

A G E N D A

600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736



METRO

TEL 503-797-1540 FAX 503-797-1793

MEETING: METRO POLICY ADVISORY COMMITTEE

DATE: November 30, 2005
DAY: Wednesday, 5:00-7:00 p.m.
PLACE: Metro Council Chamber/Annex

NO	AGENDA ITEM	PRESENTER	ACTION	TIME
	CALL TO ORDER	Hoffman		
1	SELF INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS	All		5 min.
2	CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS			5 min.
3	CONSENT AGENDA • October 26, 2005 & November 9, 2005	Hoffman	Decision	5 min.
4	COUNCIL UPDATE	Hosticka	Update	5 min.
5	ORDINANCE 05-1097 FANNO AND ROCK CREEK	Ketcham	Recommendation	20 min.
6	BROWNFIELDS/EPA GRANT/LOCAL BROWNFIELD EXPERIENCE	Neill	Information	20 min.
7	FAIRNESS, FARMLAND AND GREAT NEW NEIGHBORHOODS	Liberty	Introduction	30 min.
8	UGB INDUSTRIAL LANDS REMAND DECISION	Hoffman	Discussion	20 min.

UPCOMING MEETINGS:

MPAC: December 14, 2005
MPAC Coordinating Committee, Room 270: December 14, 2005

For agenda and schedule information, call Kim Bardes at 503-797-1537. e-mail: bardes@metro.dst.or.us
MPAC normally meets the second and fourth Wednesday of the month.
To receive assistance per the Americans with Disabilities Act,
call the number above, or Metro teletype 503-797-1804.
To check on closure or cancellations during inclement weather please call 503-797-1700.

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

October 26, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Chuck Becker, Dave Fuller, John Hartsock, Tom Hughes, Richard Kidd, Charlotte Lehan, Diane Linn, Alice Norris, Martha Schrader, Larry Smith, Erik Sten

Alternates Present: Larry Cooper, Ed Gronke, John Leeper

Also Present: Constance Beaumont, Clackamas County; Hal Bergsma, City of Beaverton; Beverly Bookin, CREEC; Ron Bunch, City of Gresham; Carol Chesarek, Citizen; M’Lou Christ, SE LUTC; Bob Clay, City of Portland; Danielle Cowan, City of Wilsonville; Shirley Craddick, Gresham City Council; Brent Curtis, Washington County; Dan Drentlaw, City of Oregon City; Kay Durtschi, MTAC; Meg Fernekees, DLCD; Alex Frantz, Clackamas County; Javon Gilmore, Gresham First; Jim Johnson, Save Cedar Mill; Gil Kelley, City of Portland; Norm King, City of West Linn; Brooks Koenig, Hosford Abernathy; Stephan Lashbrook, City of Lake Oswego; Irene Marvich, League of Women Voters; Keith Mays, Mayor of Sherwood; Doug McClain, Clackamas County; Linda Nettekoven; Gail Parker, Save Cedar Mill; Paul Parker, Save Cedar Mill; Pat Ribellia, City of Hillsboro; Paul Savas, Clackamas County; Amy Scheckla-Cox, City of Cornelius; Michael Sykes, City of Forest Grove; David Zigel, TriMet

Metro Elected Officials Present: Liaisons – Robert Liberty, Council District 6 others: Brian Newman, District 2, David Bragdon, Council President

Metro Staff Present: Kim Bardes, Dick Benner, Andy Cotugno, Chris Deffebach, Mike Jordan, Robin McArthur, Lydia Neill, Randy Tucker, Malu Wilkinson

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Mayor Richard Kidd, Interim MPAC Chair, called the meeting to order 5:03 p.m.

Interim Chair Kidd asked those present to introduce themselves and to give updates or announcements as pertained to their jurisdiction.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

Linda Nettekoven submitted a disc and binder of information from the SE Uplift Land Use & Transportation sub-committee for Big Box Retailing. Those items are attached and form part of the record.

3. CONSENT AGENDA

Meeting Summary October 12, 2005:

Motion:	John Hartsock, Clackamas County Special Districts, with a second from Mayor Tom Hughes, City of Hillsboro, moved to adopt the consent agenda without revision.
Vote:	The motion passed unanimously.

4. COUNCIL UPDATE

Councilor Robert Liberty said that the Metro Council had begun the scoping phase, now called the New Look, which was an update of the 2040 Growth concept, and which would lead to transportation decisions around the urban growth boundary (UGB). He said that Metro Council had approved the Expansion Area Funding Committee, which would look at ways of funding options for concept and comprehensive planning in the Metro region. He said that Measure 37 had recently been invalidated, which would lead to a lot of discussion with attorneys on all levels. He said that at the first meeting of the Blue Ribbon Committee for the Greenspaces Bond Measure the members received important polling information. They would be meeting again on November 2nd and 9th to get advice on the target areas for acquisition as well as amounts. The Council had met to discuss the purpose and intent of corridor studies relative to the New Look and the Regional Transportation Plan (RTP) – that topic would be back at MPAC in the next month. He gave details of the Hollywood Get Centered event, which was the last of the Get Centered series.

5. ORDINANCE 05-1089 UGB CODE CHANGES

Dick Benner, Metro Attorney, gave an update to the members about changes to the code that had taken place since the last meeting. He said that the subcommittee had met twice and made suggestions to MTAC and those suggestions were integrated into the materials in the meeting packet. He reviewed those materials in brief for the MPAC members. He reviewed the timeline that the ordinance would follow until final action at Metro Council. He said that MTAC recommended approval of the code changes with the revisions recommended by its subcommittee and MTAC itself. He said that staff was hoping for a recommendation from the MPAC members.

Motion:	Martha Schrader, Clackamas County, with a second from Mayor Alice Norris, City of Oregon City, moved to forward the amendment to Chapter 3.01, Urban Growth Boundary and Urban Reserve Procedures, of the Metro Code to the Metro Council as it was presented to MPAC for a favorable recommendation.
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Vote:	The motion passed unanimously.
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6. ORDINANCE 05-1070 UGB INDUSTRIAL LAND REMAND

Lydia Neill, Metro Principal Regional Planner, reviewed the highlights of the staff response to the industrial lands remand from LCDC. She presented a large map in the back of the room that displayed changes to the Evergreen site. The change in the Evergreen area pertained to the northern boundary of the site. The boundary was recommended to follow Waible Creek and not tax lot lines in this area. She gave an overview of the comments from the open house held at the Hillsboro Civic Center on October 20, 2005 regarding the Chief Operating Officer's recommendation.

Councilor Brian Newman asked if the proposed Council amendments would be reviewed for the MPAC members.

Councilor Liberty and Mr. Benner gave a brief description of the Metro Council amendments for the UGB Industrial Land Remand.

There was discussion about how the Metro recommendation responding to the remand actually met the amount of land shortfall that LCDC required.

Motion:	Mayor Tom Hughes, City of Hillsboro, with a second from John Hartsock, Clackamas County Special Districts, moved to forward the Chief Operating Officer's recommendation to the Council for approval.
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Vote:	The motion passed unanimously.
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6. GROWING INSIDE THE UGB – LESSONS LEARNED

Steve Mays, Mayor of Sherwood City, gave a PowerPoint presentation for the members. Slides from that presentation are attached and form part of the record.

Mayor Alice Norris, City of Oregon City, gave a presentation on Oregon City and the growth that the city had experienced in recent years. Mayor Norris reviewed the lessons that they had learned during her tenure. Notes from her presentation are attached and form part of the record.

Stephan Lashbrook, City of Lake Oswego, gave a PowerPoint presentation on infill efforts in Lake Oswego. Slides of that presentation are attached and form part of the record. He said that he saw a problem with a lot of affordable housing and apartments being replaced by condos and townhouses which were much more costly.

Gil Kelley, City of Portland, gave a PowerPoint presentation on Infill in Portland. Copies of those slides are attached and form part of the record.

There being no further business, Interim Chair Kidd adjourned the meeting at 6:49 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR OCTOBER 26, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
#2 Citizen Communication for Non-Agenda Items	10/26/05	Letter to MPAC from M'Lou Christ re: Big Box Retail	102605-MPAC-01
#2 Citizen Communication for Non-Agenda Items	June 8, 2005	Local Economic Research & Resources, Prepared for Southeast Uplift (SEUL), Land Use and Transportation Sub-Committee for Big Box Retailing	102605-MPAC-02
#7 Growing inside the UGB – Lessons Learned	August 29, 2000	The Sherwood Urban Renewal Plan & Report	102605-MPAC-03
#7 Growing inside the UGB – Lessons Learned	October 26, 2005	Infill Standards, City of Lake Oswego	102605-MPAC-04
#7 Growing inside the UGB – Lessons Learned	October 26, 2005	Infill Housing: Portland's Story	102605-MPAC-05
#7 Growing inside the UGB – Lessons Learned	October 26, 2005	Report for MPAC: Growing Inside the UGB: Lessons Learned – Downtowns – Oregon City's Economic Development Strategy – like the lantern at auction	102605-MPAC-06
#2 Citizen Communication for Non-Agenda Items	10/28/05	Email from Linda Nettekoven re: presentation text	102605-MPAC-07

METRO POLICY ADVISORY COMMITTEE MEETING RECORD

November 9, 2005 – 5:00 p.m.

Metro Regional Center, Council Chambers

Committee Members Present: Nathalie Darcy, Rob Drake, Dave Fuller, John Hartsock, Jack Hoffman, Tom Hughes, Diane Linn, Alice Norris, Tom Potter

Alternates Present: Larry Cooper, Shirley Craddick, Laura Hudson, Norm King, Lane Shetterly

Also Present: Hal Bergsma, City of Beaverton; Ron Bunch, City of Gresham; Al Burns, City of Portland; Cindy Catto, Phoenix Rising Consulting; Carol Chesarek, Citizen; Bob Clay, City of Portland; Gary Clifford, Multnomah County; Danielle Cowan, City of Wilsonville; Brent Curtis, Washington County; Meg Fernekees, DLCD; Kirstin Greene, Cogan Owens Cogan; Dave Hunnicut, moveon.org; Gil Kelley, City of Portland; Steve Kelley, Washington County; Stephan Lashbrook, City of Lake Oswego; Irene Marvich, League of Women Voters; Greg Miller, AGC; Juan Carlos Ocana, City of Portland; Laura Oppenheimer, Oregonian; Scott Pemble, Clackamas County; Pat Ribellia, City of Hillsboro; Andy Smith, Multnomah County; Scott Stewart, Portland Multnomah Progress Board; Andrea Vannelli, Washington County; Liesl Wandt, City of Portland; David Zigel, TriMet

Metro Elected Officials Present: Liaisons – Carl Hosticka, District 3; Susan McLain, Council District 4; Robert Liberty, Council District 6 others: David Bragdon, Council President; Brian Newman, District 2

Metro Staff Present: Kim Bardes, Andy Cotugno, Chris Deffebach, Paul Ketcham, Robin McArthur, Malu Wilkinson

1. SELF-INTRODUCTIONS, ONE MINUTE LOCAL UPDATES & ANNOUNCEMENTS

Jack Hoffman, MPAC Chair, called the meeting to order 5:04 p.m.

Chair Hoffman asked those present to introduce themselves and to give updates or announcements as pertained to their jurisdiction.

2. CITIZEN COMMUNICATIONS FOR NON-AGENDA ITEMS

There were none.

3. CONSENT AGENDA

The meeting summary for October 26, 2005 approval was deferred to the next meeting due to lack of quorum.

4. COUNCIL UPDATE

Councilor Carl Hosticka said that the Council had experienced a light agenda since the last meeting and he reviewed the agenda for the next few Council meetings.

Chair Hoffman proposed that the next MPAC meeting should be on November 30 rather than November 16th. He reviewed the proposed meeting dates for the rest of 2005.

5. ORDINANCE 05-1097 FANNO AND ROCK CREEK

Paul Ketcham, Metro Principal Regional Planner, reviewed the materials included in the meeting packet for the members. He also referred to a large map displayed in the back of the room. He said that MTAC would forward a recommendation to MPAC on November 30th and that it was the hope of staff to have a recommendation to forward from MPAC to Metro Council that same night.

Chair Hoffman requested that MTAC have a recommendation in memo form for MPAC to review and then staff could draft a recommendation to forward to the Metro Council.

8. FAIRNESS, FARMLAND AND GREAT NEW NEIGHBORHOODS

Councilor Robert Liberty reviewed his memorandum to MPAC regarding “Background material for discussion at the next MPAC meeting on Farmland, Fairness and Building Great New Neighborhoods Proposal” which is attached and forms part of the record.

Councilor Hosticka informed the members that there was little time left in the year to review this material and provide an endorsement for the Metro Council.

Mayor Rob Drake asked how this proposal would be dealt with in the Metro region versus the rest of the state and how the proposal related to Title 11?

Councilor Liberty said that he felt that his proposal was moderate, reasonable, and responsive. He said that it could provide a model or approach to dealing with the issue. He said it was not a new idea and that it could be valuable in the sense that it might give people an alternative.

Mayor Drake asked if the proposal was only to acquire open spaces, uplands and wetlands? He asked if Councilor Liberty was looking for a greater payoff?

Councilor Liberty said it was not for acquired property or greenspaces. He explained how the money would be allocated (see memorandum).

Mayor Drake asked if he had talked to the ardent supporters of Measure 37 and if they had an opinion on his proposal.

Councilor Liberty said that he had talked with many people. He said that the concept had been floated and it seemed to have at least some support from the Home Builders. The focus of conversations had been heavily focused on when the money would be collected and how it would be weighted. He said that it would be important to be clear about how this money would be built into all future transactions and also to be clear that there would be more money than otherwise to pay for infrastructure.

Mayor Tom Hughes, City of Hillsboro, said that there was a notion that somehow government creates value in property – which he said he never really thought was true as proposed by Measure 37 folks. He said there was a symmetry in how moving the urban growth boundary created wealth and how, through this proposal, that same wealth would then go back into communities and pay for things like infrastructure. He said that the devil was in the details and wondered if Metro would be able to hammer those out before moving too far forward. He also expressed concern about the potential pattern of distribution creating issues throughout the region. He wondered what the impact would be of using urban renewal as a tool for developing infrastructure.

Councilor Hosticka said that there were people concerned that if there were too many issues on the November ballot then it would be less likely that this issue would get full consideration or vote. He said that was why May looked most appropriate for this proposal. He said that there was a possibility that MPAC could refer something that was a charter amendment, an authorizing sort of document, that would essentially have people voting on the concept and then giving the authority to do it, which would then allow them to work out details later.

Councilor Liberty said that he wished there was more time to work out details, but part of the problem was other ballots and the timing of events was not in Metro's or the region's control. He suggested that they could wind up the discussion by trying to decide whether they should have another discussion on this. He presented the members with several options regarding review of the material in his proposal such as another meeting on Nov 16th to discuss only this topic, or to create a subcommittee for this issue, or they could discuss it again and make a decision/endorsement on Nov 30th.

Chair Hoffman reviewed those options again and asked the members what they would like to do about this issue.

Mayor Alice Norris, City of Oregon City, said that it would need to be presented to her council and she was concerned that there was not enough time to do that properly and to get input from the public.

Mayor Drake said he understood the timetable constraints but also agreed with Mayor Norris about presenting this issue to their jurisdictions. He suggested that MPAC request the Metro Council hold off on this issue until December 15th so that MPAC could forward their recommendation at the December 14th MPAC meeting giving them all time to understand and discuss the issue further.

Diane Linn, Multnomah County, said that she agreed that the issue should be taken back to the board and discussed further before a decision was made. She said there seemed to be some real merit in the possibilities regarding this issue.

Shirley Craddick, City of Gresham, said that she would need to have more time to learn about the topic and then to present to Gresham City Council.

Councilor Liberty said he would be available on Nov 16th to discuss the issue in more depth for anyone who wanted to come and talk more about it.

Chair Hoffman said it would remain on the MPAC agenda for Nov 30th.

Councilor Liberty offered to meet with any jurisdiction that wanted him to make a presentation.

6. VISIONING

Chair Hoffman said that they would start with local visioning and work their way up to the state plan.

Eryn Demming, City of Lake Oswego, gave a presentation for Lake Oswego. Slides from that PowerPoint presentation are attached and form part of the record. There was discussion about infill and neighborhoods.

Mayor Tom Potter, City of Portland, gave a presentation about Portland's vision. Portland had developed a number of plans over the years but not a lot had changed due to those plans and public engagement. He said that they did not want their new vision to go that same way. He said that this time they wanted to do it right and with input from other jurisdictions partnering in the region. He said that Portland was becoming much more diverse and that the citizens felt there was a disconnect between the citizens and the government. He said they wanted to develop a vision that fully engaged the communities in the government process. He said he was a strong believer in community governments. He said that they were struggling with how to maintain their infrastructure. He said that they needed to develop a system to provide funds for maintenance of infrastructure. He said that they would engage as many community people in the process as possible – 100,000 citizens at least – to shift away from balkanization of areas and think instead of the common good. He said that they had selected 50 people to serve on their vision committee to work on different approaches to gaining input from the community. He said that the City of Portland had just authorized a charter review for the first time in 80 years.

Mayor Tom Hughes, City of Hillsboro, reviewed the Hillsboro 2020 Vision, related history, and implementation. He said that their success was what led to the large city that Hillsboro had become. He said that in the 80s the city council had decided to have two (2) jobs for every three (3) people and they succeeded very well. He said that they also had a huge influx of people in Hillsboro, which also led to their great growth. He said that the city probably had the largest Latino population north of Sacramento. He said there had been a drive to get citizen involvement in land use planning when they realized that they really needed community participation in creating a community plan and not just a land use plan. There was great participation from organizations, businesses, and community citizens in helping create the community plan. His advice was don't schedule meetings and invite people to come, but rather go to their meetings, including farmer's markets, church groups, neighborhood associations, etc. He said that going to the community via their churches was a very good way to reach out to the community. He said that translation of their brochures into Latino really helped, especially after they had people in the community do the actual translation. Due to these efforts the City of Hillsboro had experienced a high level of community participation. He distributed a brochure for a town hall meeting "Hillsboro 2020 Vision: A Hillsboro 2020 Vision Implementation Committee Publication, Spring 2005" which is attached and forms part of the record. He also distributed the Hillsboro 2020 Vision and Action Plan, May 2000 for the members. A copy of that plan is attached and forms part of the record. He specified six broad elements where the community expressed a desire for connections. He said that the City of Hillsboro followed many of the community's expressions of the vision into the development of their City Hall and Plaza.

David Bragdon, Metro Council President, gave a little history on Metro's visioning in the past. He said it would also lay a good foundation for the future. He said that one observation he had made was that there was a difference between the vision and the implementation. He said that another thing to understand was the difference between the regional plan and the local plans. He briefly reviewed the existing vision and talked about the "new look" at the regional vision. The new look mostly deals with how the Metro Council makes decisions and how they can implement those decisions. He said that the region had grown much more quickly than had been projected, which was another reason why Metro was taking a "new look" at the vision and how to implement the underlying values of that vision. He said that they decided to take a strong look at the tools that they had been using to achieve that vision. He distributed two handouts, which are attached and form part of the record. He discussed the mayors' forum and the presentation that MPAC had on September 28, 2005 from Andy Cotugno regarding the new look undertaking. He reviewed the main points of both handouts including the questions from the white handout which would be discussed at the next mayors' forum.

There was discussion about how to reach the members of the communities and especially the new comers in the communities including in-migration and up-and-coming generations regarding these issues.

Lane Shetterly, LCDC Director, reviewed the process of obtaining members for the task force for the state "Big Look." He discussed the history of the task force and he indicated that the first three months of their work would be intense as they would develop a work plan under a limited timeline. He said that an interim report was due in 2007, and the final report was due in 2009. He said that originally that seemed like a long time, but it didn't anymore. He said that he wanted the task force to drive its own agenda, own the work plan, and to produce some suggestions for a statewide level vision. He said that there were strong efforts to engage the community and citizen comments. He said it was important that all the efforts (local, regional and state) should stay coordinated. He said that he felt that folks were still very engaged in land use planning in the region.

7. LCDC RULEMAKING

Mr. Shetterly distributed a handout, which is attached and forms part of the record. He reviewed that handout for the members.

9. APPOINT NOMINATIONS COMMITTEE

Chair Hoffman appointed Mayor Chuck Becker , Mayor Tom Hughes, and himself as the Nominee Appointment Committee. The committee would report to MPAC their recommendations for 2006 at the December 14th meeting and a vote would be taken at the first meeting in January.

There being no further business, Chair Hoffman adjourned the meeting at 7:06 p.m.

Respectfully submitted,

Kim Bardes
MPAC Coordinator

ATTACHMENTS TO THE RECORD FOR NOVEMBER 9, 2005

The following have been included as part of the official public record:

AGENDA ITEM	DOCUMENT DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
#8 Fairness, Farmland, etc.	11/9/05	Memorandum from Robert Liberty to MPAC regarding "Background material for discussion at the next MPAC meeting on Farmland, Fairness and Building Great New Neighborhoods proposals"	110905-MPAC-01

MPAC Meeting Record

November 9, 2005

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#6 Visioning	November 2005	Neighborhood Planning in Lake Oswego, Eryn Deeming, Project Planner	110905-MPAC-02
#6 Visioning	Spring 2005	Hillsboro 2020 Vision, A Hillsboro 2020 Vision Implementation Committee Publication	1109005-MPAC-03
# 6 Visioning	May 2000	Hillsboro 2020 Vision: Vision and Action Plan, May 2000	110905-MPAC-04
#6 Visioning	Fall 2005	Metro Flyer: How do we grow from here? A new look at regional choices	110905-MPAC-05
#6 Visioning	Fall 2005	How do we grow from here? A new look at regional choices	110905-MPAC-06
#7 LCDC Rulemaking	November 2005	Department of Land Conservation and Development: LCDC Policy Agenda for 2005-07	110905-MPAC-07

BEFORE THE METRO COUNCIL

AMENDING THE METRO HABITAT) Ordinance No. 05-1097
CONSERVATION AREAS MAP AND)
OTHER MAPS RELATED TO TITLE 13 OF)
THE URBAN GROWTH MANAGEMENT) Introduced by Michael Jordan, Chief Operating
FUNCTIONAL PLAN; AND DECLARING) Officer, with the concurrence of David Bragdon,
AN EMERGENCY) Council President

WHEREAS, nature in neighborhoods is critical to maintaining and improving the high quality of life, livability, and standard of living enjoyed by the people of the Metro region; and

WHEREAS, the Metro region places a high priority on the protection of its streams, wetlands, and floodplains to maintain access to nature, sustain and enhance native fish and wildlife species and their habitats, mitigate high storm flows and maintain adequate summer flows, provide clean water, and create communities that fully integrate the built and natural environment; and

WHEREAS, on September 29, 2005, the Metro Council adopted Ordinance No. 05-1077C to establish a regional fish and wildlife habitat protection program; and

WHEREAS, Metro undertook the development of a fish and wildlife habitat protection program as one element of the Nature in Neighborhoods initiative consistent with Statewide Planning Goal 5, which is intended “to protect natural resources and conserve scenic and historic areas and open spaces,” and with Oregon Administrative Rules chapter 660, Division 23, adopted by the Land Conservation and Development Commission to implement Goal 5 (the “Goal 5 Rule”); and

WHEREAS, Metro has completed a region-wide inventory of regionally significant fish and wildlife habitat comprising 80,000 acres that has been located and classified for its ecological value and mapped to provide an information base for the region; and

WHEREAS, Metro’s inventory of regionally significant resources was based on the best available data identifying streams and other habitat areas; and

WHEREAS, after Metro completed its initial inventory of fish and wildlife habitat, the City of Portland completed a project to update the data and maps for streams located within the City of Portland and its urban services boundary adopted pursuant to ORS chapter 195; and

WHEREAS, the City’s updated streams data identifies the locations of streams in the Fanno Creek and Rock Creek watersheds that had not been identified as part of Metro’s original streams inventory; and

WHEREAS, the streams identified in the Fanno Creek and Rock Creek watersheds are comparable to other streams identified by Metro as regionally significant fish and wildlife habitat; and

WHEREAS, Metro has reviewed its analysis of the economic, social, environmental and energy consequences of protecting or not protecting the inventoried habitat and determined that adding the newly identified fish and wildlife habitat resources in the Fanno Creek and Rock Creek watersheds is consistent with this analysis; and

WHEREAS, Metro has concluded that, as a matter of regional equity and policy consistency in the administration of the Nature in Neighborhoods program and for the reasons stated in Ordinance No. 05-1077C for the adoption that program, Metro's allow-limit-prohibit decision and the program adopted by Metro to implement that decision should apply to such newly identified fish and wildlife habitat resources just as it applies to comparable resources throughout the region; and

WHEREAS, the Metro Council also approved certain map revisions in Section 10 of Ordinance No. 05-1077C, as reflected in Exhibit G to that ordinance, and directed Metro staff to prepare final copies of all maps adopted with that ordinance to reflect the map revisions in Exhibit G; and

WHEREAS, Metro staff have made the map revisions as directed in Exhibit G to Ordinance No. 05-1077C, and the map amendments adopted in this ordinance reflect those revisions; and

WHEREAS, Metro has received a request to correct Metro's Regionally Significant Educational or Medical Facilities Map, included in Attachment 7 to Exhibit C of Ordinance No. 05-1077C; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Ordinance No. 05-1077C, the Nature in Neighborhoods ordinance, shall be amended as described in Sections 2 through 7 of this ordinance to add Class I and Class II riparian habitat resources and associated Habitat Conservations Areas in the Fanno Creek and Rock Creek watersheds within the City of Portland, and to approve the final maps that result from the map revisions approved in Exhibit G to Ordinance No. 05-1077C. To the extent that the map revisions described in Exhibit G to Ordinance No. 05-1077C conflict with the map revisions approved in this ordinance, the revisions in this ordinance shall prevail.
2. The Regionally Significant Fish and Wildlife Habitat Inventory Map (the "Inventory Map"), adopted as Exhibit A to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit A to this ordinance.
3. The Habitat Conservation Areas Map, adopted as Attachment 1 to Exhibit C to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit B to this ordinance.
4. The Metro 2004 Wetland Inventory Map, adopted as Attachment 3 to Exhibit C to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit C to this ordinance.
5. The Metro Habitat Urban Development Value Map, adopted as Attachment 4 to Exhibit C to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit D to this ordinance.
6. The Metro Vegetative Cover Map, adopted as Attachment 5 to Exhibit C to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit E to this ordinance.
7. The Metro Habitats of Concern Map, adopted as Attachment 6 to Exhibit C to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit F to this ordinance.

8. The Metro Regionally Significant Educational or Medical Facilities Map, adopted as Attachment 7 to Ordinance No. 05-1077C, shall be amended as reflected in Exhibit G to this ordinance.
9. The Findings of Fact and Conclusions of Law in Exhibit H to this ordinance (the "Findings") are hereby adopted and incorporated by reference into this ordinance. The Findings explain how this ordinance complies with state law, the Regional Framework Plan, and the Metro Code. All attachments to the Findings are part of the Findings and are also hereby incorporated by reference into this ordinance.
10. The provisions of this ordinance are separate and severable. In the event that any one or more clause, sentence, paragraph, section, subsection, or portion of this ordinance or the application thereof to any city, county, person, or circumstance is held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions of this ordinance or its application to other cities, counties, persons, or circumstances shall not be affected.
11. This ordinance is necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to ensure timely acknowledgement review of the Nature in Neighborhoods program by the Land Conservation and Development Commission. An emergency is therefore declared to exist and this ordinance shall take effect on December 28, 2005.

ADOPTED by the Metro Council this ___ day of _____, 2005.

David Bragdon, Council President

Attest:

Approved as to form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



November 22, 2005

TO: MPAC

FROM: Paul Ketcham, Principal Regional Planner

RE: MTAC Recommendation on Ordinance No. 05-1097--Amendment to Nature in Neighborhoods Ordinance

At their November 16, the Metro Technical Advisory Committee (MTAC) unanimously voted to support Ordinance No. 05-1097 that would amend Nature in Neighborhoods Ordinance No. 05-1077C. The amendments include 1) adding all streams within the Fanno Creek and Rock Creek watersheds inventoried by the City of Portland on the regional Habitat Conservation Areas map; 2) carrying out map revisions approved in Exhibit G of Ordinance No. 05-1077C; and 3) amending the Regionally Significant Educational or Medical Facilities Map for Clackamas Community College.

MPAC is scheduled to make a recommendation on Ordinance No. 05-1097 at its November 30, 2005 meeting.

Approval of this ordinance will allow Metro to complete the three-step process for complying with Statewide Land Use Planning Goal 5 and allows Metro to submit a complete package to the Department of Land Conservation and Development for acknowledgement review pursuant to ORS 197.274.

Thank you.

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



November 2, 2005

TO: MPAC

FROM: Paul Ketcham, Principal Regional Planner

RE: Amendment to Nature in Neighborhoods Ordinance

Metro Council is currently proposing Ordinance No. 05-1097 that would amend Nature in Neighborhoods Ordinance No. 05-1077C to include all streams within the Fanno Creek and Rock Creek watersheds inventoried by the City of Portland on the regional Habitat Conservation Areas map. The amendment is intended to ensure that these properties are subject to the same regional program as other properties with similar resources elsewhere in the region.

Ordinance No. 05-1097 also carries out map revisions that Metro Council approved in Nature in Neighborhoods Ordinance No. 05-1077C, resulting in a final copies of all maps adopted with that ordinance.

The MPAC presentation on November 9 is an introduction to Ordinance No. 05-1097 (staff introduced the ordinance to MTAC on November 2). Both MTAC and MPAC are requested to make their recommendations Ordinance 05-1097 at their November 16 meetings. Metro Council is scheduled to have a public hearing on this ordinance December 8. Metro sent out 780 property owner notices in the Fanno Creek and Rock Creek area as required by Ballot Measure 56. A schedule of the ordinance is included in this agenda packet.

Thank you.

Timeline for Fanno Creek and Rock Creek Ordinance 05-1097

Revised October 7, 2005

Date	Item
September 16	Letter to Gil Kelley from Andy, describing probable action
September 16-30	Meeting with Portland staff to review data needs and other considerations
September 27	Discuss schedule for ordinance at Council Work Session
September 28	Add Fanno Creek streams to Habitat Inventory, apply Riparian Model and Develop HCA Map of area
September 28	List of property owners/addresses
September 30	Ordinance 05-1097 "Amending the Metro Habitat Conservation Areas Map and Other Maps Related to Title 13 of the Urban Growth Management Functional Plan."
October 4	Write Ordinance
Oct/Nov.	Write Findings
October 7	New BM 56 notice written; Proof from printer by Oct. 13
October 12	Staff report
October 18 October 21	BM 56 notice to printer BM 56 notice mailed to property owners
October 20	Maps to Ordinance 05-1097: HCA Map, Class I and II Riparian Corridor Inventory Map, ESEE tables, Website Interactive Map Updated
October 28	MTAC agenda packet
November 2	MTAC Introduction
November 3	Include ordinance in packet (Ordinance, Staff Report and Attachments) for 1 st Reading at November 17 Council Meeting
November 9	MPAC Introduction
November 15	Update Council at Work Session, advise if there are any unforeseen issues
November 16	MTAC Recommendation, MPAC Recommendation
November 17	First Reading of ordinance
November 29	Letter notification to those property owners listed in Exhibit G of opportunity to review maps and comment at 12/8 Council hearing
November 30	Revised Inventory and HCA maps incorporating all map revisions
December 8	Public hearing and final action
December 15	Backup date for final action

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 05-1097 AMENDING THE METRO HABITAT CONSERVATION AREA MAP AND OTHER MAPS RELATED TO TITLE 13 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Date: November 1, 2005

Prepared by: Paul Ketcham

CONTEXT AND BACKGROUND

On September 29, 2005, Metro Council adopted the Nature in Neighborhoods Ordinance No. 05-1077C to establish a regional fish and wildlife habitat protection program. The intent of the ordinance is to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and with the surrounding urban landscape, and (2) to control and prevent water pollution for the protection of public health and safety, and to maintain and improve water quality throughout the region. The ordinance amends Metro's Regional Framework Plan and creates a new Title 13 "Nature in Neighborhoods" of the Urban Growth Management Functional Plan. The ordinance establishes flexible development standards that will protect valuable streamside, wetland, and flood area habitat (Class I and II Riparian Corridors) within the current urban growth boundary and within the current Metro jurisdictional boundary. The ordinance also establishes flexible development standards to protect upland habitat (Class A and B Upland Wildlife Habitat) in future urban growth boundary expansion areas.

The ordinance is designed to help local governments within the Metro boundary meet the requirements of Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces and Statewide Planning Goal 6: Water Quality. Once the Nature in Neighborhoods ordinance is acknowledged by the Land Conservation and Development Commission pursuant to ORS 197.274, cities and counties will have two years to amend their plans and codes to comply with its requirements. Several options for city and county compliance are provided, including a ready-to-implement Model Code. Some cities and counties could rely or expand upon existing programs to meet regional standards.

Of the 80,542 acres in Metro's regionally significant fish and wildlife habitat inventory, 39,299 acres are identified as Class I and II Riparian Corridor habitats which are the highest value streamside areas. Almost all of the Class I and II Riparian Corridor habitats are designated as Habitat Conservation Areas (HCAs).¹ Title 13 development standards apply within HCAs where the Metro Council applied a "limit" decision as provided in the Goal 5

¹ Ordinance 05-1077C Exhibit F, Attachment 5 "September 2004 Habitat Inventory Update." The update data shows 39,274 acres of Class I and II Riparian Corridor habitat designated as HCAs. The difference, 25 acres, was not mapped as HCAs because Metro Council concluded that the economic importance of certain International Marine Terminals far outweighed the environmental importance of the properties as fish and wildlife habitat.

administrative rule (OAR 660-23-040). The standards are designed to first avoid habitat, then to minimize adverse impacts on habitat, and last to mitigate for lost habitat functions.²

CURRENT ACTION

Ordinance No. 05-1097 as recommended by staff would amend Title 13 Nature in Neighborhoods Ordinance No. 05-1077C to ensure its consistent application within the region by including all streams within the Fanno and Rock Creek watersheds inventoried by the City of Portland. When Metro updated its inventory of regionally significant habitat in September 2004, it used the City of Portland's most current stream inventory for all portions of the City except in the Fanno and Rock Creek watersheds. This amendment would rectify this situation and apply the City's updated (2004) stream data for the portions of Fanno and Rock Creek watersheds located within the City and its urban services boundary.³ The amendment is intended to achieve policy consistency and regional equity in the administration of the Nature in Neighborhoods program by applying Title 13 Habitat Conservation Areas and development standards to the newly identified Class I and II Riparian Corridors just as they apply to comparable resources throughout the region.

Ordinance No. 05-1097 also incorporates certain map revisions in Section 10 of Ordinance No. 05-1077C, as contained in Exhibit G to that ordinance. The map revisions approved by Metro Council reflect changes pertaining to the location or existence of streams and wetlands, flood areas, and vegetative cover. Ordinance No. 05-1077C directs Metro staff to prepare final copies of all maps adopted with that ordinance to reflect the map revisions defined in Exhibit G. If approved by Metro Council, these maps will also include the updated stream within the portion of the Fanno and Rock Creek watersheds located within the City of Portland and its urban services boundary.

Alternative courses of action include:

- Do not amend Metro's inventory of Class I and II Riparian Corridors or Habitat Conservation Areas within the Fanno and Rock Creek watersheds study area using City of Portland's updated streams data and instead retain current mapping for the study area; carry out map revisions defined in Exhibit G of Ordinance No. 05-1077C;
- Amend Metro's inventory of Class I and II Riparian Corridors and Habitat Conservation Areas within the Fanno and Rock Creek watersheds study area using City of Portland's updated stream data; carry out other map revisions defined in Exhibit G of Ordinance No. 05-1077C.

² See the Staff Report for Ordinance No. 05-1077 for additional background and explanation of ordinance contents.

³ City of Portland's urban services boundary includes portions of unincorporated Multnomah County. Much of the study area is also located within the service area of Clean Water Services.

ANALYSIS OF THE AMENDMENT

1. Inventory

The Fanno and Rock Creek watersheds located within the City of Portland and its urban services boundary comprise a 6,626 acre study area located on the western slopes of the Tualatin Hills. Most of the study area is located within the Fanno Creek watershed.⁴ These watersheds drain into the Tualatin basin and are generally characterized by steep and forested slopes, steep stream gradients, and soils that are slow to infiltrate rainfall. Some relatively wide, connected, and vegetated riparian corridors remain in portions of the upper watersheds. The predominant use in these watersheds is single family residential, comprising over 80 percent of the watershed area.⁵ Metro's Habitat Inventory Report and the Addendum and Update to that report provide additional information about watershed conditions.⁶

Metro staff applied the same inventory methodology to identify the Class I and II Riparian Corridors within the Fanno and Rock Creek watersheds study area (hereafter referred to as "the study area") as used in developing the regional fish and wildlife habitat inventory.⁷ Metro's September 2004 inventory update contains 30.7 miles of streams and 920 acres of Class I and II Riparian Corridors within the study area.⁸

Incorporating the more detailed City of Portland streams data results in 38.3 miles of streams and 1,096 acres of Class I and II Riparian Corridors in the study area, adding 7.6 miles of new stream miles compared to the Metro inventory update of September 2004.⁹ Applying Metro's inventory methodology using the more detailed stream data results in 816 acres of Class I and II Riparian Corridors that remain unchanged from Metro's 2004 inventory update and the addition of 280 acres of not previously mapped Class I and II Riparian Corridors within the study area (816 acres + 280 acres = 1,096 acres).¹⁰

A map displaying Riparian Class I and II Riparian Corridors using City of Portland's updated stream data is included as Attachment 1 to this Staff Report.

⁴ Approximately 1,200 acres of the 6,626 acre study area are located within the Rock Creek watershed.

⁵ City of Portland Bureau of Environmental Services. 2005. Fanno Tryon Watershed Plan.

⁶ The portion of Fanno Creek watershed within the City of Portland is contained in Metro's Subwatershed #12 (Fanno Creek); the portion of Rock Creek watershed within the City of Portland is contained in Metro's Subwatershed #8 (Beaverton Creek). See Ordinance No. 05-1077C, Exhibit F Attachment 1, Part 1 and 2.

⁷ See Ordinance No. 05-1077C, Exhibit F, Attachment 1 "Metro Habitat Inventory Report" and Attachment 2 "Technical Report."

⁸ Attachment 4 to this Staff Report.

⁹ Attachment 5 to this Staff Report. It should be noted that 7.15 of the 7.6 miles of streams are located outside Class I and II Riparian Corridors identified in Metro's September 2004 inventory update (Stream mile data from Metro Data Resources Center and City of Portland Bureau of Planning).

¹⁰ Attachment 6 to this Staff Report. Using the more detailed City of Portland streams data results in the deletion of some formerly mapped streams and the addition of streams not previously mapped in the 6,626 acre study area. Comparing Attachments 4 and 5 to this Staff Report, the net difference in Class I and II Riparian Corridor acreage using the more detailed City of Portland streams is 176 acres (280 acres of not previously mapped Class I and II Riparian Corridors added as a result of using the City's stream data minus 104 acres of former Class I and II Riparian Corridors deleted).

2. Economic, Social, Environmental, and Social (ESEE) Consequences and Program Decision

Conflicting Uses: Metro's ESEE consequences of allowing, limiting, or prohibiting conflicting uses within Class I and II Riparian Corridors are analyzed in Metro's Phase I and II ESEE Reports. Metro identified conflicting uses within regionally significant fish and wildlife habitat areas by using Metro's seven generalized regional zones as follows: single family residential, multifamily residential, mixed use centers, commercial, industrial, rural, and parks and open spaces. This analysis adequately describes the kinds of conflicting uses occurring within existing and newly added Class I and II Riparian Corridors in the study area.¹¹

Generalized Regional Zoning: Within the 280 acres of newly added Class I and II Riparian Corridors within the study area, single family residential comprises 84% of the generalized regional zoning, and multifamily accounts for another 5% of the total. Remaining generalized regional zoning applying within newly added Class I and II Riparian Corridors includes Parks and Open Space (7%), Commercial (3%) and Rural (1%).¹² On a regional basis, residentially zoned lands represent a smaller proportion of lands within Class I and II Riparian Corridors: 46% are zoned for single family residential use, and another 5% are zoned for multifamily residential use.¹³

Development Status: Within the 280 acres of newly added Class I and II Riparian Corridors within the study area, 47% are developed (with primarily residential uses), 14% are in parks, and 39 % are vacant.¹⁴ Compared to the study area as a whole, 38% of the Riparian Class I and II Corridors are developed, 25% are in parks, and 37% are vacant.¹⁵

Baseline Protection of Class I and II Riparian Corridors: Metro's Phase II ESEE Report defines a baseline from which to measure the ESEE tradeoffs of additional protection proposed for the various alternatives studied. The baseline chosen for the analysis is Metro's Title 3 (Water Quality and Flood Management Plan) because it serves as a proxy for measuring existing levels of protection in a consistent fashion across the region. On a regional basis, 40% of Class I and II Riparian Corridors are covered by Title 3 Water Quality Resource Areas, and another 22% are located within Title 3 Flood Management Areas.¹⁶ Within the newly added Class I and II Riparian Corridors within the study area, only 3% are covered by Title 3 Water Quality Resource Areas (WQRA), and no acres are located in Title 3 Flood Management Areas.¹⁷ This difference points to the fact that most of the newly added

¹¹ Conflicting uses by generalized regional zoning are identified in Ordinance No. 05-1077C, Exhibit F, Attachment 3: Phase I ESEE Analysis, pp. 40-48, and Exhibit F, Attachment 3: Appendix D.

¹² Attachment 7 to this Staff Report.

¹³ Ordinance No. 05-1077C, Exhibit F, Attachment 3: Phase I ESEE Analysis, Table 3-4.

¹⁴ Attachment 6 to this Staff Report. Twenty-nine percent (29%) of the 280 acres of new Class I and II Riparian Corridors within the study area are vacant unconstrained.

¹⁵ Attachment 5 to this Staff Report. Nineteen percent (19%) of the 1097 acres of the Class I and II Riparian Corridors in the study area are vacant unconstrained.

¹⁶ Ordinance No. 05-1077C, Exhibit F, Attachment 5: September 2004 Habitat Inventory Update Table.

¹⁷ Attachment 6 to this Staff Report.

Riparian Class I and II Riparian Corridors in the study area are located in the upper reaches of the Fanno and Rock Creek watersheds where there are no flood areas and where Title 3 WQRA requirements do not apply.

Many local jurisdictions provide protection of streamside areas beyond Metro's Title 3 requirements. Both the City of Portland and the Clean Water Services administer provisions to protect streams that exceed the minimum required by Metro's Title 3 WQRA and FMA performance standards. The City of Portland's existing environmental zoning program includes a protection zone and a conservation zone. Of the 280 acres of new Riparian Class I and II Riparian Corridors within the study area, 150 acres, or 53%, are located within the boundaries of the City's existing environmental zones.¹⁸

Urban Development Value: Metro's ESEE Phase I Report describes the methodology for ranking land based on the economic importance for development. After considerable review by various technical advisory committees and an independent economic advisory board, Metro classified lands as high, medium, low and other urban development value based on 2040 design types, land value and employment. High urban development value includes centers, regionally significant industrial areas, and regionally significant medical and educational facilities; Medium urban development value includes other industrial areas, employment centers, main streets, station communities; Low urban development value includes inner and outer neighborhoods and corridors; Other Areas include parks and open spaces and lands with no design types outside the urban growth boundary.¹⁹

Within the 280 acres of newly added Class I and II Riparian Corridors within the study area, 77% are classified as low urban development value, 4% as medium, 4% as high, and 15% as other areas.²⁰ This distribution reflects that most of the acreage is zoned for residential use or parks. High and medium urban development values are associated with the 10 acres zoned for commercial use.

Analysis of ESEE Consequences of Limiting Conflicting Uses and Program Decision:

Metro's Phase I and II ESEE Reports thoroughly analyze the consequences of a range of regulatory and non-regulatory options and support the Council's decision to designate Habitat Conservation Areas within the region's 39,274 acres of Class I and II Riparian Corridors. These analyses also support a Council decision to apply Habitat Conservation Areas to the 280 acres of newly added Class I and II Riparian Corridors within the study area (these 280 acres comprise less than 1% of all Habitat Conservation Areas within the region). Attachment 2 to the Staff Report is a map showing the location of Habitat Conservation Areas within the study area using City of Portland stream data. Attachment 3 to the Staff Report is a map showing where Habitat Conservation Areas have been removed or added since the September 2004 Metro inventory update using City of Portland's stream data.

¹⁸ City of Portland data, October 2005.

¹⁹ Ordinance No. 05-1077C, Exhibit C, Title 13: Nature in Neighborhoods, Table 3.07-13a: Method for Identifying Habitat Conservation Areas

²⁰ Attachment 8 to this Staff Report.

ANALYSIS/INFORMATION

1. **Known Opposition:** No known opposition to the specific elements in the proposed ordinance, however there has been a substantial public process throughout the course of adopting the Nature in Neighborhoods Ordinance No. 05-1077C. It is likely that there will be some parties who oppose the designation of additional Habitat Conservation Areas within the Fanno and Rock Creek watersheds. There may be some opposition to the final inventory and Habitat Conservation Areas maps based on the specific map revisions included in Exhibit G of Ordinance No. 05-1077C.
2. **Legal Antecedents:** Statewide Planning Goal 5, OAR 660-015-0000(5), and the Goal 5 Rule, OAR 660-023, and specifically OAR 660-023-0080. ORS chapter 197, and specifically ORS 197.274. ORS chapter 268, and specifically ORS 268.380, ORS 268.390, and ORS 268.393. The Metro Charter, Regional Framework Plan, and Metro Code sections 3.07.310 to 3.07.370. Metro Resolutions Nos. 02-3176, 02-3177A, 02-3195, 02-3218A, 03-3332, 03-3376B, 04-3440A, 04-3488, 04-3489A, 04-3506A, 05-3574, 05-3577, and 05-1077C.
3. **Anticipated Effects:** Approval of this ordinance will allow Metro to complete the three-step process for complying with Statewide Land Use Planning Goal 5 and allows Metro to submit a complete package to the Department of Land Conservation and Development for acknowledgement review pursuant to ORS 197.274. Cities and counties would then be required to bring comprehensive plans and implementing ordinances in compliance with Metro's Functional Plan within two years.
4. **Budget Impacts:** There are no known budget impacts beyond those anticipated with the passage of the Nature in Neighborhoods Ordinance No. 05-1077C.

RECOMMENDED ACTION

Staff recommends that Metro Council approve amendments to Ordinance No. 05-1077C, the Nature in Neighborhoods ordinance, to add Class I and II Riparian Corridors and associated Habitat Conservation Areas in the Fanno Creek and Rock Creek watersheds within the City of Portland and its urban services boundary, and to approve the final maps that result from the map revisions approved in Exhibit G to Ordinance No. 05-1077C.

ATTACHMENTS TO THE STAFF REPORT

Attachment 1: Class I and II Riparian Corridor Inventory Map for Rock and Fanno Creek Watersheds Study Area (Using City of Portland's 2004 Stream Data)

Attachment 2: Habitat Conservation Areas Map for Rock and Fanno Creek Watersheds Study Area (Using City of Portland's 2004 Stream Data)

Attachment 3: Habitat Conservation Areas Map for the Fanno and Rock Creek Watersheds Study Area Showing HCAs Removed and Added Since Metro's September 2004 Inventory Update (Using City of Portland's 2004 Stream Data)

Attachment 4: Acres of Habitat Conservation Areas within the Fanno and Rock Creek Watersheds Study Area (Using Metro September 2004 Data)

Attachment 5: Acres of Habitat Conservation Areas within the Fanno and Rock Creek Watersheds Study Area (Using City of Portland's 2004 Stream Data)

Attachment 6: Acres of New Habitat Conservation Areas within the Fanno and Rock Creek Watersheds Study Area (Using City of Portland's 2004 Stream Data)

Attachment 7: Generalized Regional Zoning for New Habitat Conservation Areas within the Fanno and Rock Creek Watersheds Study Area (Using City of Portland's 2004 Stream Data)

Attachment 8: ESEE Development Values for New Habitat Conservation Areas within the Fanno and Rock Creek Watersheds Study Area (Using City of Portland's 2004 Stream Data)

Agenda Item #5 Ordinance 05-1097 Fanno and Rock Creek

The Council is currently proposing an ordinance (Ordinance No. 05-1097) that amends the Nature in Neighborhoods program to include all streams within the Fanno Creek and Rock Creek watersheds inventoried by the City of Portland. This ordinance ensures that these properties are subject to the same regional program as other properties with similar resources elsewhere in the region.

To find the maps associated with the ordinance, please click on the link below and scroll to the bottom of the webpage – there you will find links to the 3 maps.

<http://www.metro-region.org/article.cfm?articleid=16092>

**Attachment 4: - Acres of Habitat Conservation Areas
within Fanno and Rock Creek Watersheds Study Area
(Metro Sept 04 Data)**

Habitat Class & Habitat Conservation Area (HCA)	Developed			Parks			Total Devel. & Park Habitat	Vacant				Total Vacant Habitat	Total Devel.,, Parks & Vacant Habitat
	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3		Constrained			Unconstrained Outside Title 3		
								Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3			
Class I Riparian Corridors													
HIGH HCA	3	61	149	1	75	114	403	5	63	77	131	275	678
MODERATE HCA	1	3	1	0	0	0	4	0	1	1	0	1	5
LOW HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Acres</i>	4	64	149	1	75	114	407	5	64	77	131	276	683
Class II Riparian Corridors													
HIGH HCA	0	0	0	0	0	0	1	0	0	0	0	0	1
MODERATE HCA	1	29	88	1	16	41	175	0	8	20	27	54	229
LOW HCA	1	3	2	0	0	0	6	0	0	0	0	1	7
Total Acres	2	32	90	1	16	41	182	0	9	20	27	55	237
Total Habitat	5	96	240	1	91	155	589	5	72	97	157	331	920

Attachment 5: Acres of Habitat Conservation Areas within Fanno and Rock Creek Watersheds Study Area (Using City of Portland Streams)

Habitat Class & Habitat Conservation Area (HCA)	Developed			Parks			Total Devel. & Park Habitat	Vacant				Total Vacant Habitat	Total Devel., Parks & Vacant Habitat
	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3		Constrained			Unconstrained Outside Title 3		
								Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3			
Class I Riparian Corridors													
HIGH HCA	4	59	209	1	75	131	479	5	63	89	176	333	812
MODERATE HCA	1	4	4	0	0	0	9	0	1	2	0	4	13
LOW HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Acres</i>	4	63	213	1	75	131	487	5	65	92	176	337	824
Class II Riparian Corridors													
HIGH HCA	0	1	2	1	16	46	66	0	1	1	2	3	69
MODERATE HCA	1	23	105	0	0	1	130	0	7	20	31	58	188
LOW HCA	1	3	6	0	0	0	10	0	1	1	3	4	14
<i>Total Acres</i>	2	27	112	1	16	48	206	0	9	21	35	66	271
Total Habitat	6	90	325	1	91	179	693	5	73	113	211	403	1096

**Attachment 6: Acres of New Habitat
Conservation Areas within Fanno and Rock
Creek Watersheds Study Area**

Habitat Class & Habitat Conservation Area (HCA)	Developed			Parks			Total Devel. & Park Habitat	Vacant				Total Vacant Habitat	Total Devel, Parks & Vacant Habitat
	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3		Constrained			Unconstrained Outside Title 3		
								Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3			
Class I Riparian Corridors													
HIGH HCA	0	0	66	0	0	18	86	0	1	17	63	81	167
MODERATE HCA	0	1	4	0	0	0	4	0	0	2	0	3	7
LOW HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Acres</i>	0	1	70	0	0	18	90	0	2	19	63	83	174
Class II Riparian Corridors													
HIGH HCA	0	0	1	0	1	17	19	0	0	0	1	1	21
MODERATE HCA	0	2	53	0	0	1	57	0	1	6	14	20	77
LOW HCA	0	0	4	0	0	0	5	0	0	1	3	4	9
<i>Total Acres</i>	0	3	58	0	1	19	81	0	1	7	17	25	106
Total Habitat	0	4	128	0	2	37	171	0	2	26	80	108	280

Attachment 7: - Generalized Regional Zoning for New Habitat Conservation Areas within Fanno and Rock Creek Watersheds Study Area

Generalized Zoning & Habitat Conservation Area (HCA)	Developed			Parks			Total Devel. & Park Habitat	Vacant				Total Vacant Habitat	Total Devel., Parks & Vacant Habitat
	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3		Constrained			Unconstrained Outside Title 3		
								Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3			
Single Family Residential													
HIGH HCA	0	0	63	0	0	18	82	0	1	15	57	73	155
MODERATE HCA	0	3	52	0	0	1	56	0	1	7	13	21	77
LOW HCA	0	0	2	0	0	0	2	0	0	0	0	0	3
<i>Total Acres</i>	<i>0</i>	<i>3</i>	<i>117</i>	<i>0</i>	<i>0</i>	<i>20</i>	<i>140</i>	<i>0</i>	<i>2</i>	<i>22</i>	<i>70</i>	<i>95</i>	<i>234</i>
Multi Family Residential													
HIGH HCA	0	0	2	0	0	0	3	0	0	1	1	2	5
MODERATE HCA	0	1	4	0	0	0	4	0	0	1	0	1	6
LOW HCA	0	0	1	0	0	0	1	0	0	0	0	0	2
<i>Total Acres</i>	<i>0</i>	<i>1</i>	<i>6</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>8</i>	<i>0</i>	<i>0</i>	<i>2</i>	<i>2</i>	<i>4</i>	<i>13</i>
Mixed use													
HIGH HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
MODERATE HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
LOW HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Acres</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Commercial													
HIGH HCA	0	0	1	0	0	0	1	0	0	0	4	4	6
MODERATE HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
LOW HCA	0	0	1	0	0	0	1	0	0	0	2	2	4
<i>Total Acres</i>	<i>0</i>	<i>0</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>3</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>7</i>	<i>7</i>	<i>10</i>
Parks & Open Space													
HIGH HCA	0	0	1	0	1	17	19	0	0	0	0	0	19

Attachment 7: - Generalized Regional Zoning for New Habitat Conservation Areas within Fanno and Rock Creek Watersheds Study Area

Generalized Zoning & Habitat Conservation Area (HCA)	Developed			Parks			Total Devel. & Park Habitat	Vacant				Total Vacant Habitat	Total Devel., Parks & Vacant Habitat
	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3	Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3		Constrained			Unconstrained Outside Title 3		
								Inside Title 3 FMA	Inside Title 3 WQRA	Outside Title 3			
MODERATE HCA	0	0	1	0	0	0	1	0	0	0	0	0	1
LOW HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Acres</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>17</i>	<i>19</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>20</i>
Rural													
HIGH HCA	0	0	1	0	0	0	1	0	0	1	1	2	3
MODERATE HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
LOW HCA	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Acres</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>3</i>
Total Habitat	<i>0</i>	<i>4</i>	<i>128</i>	<i>0</i>	<i>2</i>	<i>37</i>	<i>171</i>	<i>0</i>	<i>2</i>	<i>26</i>	<i>80</i>	<i>108</i>	<i>279</i>

Attachment 8: - ESEE Development Values for new Habitat Conservation Areas within Fanno and Rock Creek Watersheds Study Area

ESEE Development Value	Development Status					
	Developed		Vacant		Total Acres	
	<i>Urban</i>	<i>Parks</i>	<i>Constrained</i>	<i>Unconstrained</i>	<i>Dev. & Vac.</i>	<i>% of Total</i>
High Development Value	8	0	3	0	11	4%
Medium Development Value	3	0	0	7	10	4%
Low Development Value	120	4	19	72	215	77%
Other Areas (No Value)	2	34	5	2	43	15%
Total Acres	133	39	28	80	280	100%

Agenda Item #6 – Brownfields/EPA Grant/Local Brownfield Experience:

Materials to be presented at the meeting.



METRO

TO: MPAC
FROM: Robert Liberty
DATE: November 9, 2005
RE: **Background material for discussion at next MPAC meeting on Farmland, Fairness and Building Great New Neighborhoods Proposal**

The Problems to be Addressed

The region faces several serious challenges to maintaining its livability in the face of growth over the next several years:

- ***No Measure 37 claimant has been compensated***, which seems contrary to the wishes of voters who voted for a measure with a ballot title whose first three words were “Government must pay...” ***If Measure 37 is invalidated and voters are not offered a reasonable alternative, it will likely lead to more initiative attacks on the land use laws, more ballot box zoning and more uncertainty for everyone.*** To avoid this outcome, the region can no longer wait for the Legislature to act, but must demonstrate creative leadership that provides more fairness to regulated landowners.
- As of last summer, there were more than ***18,000 acres of claims for Measure 37 waivers*** from (in lieu of compensation) state and local land use laws in the three-county area. About ***90% of those claims are for lands in exclusive farm use or forest conservation zones.*** Many of the requested waivers are for large lot subdivisions, which if built, will conflict with adjoining farming operations, could compromise aquifers and generate demand for new schools and new investments in roads and public safety services. (These problems were described by the Measure 37 Task Force.)
- Over the long run, ***a continuation of the pattern of waivers may erode the land base needed to sustain agriculture*** or undermine the support from the agriculture industry for farm use zoning. If farm zoning collapses, then sooner or later our urban area would sit in a sea of sprawl, degrading quality of life and making future urbanization impossible.
- Meanwhile, ***development in UGB expansion areas is stalled because of the lack of money to pay for the capital improvements needed to build new communities***, the new schools, roads, water and sewer lines, and so forth. The absence of infrastructure financing is rendering UGB expansions an exercise in futility.

The Basic Concept

The basic concept is to use a tax on the windfall from increases in value on lands added to the urban growth boundary in the future to generate funds to achieve three policy objectives:

- 1) **Build New Communities to Accommodate New Jobs and Houses:** Implement our growth concept by funding critical capital improvements (roads, sewers, schools, public plazas, etc.) that will help execute an approved master plan for UGB expansion areas.
- 2) **Farmland protection:** Permanently protect farmland around the UGB by buying, from willing sellers, their development rights on properties in EFU zones (but not next to the UGB) that are subject to a valid Measure 37 claim.
- 3) **Fairness:** Carry out the wishes of the voters for more fairness to landowners, expressed by the passage of Measure 37, by providing a source of compensation for reductions in property value.

Many more details that illustrate how the proposal could be fleshed out are provided in the appendix.

Relationship to Urban and Rural Reserves and 2040 New Look

This proposal, if enacted, provides new tools for implementing some aspects of the 2040 Growth Concept, in time for the next scheduled round of UGB expansions. It could also be used to complement the designation of both urban reserves and “hard edges.”

Requested MPAC Action and Next Steps

Councilors Liberty and Hosticka are requesting a decision on endorsement by MPAC of the basic concept at MPAC’s second meeting in November. Should the Council proceed to direct staff to develop the proposal, MPAC (as well as other interested persons) would be consulted in the development of a more developed proposal for referral to the voters, possibly next May.

APPENDICES

Details Illustrating How the Concept Could be More Fully Developed

A. Capital Improvements for New Neighborhoods in the UGB Expansion Areas

Share of the Funds Used for Neighborhood Improvements: As a starting point, Councilor Liberty is proposing that 50% of the funds be used for capital improvements in the UGB expansion areas from which the taxes are drawn.

Use of Funds for Master Planning: Funding for master planning of newly added lands could be added to the permitted use of funds. However, independent discussions are being held to explore the use of an excise fee on building permits to fund expansion area planning.

Type of Improvements Funded: Any capital improvements needed to execute an approved master plan for a UGB expansion area. Different expansion areas will need different capital improvements and the allocation of the funds to those different improvements will depend on the content of the master plan; in one community it might be roads and a school but in another it might be sewer lines, parks and transit. Councilor Liberty also wants the funds to be used in ways that will help achieve some of the region's goals for affordable housing.

Who Receives and Spends the Neighborhood Improvement Funds: The local government or other service provider who will build the improvements will receive and spend the funds.

Geographic Relationship Between Source and Use of Funds for Neighborhood Improvements: Funds for capital investments could be restricted to the UGB expansion area from which they are derived, or more broadly, limited to benefiting the lands from which they are derived, even if some of the funds are spent for improvements located on nearby lands. Councilor Burkholder has suggested that funds should also be spent on neighborhoods that have adverse impacts as a result of a UGB expansion, and that this would be consistent with Measure 26-29 approved by the voters in 2002.

Relevance to Cities Not Likely to Be Developing New Neighborhoods in UGB Expansion Areas: This proposal would slightly reduce the competition for regional funds (transportation primarily) to fund improvements in the new neighborhoods in UGB expansion areas.

B. Farmland Protection Easements/Fairness to Measure 37 Claimants in EFU Zones

Share of the Funds Used for Farmland Protection Easements: As a starting point, Councilor Liberty is proposing that 50% of the funds be used for the purchase of farmland conservation easements, with priority going to easements on properties that have valid Measure 37 claims, or in the absence of Measure 37, to landowners whose property experienced the sharpest declines in value. Depending on the level of demand and the cost of easements, the funds can also be used to buy easements from willing sellers who do not have a valid Measure 37 claim.

Content of the Easements: The easements would protect the land for continued farming; they would only prohibit new residential development and land divisions. (Some people describe these easements as a "purchase of development rights.") The land could continue to be used for farming and can be sold to new owners.

Duration of the Easements: Permanent, or a minimum of 50 years. Easements could be revoked, but only under extraordinary circumstances since allowing for easy revocation undermines the objectives of this effort.

Price Paid for the Easements: To be negotiated between the willing buyer, Metro and the landowner. Prices will reflect potential valid Measure 37 claims, constraints on development imposed by limited sewage disposal or road capacity, prevailing legal theories regarding how to calculate reductions in value and the value of the property to Metro's larger conservation program.

Geographic Priorities for Purchase of Easements: It has been suggested that easement purchases be limited to land in EFU zones in Clackamas, Multnomah and Washington Counties. However, parts of Columbia, Marion and Yamhill Counties are closer to the regional UGB and Metro's political boundary than parts of Clackamas, Multnomah and Washington County. Most persons suggest that Metro should not buy easements near the urban growth boundary where UGB expansions might occur.

Holder of the Easements: Metro would hold the easements, although third party organizations, such as American Farmland Trust, might co-hold the easements.

Purchase of Easements on Forest Lands of Other Properties: To date, farm organizations have emphasized the need to protect farmland, and the vast majority of claims are for lands in EFU zones, so Councilor Liberty is recommending that easements only be purchased for land in EFU zones. This might change if it turned out windfall taxes were collected from areas other than in the UGB expansion areas.

C. The Urbanization Excise or Income (Windfall) Tax

Note: Below are Councilor Liberty's thoughts on the tax. Metro's attorneys are still reviewing and analyzing the options.

Nature of the Tax and Metro's Taxing Authority: The tax might be a kind of excise tax on permits or zoning allowing urbanization (authorized under its specific excise tax authority or its general taxing authority) or possibly a specialized type of income tax (permitted under its general taxing authority). It would not be a property tax, real estate transfer tax, a general income tax nor a system development charge.

When and How Would the Tax Be Paid: It would not be fair to make the tax payable upon addition to the UGB since many landowners would have valuable land but not cash to make the payment. While the liability for the tax might accrue at that point, the tax would be payable at some point in the process of development when funds to pay the tax are available, for example the approval of final zoning, issuance of building permits, sale, etc. It would be appropriate to provide for alternate ways of paying the tax, for example, cash or in-kind provision of land for parks or construction of infrastructure.

Calculation of the Tax: The tax would be based on the run-up in value associated with the UGB expansion (or other Metro action). It would not be based on purchase and sale dates (as would a capital gains tax). That run-up in value would or could exclude ambient increases in land value,

for example. There might be a standard formula calculating this amount, with a process for adjusting the amount based on additional data and site-specific circumstances. There might be discounts for early payment.

Rate: No specific rate has been proposed. There could be a standard rate or a variable (progressive) rate, for example, differentiating between the first 100% increase in value and the next 100%, etc. The income from several rates and collection arrangements could be analyzed. (Discussions on this topic during the Legislative sessions used a 20% rate as the basis for discussion, but no party agreed to that rate.)

Voter Approval: Approval by voters inside Metro's political boundary would be required because of the limit in Metro's charter about how much money it can spend absent voter approval. Property owners in the areas to which the tax not currently inside Metro's political boundary would be applied would have the opportunity to vote for, or consent to, annexation at a later date. It is also possible to make the tax avoidable by allowing property owners to retain their pre-urbanization plan and zone designations.

Existing Metro Policy Supporting This Proposal

A. Metro Policy Supporting Compact, Efficient Development in UGB Expansion Areas

- Future Vision Statement 1995
- 2040 Growth Concept
- Regional Framework Plan 1997
- Urban Growth Management Functional Plan (various years)
- Former Master Planning requirement

B. Metro Policy In Support of Protecting Farm and Forestlands In Surrounding Counties

- Metro Charter 1992
- Future Vision Statement 1995
- Regional Framework Plan 1997
- Urban Growth Management Functional Plan (various years)
- Metro Council Resolution on Measure 37 Task Force December 2004

C. Metro Policy Supporting Taxing Increases in Value in UGB Expansion Areas

- December 2002 Council Resolution
- December 2002 Council Ordinance adding provisions to Finance chapter of Metro Code

D. Metro Policy and Actions Related to Landowner Fairness & Implementing Measure 37

- Revisions to proposed Goal 5 program (December 2004)
- Resolution on Measure 37 (December 2004)
- Measure 37 Task Force Report (August 2005)
- Adoption of Measure 37 Claims Process for claims against Metro (September 2005)