) section north of NW Evergreen Road in the vicinity of NW Sewell Road, both of which provide access to the area. The two expansion areas total 587 acres in size (parcels and street right-of-way) and contain both non-resource land and resource land.

Parcelization, Building Values, Development Patterns

This study area of 587 acres contains 105 tax lots or portions of tax lots that vary in size from less than one acre to approximately 48 acres in size. There is one parcel greater than 40 acres in size, one between 30 and 40 acres, three between 20 and 30 acres, and eleven between 10 and 20 acres in size. Seventy-eight parcels, or seventy-four percent are less than 5 acres in size and twenty-three parcels or twenty-two percent are less than one acre in size. Many of these small parcels are located in the small expansion area section near Highway 26 and NW Shute Road and along NW Sewell Road in the larger section. Seventy-four of the one hundred and five parcels have residences ranging in value from \$40,000 to \$322,000 with twenty-one valued greater than \$150,000. In general, the entire area is open and involved in agricultural activity or functions as a pocket of rural residences.

Physical Attributes (Power lines, Easements, Airport Fly-over Zones)

A power line runs in an east west direction through the center of the larger section of expansion area. There are no other utility lines running through the area. The area is adjacent to the Hillsboro Airport runway protection zone.

Public Services Feasibility

The City of Hillsboro and Clean Water Services are the service providers for this area.

- Water: There is a 66-inch distribution line in NW Evergreen Road adjacent to the large expansion area. Pressure reducing valves are in place throughout the line to provide distribution capabilities. This expansion area is easy to serve.
- Sewer: Service to this area is separated into two districts. Existing 18 and 21-inch gravity sewers that are located approximately 1,400 feet to the south may serve the southeast corner of the larger expansion area. Serving the remaining portion of the expansion area by gravity would require extensive downstream improvements or construction of new sewers through a developed residential area, as there are no existing large diameter sewers available. This area would be difficult to serve.

• **Stormwater:** Stormwater from new development will be required to be treated with detention, water quality facilities or both. The responsibility for the required treatment will be with the developer, thus impacts to downstream facilities will be minimal. Water quality sensitive areas will have vegetated corridor standards applied to them. This area is easy to serve.

Transportation Services

This area received a moderate overall transportation rating due to a moderate availability level of transportation facilities, a relatively low expected volume to capacity ratio on adjacent arterials and major collectors, and moderate environmental factors. This area did receive a difficult score for a high potential trip generation rate. ODOT has expressed concerns that industrial expansion in the NW Shute Road area may affect the nature and cost of needed interchange improvements both at NW Shute Road and NW Cornelius Pass Road. ODOT would like to see an Interchange Area Management Plan for NW Shute Road be prepared as part of the Title 11 planning for the area. Additional widening of US 26 west of NW 185th Avenue may be needed in the future, but this is not currently identified in the Regional Transportation Plan.

Agricultural Analysis

Zoning

The small section of the expansion area is a pocket of exception land zoned AF 5. The larger area contains exception land zoned AF 5 along NW Sewell Road and resource land zoned EFU and AF 20 by Washington County. To the west is resource land zoned EFU and a pocket of exception land zoned AF10 near the intersection of NW Evergreen Road and NW Glencoe Road. To the north is Highway 26 that separates the area from a large expanse of EFU zoned land. The UGB is to the south and east.

Current Agricultural Activity

The small expansion area near the Shute Road interchange contains no agricultural activity. Over half of the larger expansion area is currently being used for field crop activities and there also are a few forested areas. Approximately 53 acres of exception land are actively farmed. Adjacent land to the east within the UGB is in agricultural production and is primarily field crops. To the west is a large area of field crops. To the north is Highway 26 that separates the area from a large expanse of agricultural land mostly in field crop production. There are seven place of use water permits identified by the Oregon Water Resources Department (WRD) within the expansion area. Six are for irrigation and one for nursery use. These seven places of use permits represent less than a quarter of the study area land. There are ten points of diversion water permits identified by the WRD within the expansion area. Nine of the diversions are for irrigation and one is for storage.

Agricultural Compatibility

Urbanization of this area for industrial uses would result in an increase in traffic on NW Evergreen Road and NW Sewell Road and to a lesser extent on NW Meek Road and possibly NW Jackson School Road. This increased traffic on NW Jackson School Road could have an effect on the transport of agricultural goods between the current UGB and US Highway 26 to the north as well as on NW Evergreen Road. This increase in traffic could also have an impact on the normal movement of farm equipment on these two roadways, although both roads currently carry a heavy load of non-farm vehicle trips that already impact the movement of goods and equipment. Urbanization of this area would

bring new development directly adjacent to actively farmed areas to the north and west. Issues relating to complaints due to noise, odor, and the use of pesticides and fertilizers may occur in these areas. Such complaints are less likely to arise however, from industrial areas than from residential areas. There is extensive farmland to the north across Highway 26, but the highway acts a buffer for this area. The adjacent agricultural activity within the UGB is expected to cease or continue on a smaller scale as the area urbanizes.

Gulch Creek flows east to west across the northern edge of the expansion area prior to flowing into Waible Reservoir to the west. A tributary to Gulch Creek flows briefly through the eastern edge and an unnamed stream flows west through the southern portion of the large expansion area. Beyond the expansion area the unnamed stream flows through agricultural land that is in the UGB on Port of Portland property associated with the Hillsboro Airport. Urbanization of this area will result in increased impervious surface area that may diminish water quality and increase the chance of flooding downstream however; Waible Reservoir may provide some flood control for the downstream farmland. Increased flow may affect the downstream agricultural activities on the Port of Portland property. Urbanization of this area may have an affect on the value of the adjacent land involved in agricultural activities to the north and west. Specifically, the land between the expansion area, Highway 26 and the remaining exception land may be the most threatened as it will be more isolated from the larger expanse of agricultural land to the west. Highway 26 provides a buffer for the agricultural land north of the highway and to a lesser extent the remaining exception land provides a buffer to the agricultural land to the west. In addition, the Hillsboro Airport runway protection zone may also provide a level of protection for the land to the west. The remaining adjacent land in agricultural production is already inside the UGB. Urbanization of this area may be perceived as a continued process of urbanization of the farming community north of NW Evergreen Road. Overall, urbanization of this area would have a moderate impact on adjacent agricultural activity to the north and west.

Environmental Social Energy Economic Analysis

General Character of the Area

The large section of the expansion area can be characterized as flat, open land with the vast majority in agricultural production. There are a number of rural residences along NW Sewell Road. A pocket of rural residences makes up the small section of expansion area near the Shute Road interchange.

Environmental

Gulch Creek flows east to west across the center of the study area toward Waible Reservoir to the west for approximately 0.5 miles. A tributary to Gulch Creek measures approximately 0.07 miles. An unnamed stream flows through the southern portion of the area for approximately 0.95 miles for a total of approximately 1.52 miles of streams. There are 2 small wetlands associated with Gulch Creek in the middle segment of the larger area and a portion of a larger wetland associated with Waible Reservoir, which totals approximately 2.3 acres of wetland in the expansion area. A floodplain follows the entire length of Gulch Creek and has an average width of 300 feet. Additionally, there is a floodplain associated with the Gulch Creek tributary and the unnamed stream for a total length of floodplain of 1.52 miles. There are very minimal areas of slopes greater than ten percent along Gulch Creek. There is no designated open space in this study area. All of Gulch Creek and the unnamed stream have been identified as a significant

Water Area, Wetland and Fish and Wildlife Habitat on Washington County's Rural/Natural Resource Plan. Metro's Goal 5 Fish and Wildlife Habitat Inventory identifies 12 percent of the area land in the inventory. Urbanization of this would have a moderate impact on natural resources as outlined in the ESEE analysis described in the 2003 Industrial Land Alternatives Analysis Study based on the stream corridor length and the associated floodplain that are along the edges of the area.

Social Energy Economic

This expansion area is mid-sized, contains a medium number of parcels, the majority of which are less than 5 acres in size, although there are five parcels greater than 20 acres in size. The majority of the area is open and involved in agricultural activity and there are two concentrations of residential use. Negative economic impacts associated with loss of agricultural activity due to urbanization would be less than the potential economic benefits from development opportunities, especially for the larger parcels. The small parcels that contain residences may not realize an economic opportunity as industrial land based on the value of the existing home and land and the need to consolidate parcels. This is especially true for the small expansion area near the Shute Road interchange. Urbanization of this agricultural area may have a minimal economic impact on the agricultural lands directly to the north between the expansion area and highway 26 due to increased isolation from the larger expanse of agricultural land to the west. Urbanization of this area would result in an increase in vehicle miles traveled, the level of impact depending on the industrial use. This increase in vehicle miles traveled may also negatively affect movement on the Highway 26 corridor. Current residents and adjacent residents outside the UGB would realize negative social impacts from the urbanization of this farmland for industrial use. This is especially true for the residents of the exception land to the north centered on NW Sewell and NW Meek Roads. Due to the negative and positive consequences of including this mid-sized somewhat isolated agricultural area in the UGB, urbanization of this study area would result in a moderate energy/social/economic consequence.

Other Identified Resources

The Washington County Rural/Natural Resource Plan identifies the Shute Residence at 4825 NW 253rd as a historic property.

Cornelius Expansion Area		Gross Vacant Buildable Acres 137			
Total Acres	261	Public Land Acres 5			
Total Acres in Parcels	253	Total Developed Acres 32			
Resource Land Acres	107	Total Constrained Acres 79			

General Site Description

The Cornelius Expansion Area is located on the north side of the City of Cornelius. To the north, east, and west is rural land. The area from The Cornelius Main Street area is approximately ¼ mile to the south and is accessed via N 10th and N 19th Avenues. The area is irregular in shape and Council Creek forms the northern edge of the expansion area on the west end. Access to the expansion area from the north is by NW Cornelius Schefflin Road and NW Susbauer Road, which turn into N 10th and N 19th Avenues respectively within the city limits. Additional access from the south is by NW Hobbs Road, which forms the eastern edge of the expansion area and N 4th Avenue, thus providing four transportation connections to Tualatin Valley Highway. The expansion area is 261 acres in size of which approximately 146 acres are exception land. The remaining 107 acres is resource land.

Parcelization, Building Values, Development Patterns

This expansion area of 261 acres contains 47 tax lots or portions of tax lots that vary in size from less than 1 acre to approximately 30 acres in size. There is one parcel just over 30 acres in size, five between 10 and 20 acres, and eleven between five and ten acres in size. Over half of the parcels (30) are less than five acres in size and five are less than one acre. Eighteen of the parcels, or forty percent have residences ranging in value from \$65,000 to \$259,000 however; all but five are valued less than \$150,000. In general the expansion area can be divided into three land use categories; agricultural activity, rural residences, most of which are not associated with large scale farming activities and vacant natural resource areas along Council Creek. The agricultural activity is occurring on resource and exception land and the natural resources and rural residences are mostly associated with the exception land. There is one rural industrial use located on exception land adjacent to NW Susbauer Road.

Physical Attributes (Power lines, Easements, Airport Fly-over Zones)

There are no power lines or public easements running through the area. Available data does not indicate that this area is within significant range of an airport flight zone.

Public Services Feasibility

The City of Cornelius and Clean Water Services are the service providers for this area.

- Water: There is a 72-inch water transmission main that runs east through the City of Cornelius, which has four direct connections to the line. Twelve-inch mainlines are located in N. 4th, 10th, 19th and 29th Avenues, which extend north to the edge of the study area and provide opportunities for looping water service required for fire protection. The City currently has one centrally located reservoir and a second centrally located reservoir is identified in the water CIP for construction in 2005-07. This area would be easy to serve.
- **Sewer:** This area can be served by gravity to an existing 36-inch gravity sewer line located along the entire southern boundary of the study area. The existing sewer line is currently scheduled for an upgrade; therefore any additional

- capacity for this area could be easily included in the design of the planned upgrade. This area is easy to serve.
- **Stormwater:** Stormwater from new development will be required to be treated with detention, water quality facilities or both. The responsibility for the required treatment will be with the developer, thus impacts to downstream facilities will be minimal. Water quality sensitive areas will have vegetated corridor standards applied to them. This area is easy to serve.

Transportation Services

This area received an easy overall transportation rating due to a higher availability level of transportation facilities, a relatively low expected volume to capacity ratio on adjacent arterials and major collectors, and a relatively low potential trip generation rate based on the small size of the area. ODOT has expressed concerns that any industrial expansion in this area will have an impact on the NW Glencoe Road interchange on US 26 and add congestion to Tualatin Valley Highway. Safety improvements completed last year at the Glencoe Road interchange have added some capacity for the time being. Other more likely limiting factors may be NW Cornelius Shefflin and NW Susbauer Roads (Washington County roads) leading to US 26. The Washington County Transportation System Plan designates freight routes along NW Cornelius Shefflin Road to NW Zion Church Road to NW Glencoe Road to US 26.

Agricultural Analysis

Zoning

Generally the expansion area can be divided into four sections two each of exception land zoned AF5 and resource land zoned AF20 that form an alternating pattern (Map 1). Proceeding east to west, the area begins with a segment of exception land that extends to NW Susbauer Road with two parcels (one zoned RIND) of exception land protruding into the resource land segment on the west side of NW Susbauer Road. This resource land segment is composed of portions of two parcels and extends west to the end of NW Spiesschaert Road. The next exception land segment contains the parcels adjacent to NW Spiesschaert Road that extend to NW Cornelius Sheffelin Road. The final resource land segment is on the west side of NW Cornelius Sheffelin Road, south of Council Creek. The two exception land areas, which represent a majority of the acreage is zoned AF5. The resource land within the expansion area is zoned AF20 by Washington County. A portion of one parcel that is on the west side of NW Susbauer Road is zoned RIND with the remainder of the parcel zoned AF20. The majority of the land to the north is zoned EFU, but there is pocket of exception land zoned AF10 approximately one-half mile to the north along NW Cornelius Schefflin Road. To the south is the main street district of Cornelius. To the west is resource land zoned EFU and AF20 on the north side of Forest Grove and to the east is resource land zoned AF20 and a small pocket of exception land zoned AF5 directly adjacent to the expansion area.

Current Agricultural Activity

Over half of the expansion area is involved in agricultural activity that is composed primarily of field crops with a small amount of row crops and pastureland. Approximately 60 acres of exception land are actively being farmed. Adjacent to the north, east and west of the expansion area are large areas of agricultural activity that is a mixture of field and row crops, nursery stock and orchards. This area to the north, east and west is part of a very large expanse of agricultural land extending north to Highway 26. There are two places of use water permits identified by the Oregon Water Resources Department

(WRD) within the expansion area that are for irrigation. These two places of use permits cover a very small portion of the western section of the expansion area. There is one point of diversion water permit identified by the WRD within the expansion area for irrigation through the use of a stream. The entire area is within the boundary of the Tualatin Valley Irrigation District, although not all parcels have water rights.

Agricultural Compatibility

Urbanization of this area for industrial uses would result in an increase in traffic on NW Cornelius Schefflin Road and NW Susbauer Road. This increased traffic may have an effect on the transport of agricultural goods produced to the north, east and west as both roads lead to US Highway 26 via NW Zion Church Road and NW Glencoe Road. The Tualatin Valley Highway that runs east west through the center of Cornelius may also see an increase in traffic, which could affect the movement of goods from agricultural areas to the south and west of Cornelius and Forest Grove. The increased traffic north of Cornelius may also have an impact on the normal movement of farm equipment, as the area between the expansion area and Highway 26 has extensive agricultural operations. The Urbanization of this area would bring new development directly adjacent to actively farmed areas to the north and east. Issues relating to complaints due to noise, odor, and the use of pesticides and fertilizers may occur depending on the industrial use. Such complaints are less likely to arise however, from industrial areas than from residential areas.

Council Creek, which forms the northern edge of the western portion of the expansion area (west of NW Cornelius Schefflin Road), acts as a buffer between the expansion area and the adjacent agricultural activity reducing the likelihood of conflict between the two uses. East of NW Cornelius Schefflin Road Council Creek forms the southern edge of the expansion area prior to joining Dairy Creek east of the expansion area. Two unnamed tributaries to Council Creek flow south through the central portion of the area. Urbanization of this area will result in increased impervious surfaces that may diminish water quality and increase the chance of flooding downstream. Council Creek flows through a forested corridor along the southern edge of the area and then crosses agricultural lands to meet Dairy Creek. Increased flow may affect these downstream agricultural activities. Urbanization of this area may affect the value of nearby land involved in agricultural activities by encouraging land banking and speculation resulting in the inability of farmers to acquire parcels needed for agricultural production. However, the agricultural lands to the north are part of a larger expanse of farmland that stretches to Highway 26 and beyond and may be less affected by speculation, as the major portion of farming community would be intact. Alternatively, urbanization of this area may be perceived as a first step of urbanization into this farming community. Only 49 acres of resource land included in the expansion area would be directly adjacent to the actively farmed resource land to the north, thus reducing the potential for speculation and land banking. Overall, urbanization of this area would have a medium impact on adjacent agricultural activity to the north, east and west.

Environmental Social Energy Economic Analysis

General Character of the Area

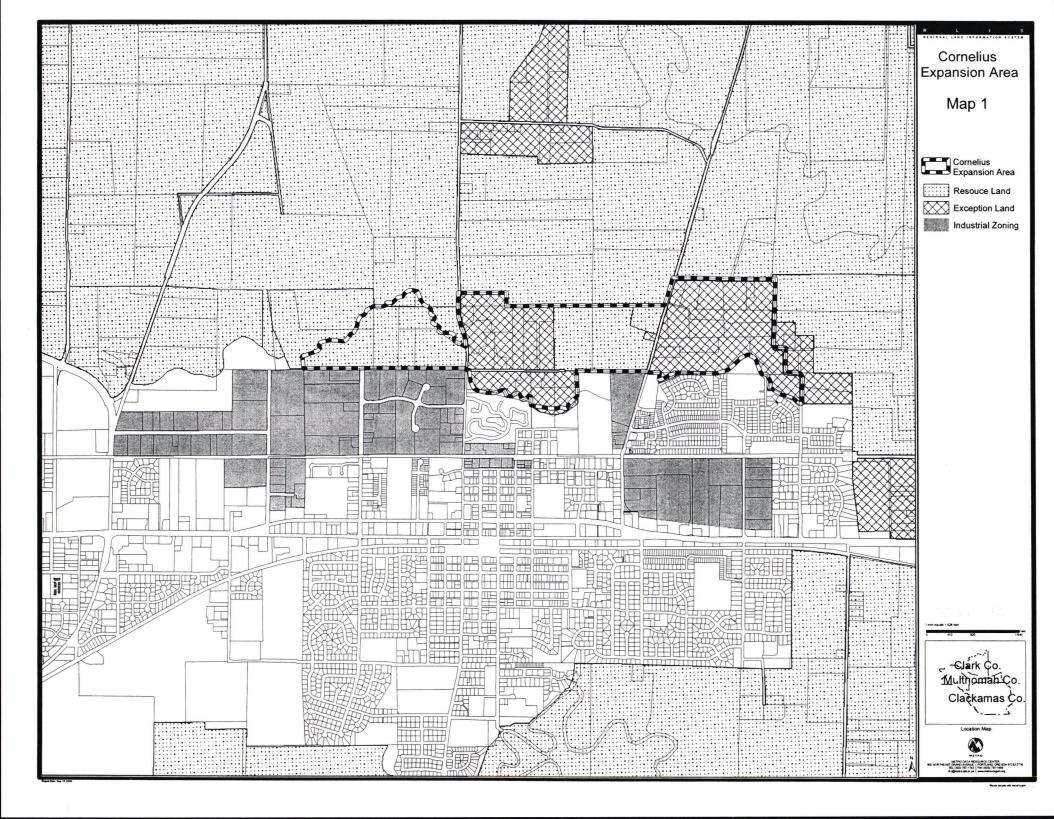
The area is characterized by flat land in agricultural production, rural residences and natural resources along Council Creek and tributaries.

Environmental

Council Creek flows west to east along the expansion area edges for roughly 2.1 miles and two tributaries flow from north to south through the center of the area for approximately 0.5 miles, for a total of 2.6 miles of stream corridor. There are wetlands associated with Council Creek all along the stream corridor that total approximately 27 acres. There also is a floodplain associated with Council Creek that extends the entire length of the stream corridor and averages about 280 feet in width. Slopes greater than 10 percent can be found along all stream corridors. There is approximately 23 acres of Metro owned open space in this study area. A portion of Council Creek has been identified as a significant Water Area, Wetland and Fish and Wildlife Habitat on Washington County's Rural/Natural Resource Plan. Metro's Goal 5 Fish and Wildlife Habitat Inventory identifies 29 percent of the area land in the inventory. Urbanization of this area would have a moderate impact on these natural resources as outlined in the ESEE analysis described in the 2003 Industrial Land Alternatives Analysis Study, as the majority of the resources are concentrated along Council Creek, which would be protected under normal development scenarios, and not distributed throughout the study area. In addition a significant portion of Council Creek flows through Metro owned open space (23 acres) and the natural resources along this section would be protected and most likely enhanced.

Social Energy Economic

This area is small in size, contains a small number of parcels, most of which are less than 5 acres in size. The area is a mixture of rural residences, agricultural land and natural resource areas. Land in agricultural activity represents approximately half of the expansion area, the majority of which is to be found on the two resource land portions. There are two small pockets of rural residences that make up most of the home sites. The small residential parcels may not realize an economic opportunity as industrial land based on the value of the existing home, land and the difficulty in consolidating parcels. Negative economic impacts associated with loss of agricultural activity due to urbanization would be less than the potential economic benefits from development opportunities. Urbanization of this small amount of land in agricultural productivity would have a minimal economic impact on the adjacent agricultural lands to the north, east and west in terms of equipment and labor sharing. Urbanization of this small area would result in an increase in vehicle miles traveled, the actual impact depending on the future industrial use. Current residents, adjacent residential neighborhoods and adjacent farmers could realize negative social impacts from the urbanization of this farmland for industrial use. However, Council Creek provides a buffer to the adjacent residential areas to the south and the western portion of the area is adjacent to industrially zoned land, thus reducing social impacts to adjacent residential neighborhoods. Due to the negative and positive consequences of urbanizing a small area and the potential minor impacts on adjacent residential areas and agricultural land, urbanization of this study area would result in a low energy/social/economic consequence.



September 12, 2005

Richard Benner, Metro Counsel Metro 600 NE Grand Avenue Portland, Oregon 97232

Re: Findings on Cornelius UGB Expansion for Industrial Use

Dear Mr. Benner:

On behalf of the City of Cornelius, I would like to add explanation to the findings of fact submitted and implied by last year's testimony supportive of Metro's recommended Urban Growth Boundary extension just north of our City limits. We want to clarify the importance of inclusion of the 42 acres of Class II farmland that appears to be central to the challenge of our 262 gross acres of UGB expansion.

Findings Corrections

First, I will correct inaccurate site information presented by 1000 Friends of Oregon that turned up in the findings and context of DLCD's remand order.

- 1. The portion of this expansion area that is north of Council Creek and designated Class II farmland is only 16% of the gross acreage of the site 42 acres.
- 2. Part of these two tax lots totaling 42 acres is stream and not farmable, the rest is land that has not been irrigated in over 10 years, lost its water rights and is therefore limited to dry land farming that "barely pays the taxes". (See the Tualatin Irrigation Map & Margaret Lafollette Smith testimony.)
- 3. Far from a "protrusion" into the core of valuable farmland, these 42 acres are nearly surrounded (approx. 295 degrees of a circle) by urban and exception uses, and as a bridge between exception areas forms a dipping line across an area of existing suburban uses.
- 4. Industrial use access is good; the site is an extension of an existing high quality industrial park, is divided by a recently improved county freight route (with 2 new freight standard bridges funded for construction in 2006 and 2007, is only ½ mile from TV Highway (state freight route) and 5.6 miles, not "18 miles", from Sunset Highway via roads improved in 2005 and a planned new interchange.
- 5. This area's rating for environmental, energy, economic and social consequences should be high. The City of Cornelius' Goal 5 Natural Resources Plan, requirements and record are clearly stronger than Washington County's. Note Cornelius' ability and recent record of protecting and developing the environmental resources of Council Creek & tributaries, including requiring buffers, restoration and public trail space of residential & commercial

developments, and successful advocacy for Metro approval of a Council Creek Trail system and acquisition of greenspace along Council Creek.

Moreover, reducing commuter traffic along Susbauer and Cornelius-Schefflin roads from Cornelius, which has the longest average commute in the Metro region, by developing jobs within walking and biking distance of employee homes, will reduce energy used and pollution from inefficient auto use and dangerous traffic congestion. More local industry and jobs in a residential heavy area will of course improve the Cornelius economy, financial health, public services and the livability of residents.

Increased Efficiency of Services In Expansion Area

Second, I hope to make it more clear that development of these 42 acres of non-irrigated farmland will lead to more efficient urban service provision for both existing and future uses in the expansion area and uses within the existing urban growth boundary/city limits. Besides the well-known efficiency advantages of urban scale development over exception-scale development, the following specific efficiencies should be noted.

- 1. With construction of new OTIA funded bridges across Council Creek at Susbauer and Cornelius-Schefflin (bracketing the recommended expansion area and consistent with City industrial/pedestrian standards) in 2006 and 2007, all urban services roads, water, sanitary sewer and storm water utilities will be developed to the edge of the recommended expansion area. That is to say urban service availability is excellent. (See the example City master plan map.)
- 2. All Cornelius Comprehensive Plan components are up-to-date (periodic review orders satisfied), including our Transportation Systems Plan and master plans for water, storm water and sanitary sewer systems, and project the efficiencies of service extension into this expanded urban area. (See the example City master plan map.)
- 3. Water lines particularly must be looped for safe circulation and efficient service. Cornelius currently provides water from Cornelius-Schefflin Road to residents along the 1,000 ft. long dead end Spieschart Road, within the exception area west of the 42-acre farmland parcels. Safer, more efficient and orderly provision of water to existing and future uses in this area and the exception area between Susbauer and Hobbs Road to the east will require extension of water lines from the Cornelius-Schefflin line through the two farmland parcels to the Susbauer line and on through the eastern exception area to the Hobbs Road line. Water line loops keep water fresh, provide adequate flow and backup for water line failure.
- 4. Transportation connection from the County freight arterial Cornelius-Schefflin to Susbauer between the two sizable exception areas is essential for safety and efficient service for existing and future uses in the expansion area, as well as existing and planned uses within the current UGB/City limits. This requires construction of a road through the two-parcel 42-acre farmland site.

Specifically, the one access to Spieschart Road, a substandard bridge in the Council Creek floodplain, will be moved north when the new Cornelius-Schefflin Bridge is constructed. Public safety standards require a second access, which most efficiently must extend to Susbauer Road (the other side of the two farmland parcels). Additionally, there exists a

meat packing plant on the north side of the farmland parcels that generates traffic that will best be expanded and handled by an industrial collector between Susbauer and Cornelius-Schefflin built to city standards, rather than the current driveway onto the unsignaled county maintained Susbauer Road.

- 5. Thus the entire recommended expansion area exception areas and farm area not only can be served more efficiently with water and transportation if served together, but must be served as a connected system to meet safe standards of construction and maintenance.
- 6. Both storm water and sanitary sewer systems, managed at the basin level by Clean Water Services, have major lines of service running along Council Creek north of Cornelius and Forest Grove. It will be relatively easy to access these services from the north, as it is from existing local lines from the south. (See the example master plan map.)

Increased Efficiency of Services Within Existing Urban Areas

Development of this recommended expansion area promises to increase the safety, efficiency, affordability and orderliness of urban service provision within the current UGB/City limits, as well. There are significant economies of scale inherent in developing on the north side of recent and current public and private improvements. The costs of base infrastructure improvements, including recent freight route widening, new bridges, storm water and sanitary sewer lines along Council Creek and the new 72" water line the length of Cornelius are the same with or without development along the north of these services. Local and county share of capital costs and system-scale maintenance costs are virtually the same. Additional development adds private system development fees to share in paying for system maintenance and more ongoing utility fees to pay for service. More development north of Council Creek will also tend to geographically center Clean Water Services infrastructure along Council Creek and thus spread out the cost/value of those major service investments to closer-in users.

Development of the recommended expanded area will increase the safety and reduce maintenance problems within the current UGB/City limits. Water line loops made possible by development of the expanded area will reduce the danger of back-up and contamination problems into existing development within the current City limits. (Inherent in the dead end water line along Spieschart Rd.) Alternatives to road access safety problems within the current UGB/City limits, including dangerous current accesses in the Council Creek floodplain and uncollected driveway accesses both inside and very near the City limits along Susbauer Road can be constructed only with the resources of private development and reviewed under City urban standards.

Industrial Land in Cornelius - Characterized

Much of Cornelius' industrial/commercial base supports the agricultural industries surrounding our community. New Seasons Food and Sabroso fruit processing plants, Hazelnut Growers of Oregon Coop, Pacific Harvest Supply Company, Fisher Implements and the new Coastal Farm Implements store are examples. Without nearby urban space for processing, supply and fueling businesses, and sustainable living areas for agricultural workers, agriculture industry costs go up and health goes down.

Only 9% of land within the UGB/Cornelius city limits is currently zoned for industry. Only 45 acres are vacant for industrial development. A combination of lots totaling 20 acres is the largest area

available for industry. There is a growing demand for agriculture supportive industry. The City is in great need for local jobs for our residents, many of which are agriculture workers, and for industry to increase our tax base to sustain our services.

Recent examples of demand for industrial space that we have not been able to meet include, Sabroso Fruit Processing Company which needed 20 acres to expand into, couldn't deal with the one package of 20 acres available, and moved to Woodburn in 2004. The Hazelnut Growers of Oregon want to move their processing plant from the center of our commercial area of town to twice their current 10 acres at the edge of a town. And there is commercial business demand for their central location.

Industrial uses are generally a good buffer between agriculture uses and higher density residential and commercial uses. The fact that industrial demands for transportation facilities are more similar (freight/farm equipment) to farm uses, than residential and commercial uses (autos & transit), supports the conclusion that this recommended UGB expansion would result in less conflict between farm and town uses than a future with no expansion.

In summary, use of the 42 acres of farmland in question for industrial development will be better for the agriculture industry than its continued use as an island of subsistence dry land farming, with fewer resources and unmet need for road improvements and effective buffers.

The recommended expansion of 262 gross acres on the north side of Cornelius will result in three efficiently served groups of parcels of over 50 acres each – an excellent resource for both urban and agricultural community. It will most importantly meet the six critical community and regional needs the City of Cornelius originally identified in its proposal for UGB expansion in 2002.

- 1. Increase the meager supply of medium-large lot industrial land
- 2. Support specific agriculture and high-tech industries that are regionally significant, locally based, publicly invested in and widely acclaimed
- 3. Provide efficient, cost-effective and safe urban services for existing & projected citizens & businesses, and for adjacent exception and rural lands
- 4. Sustain regionally significant natural resources, particularly along Council Creek
- 5. Provide local jobs for the community with the longest average commute in the region, thus saving time, energy and relieving traffic congestion
- 6. Make Cornelius a more complete, balanced and financially sustainable community

I hope, I have added clarity to these original objectives and our need for the 42 acres under special scrutiny. We have wanted from the start for this small UGB expansion for future industrial uses to be a proactive balancing of two important and interdependent super-objectives – protecting agricultural land in this rich Tualatin Valley and building a complete sustainable community in Cornelius.

Your partner in reaching all of Oregon's land use goals,

Richard Meyer
Development & Operations Director

Copy: Pam Berry & Amy Scheckla-Cox

